



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Ordinary Council Meeting Minutes

Monday, 24 October 2016

TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence):	4
2.	Response to previous public questions taken on notice:.....	4
3.	Public question time:.....	4
4.	Public statement time:	6
5.	Petitions and deputations:	8
6.	President's report:	9
7.	Declaration of Councillors and officers interest:.....	9
8.	Receipt of minutes or reports and consideration for recommendations:	10
8.1	Minutes from previous Meetings:.....	10
8.2	Planning Reports:	11
OCM186/10/16	Proposed Single House and Outbuilding - #23 (Lot 29) Hibbertia Court, Jarrahdale (P05930/01).....	11
OCM187/10/16	Proposed Local Development Plan – Lot 876 Galant Turn and Lot 878 Mead Street, Byford (PA16/151)	17
OCM188/10/16	Local Development Plan – Lot 9029 Thomas Road, Byford (PA16/99)	26
OCM189/10/16	Proposed Local Development Plan 20 (Redgum Brook Estate) – Stage 12B, Byford - (PA16/120).....	31
OCM190/10/16	Local Planning Policy No. 39 – Ancillary Dwellings (SJ1120)	36
OCM191/10/16	Endorsement of SJ 2050 as The Vision for Serpentine Jarrahdale (E16/7977)	39
OCM192/10/16	Transport @ 3.5 Million Perth Transport Plan – Submission (SJ1369-08).....	45
8.3	Engineering Reports:	48
OCM193/10/16	Waste Disposal Option (SJ1289)	48
OCM194/10/16	Briggs Park and Brickwood Reserve Management Plan (SJ1863-02)	51
OCM195/10/16	Request for Tender RFT 05/2016 Supply and Delivery of Crushed Roadbase (SJ2078)	55
OCM196/10/16	Request for Tender RFT 04/2016 Supply and Delivery of Crushed Limestone (SJ2077)	58
8.4	Corporate and Community Services Reports:	60
OCM197/10/16	Monthly Financial Report - September 2016 (SJ514-07)	60
OCM198/10/16	Confirmation of Payment of Creditors (SJ514-07).....	62
8.5	Chief Executive Officer Reports:.....	64
8.6	Confidential Reports:	64
OCM199/10/16	CONFIDENTIAL - Section 31- Reconsideration for Development Application for Timber Recycling Facility, Dam and Retrospective Driveway - Lot 717 (#252) Boomerang Road, Oldbury SJ1974).....	64
9.	Motions of which notice has been given:.....	66

10. Urgent Business:	66
11. Councillor questions of which notice has been given:	66
12. Closure:	66

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 24 October 2016. 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 Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J ErrenPresiding Member
S Piipponen
D Atwell
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr A SchonfeldtActing CEO
Mr D Elkins Director Engineering
Mrs K Bartley Acting Director Corporate and Community
Ms K Cornish Governance Advisor
Ms K PeddieExecutive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Cr K Ellis
Mr G Clark

Observers: Mr C Johnson – Planning Context

Members of the Public – 1
Members of the Press – 19

2. Response to previous public questions taken on notice:

No questions were taken on notice at the Ordinary Council Meeting held on 27 September 2016

3. Public question time:

Public question and statement time commenced at 7.01pm

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

Question 1

Where is the evidence that becoming involved with the Cockburn Outer Harbour at Cockburn Sound will generate jobs for the young people of this Shire and approximately what is it going to cost the ratepayer of this Shire in terms of money and staff to be involved with this project?

Response:

The City of Kwinana and Regional Development Australia estimated that the Cockburn Outer Harbour project could contribute as many as 37,000 direct and 49,000 indirect jobs during construction and the operation phases. In 2011, more than 65% of SJ residents commute to job opportunities outside of the Shire with over 13% going to areas along the coast. To ensure SJ residents have the best access to these opportunities the Shire's response to the Perth Transport Plan (OCM 192/10/16) strongly advocates for the strengthening of east-west public transport linkages.

It is also important to recognise the current and future employment opportunities within the Shire and in this regard the Shire is drafting an Economic Development Strategy that will consider the interactions and integration between sub-regional centres and the economic opportunities available to SJ residents and businesses.

With regards to cost the ratepayer of this Shire in terms of money and staff to be involved with the Outer Harbour Project – this will be limited to support to relevant working groups and no direct investment into the project is being considered at this point in time.

Question 2

Explain how many people were involved in the re-imbursement of \$4439.85 and another reimbursement for October to December 2016 of \$3964.85 remembering today is the 24th of October 2016, to a staff member for staff recognition and staff leaving the Shire, who got what and what for, conveniently this has not been provided at this time?

Response:

The question relates to matters affecting an employee and as described in clause 6 (e) of Policy G808 - Public Question and Public Statement Time – Ordinary Council Meeting, individual details won't be provided.

Mrs Bond proceeded to interject whilst the Presiding Member was responding to the question, and the Presiding Member was required to Preserve Order, requesting that Mrs Bond allow the full response to the question be read without interruption. Mrs Bond refused to remain quiet during the reading of the response. The Presiding Member ordered Mrs Bond to resume her seat and moved on to the next speaker.

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

Question 1

Will the Shire erect the signage that has been manufactured and will it also clean and repair Corbel Lane without further delay?

Response:

This sign was delivered to the Shire on Friday morning and installed the same day. There are no plans to undertake further maintenance to the lane, at this time. The lane is safe and trafficable.

Question 2

With regards to the Shires offer, when will it release funds for the widening of Corbel Lane up to the boundary of Lot 62?

Response:

Council will consider releasing funds, to undertake the requested minor widening, as part of a normal budget variation process. The minor widening is not considered urgent, and consideration of releasing the funds will occur within normal Council timeframes.

Question 3

Will the Shire pay me interest on the \$20,000 that is being held in restricted cash until such a time that it is allocated for the laneway upgrade?

Response:

As part of the subdivisional development of your land, as with all developers in the area, you were required to make a financial contribution towards the costs of common infrastructure. These funds are utilised for the construction of major roads, the acquisition of land and the development of major drains. In addition, funds will be allocated to the construction of Corbel Lane, once enough development has occurred to allow the full construction. In the interim, the construction standard of Corbel Lane meets the construction standards set by the Western Australian Planning Commission, which is how your subdivision was capable of progressing without you arranging for the full construction of the lane.

Mr B Williamson, 95 Pony Place, Oakford, WA, 6121

Question 1

What was the total prize the Peel Chamber of Commerce and Industry awarded for home business this year that the Shire sponsored and what was the cost to the ratepayers?

Response:

You would need to contact the Peel Chamber of Commerce to ascertain what the total prize was for this category. The Shire sponsored \$4400.00 (inc GST) towards the Peel Chamber of Commerce and Industry Awards.

Question 2

What is the Council policy on staff and all others connected with Council entering any competition or award offered, promoted or sponsored by the Shire?

Response:

The Shire does not currently have a policy associated with this.

Question 3

Does the Council believe it is fair and reasonable for someone connected to Council to be able to enter and subsequently win a competition or award that is in some way connected to Council?

Response:

We are unable to answer this question as you have directed this question at Council and that would require a motion and a vote to determine Council's position.

4. Public statement time:**Mrs L Bond, PO Box 44, Armadale, WA, 6112**

Serpentine Jarrahdale Shire Council officers and Councillors are costing the ratepayers of this Shire many hundreds of thousands of dollars in legal fees because they are inept at acting in a professional and diligent manner. There are a number of businesses in this shire being discriminated against because of personality clashes or particular members of the community who want their own way no matter what the cost to that business. It should be remembered that actions against this Shire for compensation may well cost the ratepayer millions and that takes away from the importance of what the rates are really for.

Councillor Rich with the aid of Councillor Erren stopped a statement by me at a recent OCM without any justification whatsoever. However there was no attempt on two occasions to stop Nancy Scade from accusing a business in this Shire of blackmailing the Councillors while she tried to pressure the Councillors into stopping this business from operating. Where is the integrity of this Council.

It has been noticed that since publishing the Shire credit card usage the drop has been very significant, however everyone should watch the creditor payments. This appears to have increased significantly and not for what I see as always constructive expenditure. One expenditure in particular is thousands of dollars for Shire uniforms. It's a bit rich when a pair of safety glasses cost \$400 for one individual. Why has the ratepayer paid \$582.70 for maintenance and service of the Serpentine Pony Club toilets when they are on a peppercorn lease and should be responsible for all costs not the ratepayer. Why is it necessary for a special vehicle purchased for \$15,782.90 to inspect swimming pools in the Shire.

Every time there is a desire to implode this Shire with selected projects this Council screams it will make jobs available for young people and here we go again with another one, Cockburn Outer Harbour. Does this Shire have control on who businesses can employ, no you don't and the only big business in this Shire who does give the young a fair go is IGA Byford.

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

Despite presenting sound arguments, dating back from 2008 in support of my request to name a lane, the Shire steadfastly refused. Finally, after admitting the need to name was valid it was gazetted as a public road. I then requested that the Shire effect change of address of my property to that of the newly named Corbel Lane, thus reflecting the location of the lot. After several rebuttals the Shire eventually yielded and rubber stamped the change of address.

Of late I have been requesting the obvious need for a street sign to be erected.

Last year I received mail from the Shire containing the following offer: "The Shire will however as an act of good faith, once you have removed the fence around Lot 63, agree to widen the laneway up to the boundary of Lot 62 at our cost". I formally accepted the Shire's offer mid-year and subsequently gave notice of the fence's removal. I am informed that the Finance Department is looking into releasing monies for the works. The Shire must give a set date for the release of the funds to fulfil its contractual obligation. If it does not a breach of contract may ensue and I may feel that the Shire has deliberately mislead me into believing that works would commence once I satisfied the condition as stipulated in said offer.

Before subdivision clearance was given to create the lot I had to give the Shire \$20,000 to go towards the cost of a laneway upgrade. The Shire informed me that this money will not be spent until every single property on Corbel Lane is subdivided. In other words there is a high probability that my money will be languishing in Shire's coffers indefinitely. I asked if the upgrade will commence within the next 30 years; a reply hasn't been forthcoming.

The hardstand of Corbel Lane, in its temporary state, has not been swept once since the Shire constructed it years ago. This temporary structure, which by the Shire's own admission is going to be used indefinitely, must be maintained to prevent it falling into further disrepair. Decaying leaf litter and weed encroachment are undermining the integrity of the hardstand.

Mr B Williamson, 95 Pony Place, Oakford, WA, 6121

No matter the circumstances around a situation where persons or business that can be directly connected to Council winning an award that is directly connected to the Shire of Serpentine Jarrahdale it is impossible to make such an event look fair and impartial.

It is my and no doubt the majority of ratepayers belief that when dealing with public money it is not just essential to do the right thing but to also be seen to do the right thing.

This Council, by allowing the situation to arise where a Councillor's private business wins the section of an award that was sponsored by the Council they are a member of directly brings our Council onto disrepute within the wider community

This is in direct contradiction of the summary of ethical questions all Councillors and staff must sign as part the Code of Conduct commitment to the people of SJ

Being:

- Is it against the Shire's policy or professional standards?
- Does it feel right?
- Is it legal?
- Will it reflect negatively on you or the Shire?
- Who else could be affected by this (others in the Shire, clients, you etc)?
- Would you be embarrassed if others knew you took this course of action?
- Is there an alternative action that does not pose an ethical conflict?

- How would it look in the newspapers?
- What would a reasonable person think?
- Can you sleep at night?

It is clear that this Council has allowed several breaches of this code through the circumstances surrounding the Peel CCI home business award and is responsible to the ratepayers to take action to rectify the situation in an open and transparent way.

Public question and statement time concluded at 7.17pm

5. Petitions and deputations:

5.1 Mr Malcolm Mackay from Mackay Urban Design presented a deputation in relation to item OCM187/10/16 relating to Proposed Local Development Plan for Lot 876 Galant Turn and Lot 878 Mead Street, Byford.

You have a recommendation before you for approval for the LDP for the residential component of the centre, which we are pleased to note and support.

The recommendation includes a number of conditions in regard to the formatting of the LDP and we're happy to make and forward those changes as requested.

The LDP is consistent with LPP45, which guides the design and planning of the centre. The residential component ensures that the centre will be mixed-use, and that the houses address the surrounding streets and the lake to the north. The developer has undertaken to include 2-storey housing (particularly facing the lake) and that is a significant step beyond where the WA development industry is normally prepared to go.

The commercial component is under construction and the residential lots have been created. Once there is an approved DA, titles can be issued and the lots can be marketed. It should also be noted that the developer is looking to provide constructed house-and-land packages rather than just land sales, which will deliver a better and more certain outcome.

A historically proven housing type, the Australian terraced house, inspires the housing. It should be noted that the common denominator in the examples provided is a front veranda, and this is encouraged through the LDP.

Three house plans have been provided to indicate the design intention - 2x two-storey examples and 1x single-storey example. In all cases, the house designs are relatively generous and offer good amenity both inside and out.

The LDP proposes a number of variations to the R-Codes. These include the following:

Front setbacks

R-Codes: 2m minimum.

Proposed: 2.5m minimum (1m landscape and 1.5m veranda, which is designed to provide an incentive for the use of verandas).

Side setbacks

R-Code: 0m on one side

Proposed: 0m both sides (to enable traditional terraced housing forms).

Outdoor living area:

R-Codes: 67% uncovered.

Proposed: 50% uncovered (to enable provision of useable al-fresco area on a small lot and more than the minimum open space is provided anyway).

Solar access

R-Codes: 50% max overshadowing at 12pm 21st June.

Proposed: 1000% max overshadowing at 12pm 21st June (to enable traditional terraced housing forms).

Landscaping

R-Codes: No provisions.

Proposed: Minimum 50% of uncovered area (to ensure sufficient landscaping to provide amenity).

Open space

R-Codes: 30%

Proposed: 25% (to enable more functional house designs).

In regard to open space, it should be noted that because the lots are typically in the order of 230sqm rather than the 120sqm allowable under the R-Codes, the amount of open space equates to 57sqm even with the 5% reduction rather than the 36sqm allowable under the R-Codes at 30%. As such, they retain a high level of occupant amenity.

In summary, the LDP has been drafted to deliver an outcome that is consistent with urban design best practice, and is arguably an improvement on LPP45 in that it provided a better and more consistent interface to the surrounding streets. We have worked closely with the Shire's officers and I have had the benefit of reviewing and improving another recent LDP for the Shire, so we had a clear understanding of the Shire's aspirations. I trust that the LDP will be approved and I'm happy answer any questions.

6. President's report:

You still have a couple of days to nominate someone who makes a difference in our community for the Australia Day WA Citizen of the Year Award. Submissions close on 31 October, and there are 5 categories, including the Clem Kentish Award, to nominate your local hero. Award winners will be announced at our Australia Day celebrations in January.

As the hot weather is nearly upon us, it's time to start becoming Bushfire Ready. There are precautions you can take immediately that will help protect you and your property from bushfire. Comprehensive information can be found on the Shire's website on how to become Bushfire Ready.

The Shire's Green Waste collection also starts on 31 October in Darling Downs, Oakford and Oldbury. This will be continuing through the other suburbs until 25 November. Just remember not to put out green waste too early especially in the lead up to fire season.

Join forces and work hand in hand with the Shire and the Police to keep our community safe. The various ways you can help is by knowing your neighbour – work together to keep an eye on your street, visit e-watch and subscribe to the Mundijong Police's local e-newsletter and make sure you report crimes.

7. Declaration of Councillors and officers interest:

Nil

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

8.1 Minutes from previous Meetings:

8.1.1 Ordinary Council Meeting – 27 September 2016

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 27 September 2016 be confirmed (E16/7841).

CARRIED UNANIMOUSLY

8.2 Planning Reports:

OCM186/10/16	Proposed Single House and Outbuilding - #23 (Lot 29) Hibbertia Court, Jarrahdale (P05930/01)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	22 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Proponent: S and R Blakeley
 Date of Receipt: 9 May 2016
 Lot Area: 4121m² (0.41ha)
 Town Planning Scheme No 2 Zoning: 'Special Residential'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of this report is for Council to consider a development application for a single house and outbuilding at 23 (L29) Hibbertia Court, Jarrahdale.

The proposal is presented to Council as an objection has been received from a neighbouring resident in relation to the lot boundary setback. 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 the objection by way of conditions or design the application is presented to Council for determination.

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

Background

The subject site is within the Chestnuts Estate of the Jarrahdale Townscape Precinct. The site is currently vacant and comprises of established vegetation. The site abuts state forest to the rear (eastern) boundary and residential lots to the northern and southern boundaries.



Location Plan

The application was submitted with a Bushfire Attack Level (BAL) Assessment which identified a BAL rating of BAL-29. However, following comments from the Shire's Emergency Services Department it was advised that in order to achieve this BAL rating, the dwelling would be required to be relocated to ensure that there was an 11m setback to the southern boundary. These comments were reiterated to the applicant and amended plans were submitted to achieve this required setback.

Due the requirement for an 11m setback from the southern boundary, the proposal resulted in a reduced side setback of 4.96m to the northern boundary in lieu of 7.5m and therefore the application was advertised accordingly. An objection has been received raising concerns in relation to the reduced boundary setback. These concerns have been assessed as part of the amenity section of the report.

Relevant Previous Decisions of Council

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

Community / Stakeholder Consultation

The application has been advertised to adjoining landowners for a period of 14 days from 15 August – 29 August 2016. During this consultation period one submission was received objecting to the proposal. The submission raises an objection to the reduced side setback of the proposal. The objection states that the occupier *"moved to Chestnuts, Jarrahdale for space, freedom and privacy"* (refer to attachment IN16/17244).

The objection raised is acknowledged and addressed in the 'Design and Amenity' section of the report.

Comment

Proposal

The application seeks approval for a single house and associated outbuilding located behind the single house.

The dwelling is compliant with State Planning Policy 3.1 – Residential Design Codes (R-Codes) with the exception of the side lot boundary setback to the northern boundary.

The outbuilding exceeds the deemed-to-comply requirements of the R-Codes by way of its floor area and wall height. The outbuilding proposes a floor area of 120m² in lieu of 60m² with a wall height of 3.2m in lieu of 2.4m.

Land Use

The application site is zoned 'Special Residential' under the Shire's Town Planning Scheme No. 2 (TPS2). The proposed single house and outbuilding fall within the 'residential – single house' land use which is a permitted use within the 'Special Residential' zone.

Rural Strategy and Rural Strategy Review 2013

The application site is designated as 'Rural Living A' under the Shire's Rural Strategy and Rural Strategy Review 2013. The objectives for the rural living policy area include:-

- *"Provide for additional choice in style and location of residential land not available within the Shire's urban nodes.*
- *Restrict rural land uses that are not generally compatible with maintaining residential amenity.*
- *Provide opportunities for development that maintains rural character and promotes appropriate land management.*
- *Protect Local Natural Areas and encourage revegetation."*

It is considered that the proposal is consistent with the objectives of the rural living policy area by way of its land use and development that maintains the rural character of the area.

Bushfire

The intent of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) is *“to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.”*

Clause 6.7 of the policy states that *“development applications which will result in the introduction of development in an area that has or will on completion have an extreme bushfire hazard level (BHL) or BAL-40 or BAL-FZ will not be supported.”*

To be able to comply with the provisions of SPP3.7 the proposal has to achieve BAL-29 or lower which means that the building needs to be located further away from established vegetation than initially proposed. The proposal, as amended is compliant with the provisions of SPP3.7 in avoiding any increase in the threat of bushfire to people and property and achieving a BAL rating of BAL-29.

Design and Amenity

The subject site lies within the Jarrahdale Townscape Precinct, the main objective of which is *“to recognise the precincts historic and townscape significance and to ensure retention of the character of the precinct.”* The Chestnuts estate is a relatively modern development and the design of the proposal and use of brick and colorbond is in keeping with the character and appearance of the area and would not detract from the aesthetic values of the townscape precinct.

Setback

The proposed single house is R-Code compliant in all areas except for the lot boundary setback to the northern (side) boundary. The R-Codes require a side boundary setback of 7.5m for lots coded R2.5 and the proposed setback is 4.96m, resulting in a 2.54m variation. In this case the proposed dwelling cannot meet the recommended lot boundary setback due to the requirements of SPP3.7. A compliant side boundary setback would result in an increase to the BAL rating above BAL-29.

The R-Codes provide the design principles should a proposal not comply with the relevant deemed-to-comply requirements. The design principles for lot boundary setbacks state that *“buildings should be set back from lot boundaries so as to:*

- *“reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.”*



Site Photo

An objection has been received from this neighbouring resident in relation to the reduced setback. The boundary treatment comprises of open style fencing with existing vegetation. The neighbouring dwelling has a lot boundary setback of approximately 8m to the side boundary. The total wall length of the proposed dwelling, including the verandah, is 21m with a setback of 4.96m.

It is considered that the reduction in setback by 2.5m, given the vegetation and the setback of the neighbouring property of 8m, would not unduly impact the level of residential amenity afforded to the neighbouring resident by way of building bulk.

The subject site is to the south of 19 Hibbertia Court. The total separation distance between the two dwellings would be 12.96m and the proposal does not overshadow any adjoining lots. Therefore the proposal provides *“adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties”*.

The southern elevation includes three small windows and a door to the garage. The proposal would not result in an unacceptable level of overlooking or loss of privacy over the adjoining property and is compliant with clause 5.4.1 – Visual Privacy of the R-Codes.

It is considered that the setback variation is modest and the resultant impact would not be so adverse as to warrant refusal of the application. It is considered that the proposal is compliant with the design principles of the R-Codes and approval is recommended.

Outbuilding

The proposed outbuilding seeks variations to the R-Code deemed-to-comply requirements by way of its floor area and wall height. The deemed-to-comply requirements set out outbuildings with floor areas that do not exceed 60m² with a wall height of 2.4m. The proposed outbuilding measure 120m² in floor area with a wall height of 3.2m.

The design principles of the R-Codes state that outbuildings are acceptable that *“do not detract from the streetscape or the visual amenity of residents or neighbouring properties”*. The proposed outbuilding is proposed to be located to the rear of the site and not visually prominent within the streetscape.

Although the floor area exceeds that which is prescribed in the deemed-to-comply R-Code provisions, the size of the outbuilding is commonplace for lots of this size and character. The wall height is 0.8m above the deemed-to-comply requirements however the overall height is well within what would not usually require a planning application as it is compliant with the deemed-to-comply requirements.

The outbuilding would be set back sufficiently from the lot boundaries so as to not impact detrimentally on the amenity of neighbouring residents. It is considered that the proposed outbuilding would not detract from the visual amenity of residents or neighbouring properties by way of its siting and overall height.

Building Envelope

Provision 4.3 (i) Building Envelopes of TPS 2 states that *“Notwithstanding clause 5.8.6(b) of the Scheme Text any residence and all other outbuildings shall only be constructed within the building envelope shown on the endorsed Subdivisional Guide Plan”*.

Part 9 Clause 79 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* identify that a Subdivision Guide Plan is to be considered as a structure plan.

Schedule 2 Part 4 clause 27 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that *“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”.

Legal advice has been sought in relation to the scheme provision that restricts the development within a building envelope. Where there is an inconsistency between a scheme provision and a provision of the deemed provisions, the later prevail. Therefore, the building envelope should be treated as a “structure plan” and the decision maker may give due regard as opposed to being bound by it.

In this instance, due regard has been given for the building envelope, however due to the introduction of SPP3.7 after the approval of the building envelope, it is no longer possible to approve a dwelling solely within the building envelope due to the location of the existing vegetation. The removal of vegetation within the applicant’s lot boundary would not reduce the BAL rating. Therefore, the dwelling is required to be outside of the building envelope for the purposes of SPP3.7. Compliance of the “structure plan” would result in a an undevelopable lot.

Options and Implications

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

Approval of the application would be consistent with the planning policy framework and the objectives of the zone. The approval of the application will not result in a negative impact on the amenity of character of the area or adjacent landowners.

A single house is a permitted use within the ‘Special Residential’ zone and cannot be approved any nearer to the vegetation due to bushfire hazard.

Option 2: Council may resolve to refuse the application.

Refusal of the application could result in a SAT appeal which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion

The application seeks approval for a single house and an outbuilding. The single house seeks a variation to the R-Codes by way of the lot boundary setback. The outbuilding seeks variations to the floor area and wall height. The concerns raised by a neighbouring resident are acknowledged, however it is considered that the proposal complies with the design principles of the R-Codes and SPP3.7. The proposed dwelling cannot be approved if it is located any further from the boundary with the neighbouring lot as it would be inconsistent with SPP3.7. It is acknowledged that the reduced setback will increase the visibility of the development however it is considered that it would not unduly harm the residential amenity of this neighbouring property.

The outbuilding is R-Code compliant with the exception of the wall height and the floor area. The outbuilding is also considered to be compliant with the design principles of the R-Codes. Accordingly the officers recommend the application be approved subject to appropriate conditions.

Attachments:

- [OCM186.1/10/16](#) – Development Application Plans (E16/8119)
- [OCM186.2/10/16](#) – Submission (IN16/17244)

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 design of the proposed development is consistent with residential development in the surrounding area and maintains the rural character and village environment.

Statutory Environment

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.1- Residential Design Codes
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Financial Implications

Should Council resolve not to approve the application, the applicant may appeal the decision to the State Administrative Tribunal (SAT). As such, the Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.

Voting Requirements: Simple Majority

OCM186/10/16 COUNCIL DECISION / Officer Recommendation:**Moved Cr Urban, seconded Cr Gossage**

1. That Council approves the application submitted by S and R Blakeley for a single house and outbuilding on 23 (Lot 29) Hibbertia Court, Jarrahdale as contained in attachment OCM186.1/10/16 subject to the following conditions:
 - a) 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.
 - b) All existing native trees and / or revegetated areas on the lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate approval.

CARRIED UNANIMOUSLY

OCM187/10/16	Proposed Local Development Plan – Lot 876 Galant Turn and Lot 878 Mead Street, Byford (PA16/151)
Author:	Regan Travers - Senior Planning Officer
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	27 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Mackay Urban Design
 Owner: Moonjewel Developments Pty Ltd
 Date of Receipt: 12 August 2016
 Lot Area: 25 629m² (2.5ha)
 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 Lot 876 Galant Turn and Lot 878 Mead Street, Byford, as Shire officers do not have delegation to determine LDP's in accordance with Delegations P033D and P033S – Local Development Plans.

An application for a proposed LDP was received on 12 August 2016 for Lot 876 Galant Turn and Lot 878 Mead Street, Byford which is located within the Byford Main Precinct Local Structure Plan.

The LDP has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Western Australian Planning Commission (WAPC) *Framework for Local Development Plans 2015*, *State Planning Policy 3.1 Residential Design Codes* and Local Planning Policy 45 – The Glades Village Centre Framework

The LDP seeks to vary a number of Residential Design Code (R-Code) requirements including open space, street setbacks, lot boundary setbacks, outdoor living area, landscaping and solar access.

The report recommends that the LDP submitted be approved subject to modifications as discussed within the report and forming part of the officer's recommendation.



Location Plan

Background

Existing Development

The lot is currently vacant with initial earthworks relating to the approved subdivision being undertaken in various areas of the site.

Proposed Development

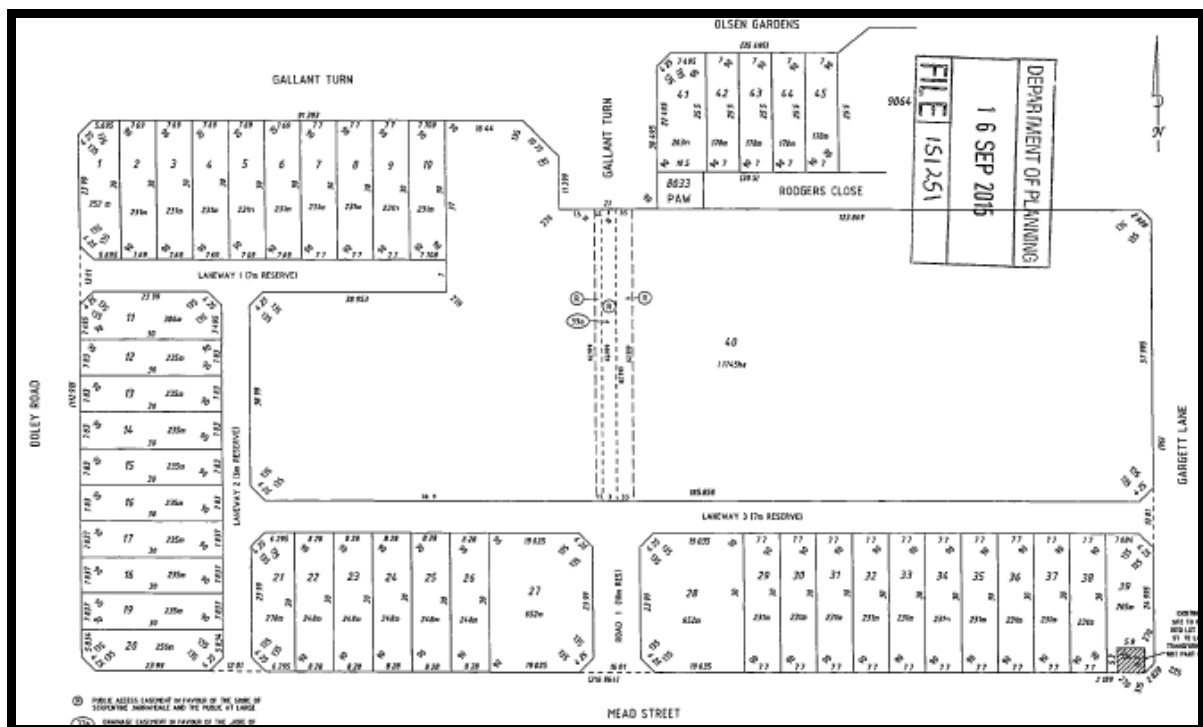
The proposed Local Development Plan has been prepared in accordance with condition 19 of subdivision approval 151251 issued by the WAPC on 5 October 2015. The subdivision included the following condition:

'19. Detailed Area Plans(s) being prepared and approved for all proposed lots shown on the plan of subdivision that address the following:

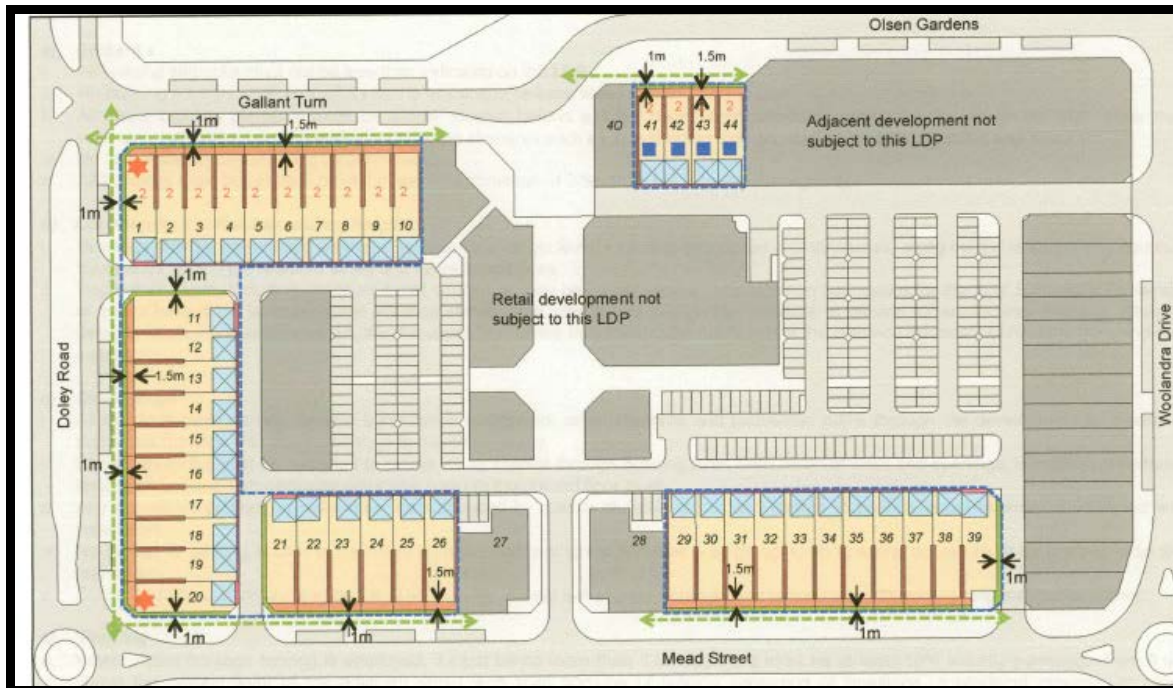
- (a) Dwelling and Building Orientation;
- (b) Setback Variations;
- (c) Site Cover Variations;
- (d) Passive Surveillance of Laneways; and
- (e) Consistency with the Glades Village Centre Framework,

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

The LDP covers 41 residential lots coded residential R80, which is consistent with the approved subdivision as shown below.



Approved Plan of subdivision



Proposed Local Development Plan

The subdivision acknowledged that all lots are likely to have constraints and opportunities that could be reflected on a local development plan.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Community / Stakeholder Consultation

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 'Advertising of LDPs' 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."

Accordingly, the application was advertised for a period of 14 days to a total of 23 landowners adjacent to the subject area as depicted on the map below.



One submission was received on behalf of the developer of the remainder of the estate, LWP Byford Syndicate Pty Ltd. The submission raises the following concerns with the proposed LDP:

- *Local Planning Policy 45 requires continuous awnings for commercial/retail activities.*

Shire officers note that the local development plan is for residential lots only, therefore the comment does not apply to the proposed local development plan.

- *Local Planning Policy 45 allows a 3 metre average setback with a 1.5 metre minimum to Mead Street, while the proposed local development plan indicates a 2.5 metre minimum setback with no averaging permitted.*

Shire officers note that the applicant proposes a mandatory minimum one metre landscaped setback which is considered to suitably offset the 0.5 metre difference. Shire officers are satisfied with the streetscape outcomes of the proposed local development plan which reinforce the importance of landscaping within urban areas and provide for a specific area to accommodate architectural features.

- *The proposed local development plan does not acknowledge Local Planning Policy 45*

Shire officers acknowledge that Local Planning Policy 45 applies to the site, however the submission does not give regard to the commercial development which has been approved within the subject lots and also does not give regard to the approved subdivision of the lot. Local Planning Policy 45 is publicly available on the Shire's website and does not require specific provisions on the proposed local development plan. Any planning or development application will be assessed against Local Planning Policy 45, however that does not require a reference on the local development plan.

- *Land use noise considerations*

Lots subject to noise attenuation measures have been identified on the proposed local development plan.

- *Adaptable buildings*

The local development plan should minimise additional building controls which are beyond the scope of those covered in the Residential Design Codes. Individual applications will be assessed against Local Planning Policy 45 to ensure due regard is given.

- *Visitor parking*

The proposed local development is compliant with the parking requirements of the Residential Design Codes.

- *Streetscape outcomes*

Shire officers note that the opportunity exists on all sites for two storey development to occur. A mix of single storey and two storey residential development is appropriate for the site. Shire officers are supportive of the mandatory two storey development adjacent to high amenity areas.

- *Local development plan standards*

Shire officers note that some clauses require re-wording or re-numbering to improve legibility, however Shire officers are not supportive of the recommendation to add in 'to all

levels'. This additional wording is not required as the provisions are able to be clearly interpreted as they are currently proposed.

Agency Referrals

The LDP will be forwarded to the WAPC for comment in accordance with clause 7.3.2 of the R-Codes due to the proposed variation to open space requirements.

The WAPC has previously advised that justification needs to be provided for any variation, prior to it being in a position to respond. Shire officers consider the applicant to have provided sufficient justification for officer support of the 5% open space variation. Unlike many local development plans which propose open space variations in inappropriate locations such as R20 densities, the subject local development plan is integrated with a commercial development and is in an area of high amenity.

Statutory Environment:

- *Metropolitan Regional Scheme (MRS)*
- *The lot is zoned 'Urban' under the MRS.*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)*
- *The lot is zoned 'Urban Development' under the TPS 2.*
- *State Planning Policy 3.1 – Residential Design Codes (R- Codes).*
- *The area of the subject lot has been identified as R20, R30 and R40 densities under the Glades Main Precinct Local Structure Plan.*
- *Local Planning Policy 45 – The Glades Village Centre Framework*

Financial Implications

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Planning Assessment

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the *WAPC Framework for Local Development Plans*, *State Planning Policy 3.1 Residential Design Codes* and *Local Planning Policy 45 – The Glades Village Centre Framework*.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework, however some additional minor modifications are required to improve legibility which are discussed later in this report.

Local Planning Framework

Part 7 of the R-Codes provides a framework under which a local government can vary, amend or replace provisions of the R-Codes.

Clause 7.3.1 of the R-Codes lists a number of provisions that may be varied by LDP's, which in this instance has been applied to:

- Street setbacks;
- Lot boundary setbacks;
- Outdoor living areas;
- Landscaping;
- Solar Access; and

- Open Space requirements

Further to clause 7.3.1, 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 where it can 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.”*

Open Space Requirements

The applicant proposes a 5% open space variation in the proposed LDP, as indicated in the table below.

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R80	30%	25%	5%

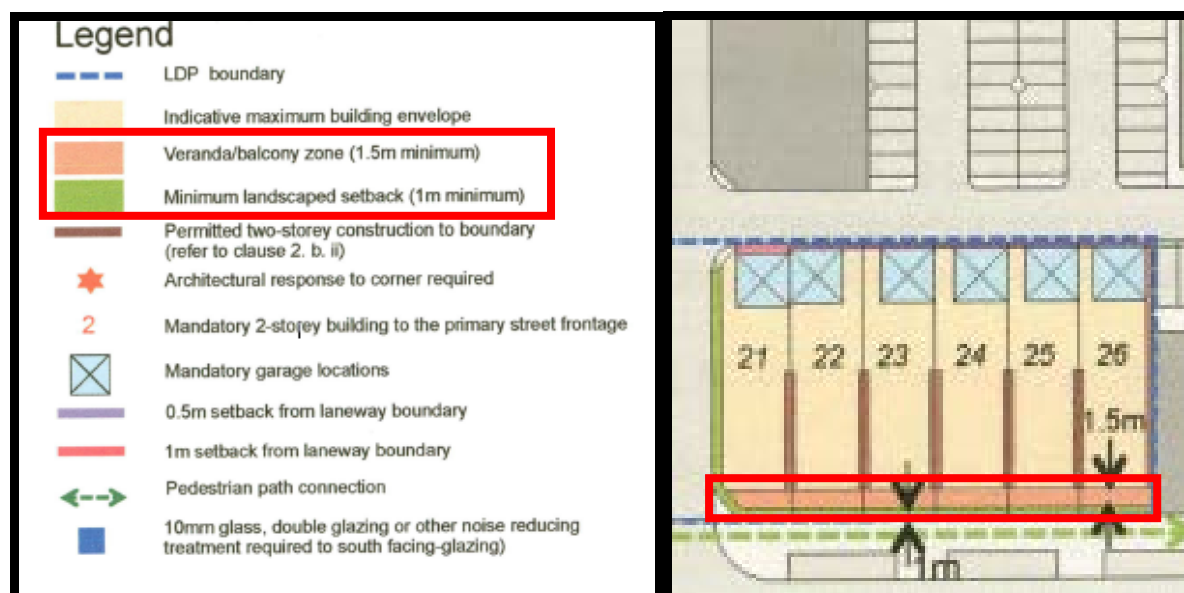
The table below represents the minimum lot size for the R80 R-Code density compared to the smallest lot size on the LDP.

Density	R-Code Minimum Size	Smallest Lot Proposed
R80	100m ²	178m ²

The table above demonstrates that lots are small enough to justify an open space variation, given development can be difficult to accommodate on lots with a minimum width of seven metres.

Street Setbacks

The applicant proposes to prescribe a minimum setback of 2.5 metres, comprising of a minimum 1 metre landscaped setback and in addition a verandah/balcony area of minimum 1.5 metres. The provision does not allow for ‘averaging’ as shown in provision 2(a) of the LDP. If averaging was allowed, there would be potential for dwellings to be setback from the primary street closer than the minimum, but an applicant would have to provide an additional space behind the minimum setback line to balance the setback.



Provision 2 of the Local Development Plan

The applicant has applied the same provisions for existing approved development within the Glades estate. The variation allows for a larger house to be constructed than the R-Codes would have anticipated. The requirement for a minimum setback will ensure the character and streetscape of the area is consistent.

Lot Boundary Setbacks

The applicant proposes to allow nil building setbacks in accordance with provision 2(b) of the LDP.

The R-Codes allows for only one nil side setback. All lots included in the local development plan have an R80 density code which provides for smaller and compact development. Facilitating two nil side setbacks would allow design flexibility for future residents and is an appropriate built form outcome for development within very close proximity of a neighbourhood centre.

Outdoor Living Areas

Proposed provision 2(g)(iii) requires all lots to have a minimum of 16m² with a minimum dimension of 4 metres (as per R-Codes) however, the outdoor living area can be located on any level of the building and remain uncovered for at least 50%.

The variation is a reduction in the area covered from 2/3 or 66.67% in the R-Codes to 50%. The reduction in covered open space and clarification that outdoor living can be provided on any level of a dwelling allows for flexible design and the consideration of balcony space for two storey dwellings.

To offset the reduction in covered space provision 2(g)(iii) of the proposed local development plan requires a minimum of 50% of the uncovered open space to be planted with in-ground vegetation.

Landscaping

Proposed provision 2(b)(iii) as discussed above, provides for mandatory soft landscaping for a minimum of 50% of uncovered outdoor living area. This requirement goes beyond the R-Codes which do not have a requirement for soft landscaping. This requirement significantly contributes to a high amenity streetscape, avoiding the proliferation of hard surfaces such as concrete or brick paving.

Solar Access

Proposed provision 2(h)(i) allows for 100% overshadowing of neighbouring properties. This is a variation to the Residential Design Codes which allows a maximum of 50% overshadowing of neighbouring properties. The applicant has justified this variation based on clause 5.4.2 of the R-Codes not being able to facilitate east-west oriented lots without triggering the requirement for an individual planning application for each house.

Shire officers raise no concerns with the proposed variation for two reasons. The first is that there is an expectation with high density development that solar access will be affected. The second is that all landowners will be made aware of the variation as they will be provided with a copy of the local development plan when purchasing the lots and a copy of the local development plan advising of the variation will be made publicly available on the Shire's website. Making east-west lots R-Code compliant with respect to overshadowing would result in a significantly reduced lot yield, in turn reducing the population to support the abutting commercial development and changing the streetscape from what is expected of a medium to high density urban area.

Land Use

Proposed Land Use

The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No.2 zonings of 'Urban' and 'Urban Development' respectively.

The Byford District Structure Plan defines the intention of the area to be developed for mixed use purposes.

Proposed Residential Densities

The proposed residential densities are consistent with the Glades Main Precinct Local Structure Plan. The R80 density was confirmed through subdivision. Lots sizes meet the minimum and average lot size requirements of the R-Codes.

Local Development Plan Framework

The WAPC *Framework for Local Development Plans 2015* outlines the information expected to be included on and in support of Local Development Plans.

Appendix 1 of the *Framework for Local Development Plans 2015* provides an example of the page layout and format of a LDP. The proposed LDP is not consistent with the example layout. An endorsement table is required which refers to Schedule 2, Part 6 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015* with an area for 'Authorised Officer' and 'Date' to be added.

Shire officers recommend the endorsement table be update to reflect the above.

Provision 2(d) is incorrectly numbered, with (vi) and (iii) noted instead of roman numerals (i) and (ii). Shire officers recommend the numbering of provision 2(d) be amended to reflect the above.

Local Planning Policy 45 – The Glades Village Centre Framework

The Glades village centre framework has been prepared to facilitate and co-ordinate development within the village centre. Specifically, the policy prescribes desired built form and streetscape outcomes that will contribute to the realisation of the design vision outlined within the document.



Village Centre Policy Plan

The vision for the area is to develop a vibrant mixed use place with economic activity underpinned by a residential base.

As the economic activity has been established by an approved development application for a mixed use development in the centre of the site, the proposed local development plan accounts for the supporting residential component. Shire officers consider the proposed local development plan is consistent with clause 4 of Local Planning Policy 45 which deals with LDP (previously known as detailed area plans) requirements.

Options and Implications

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

Option 1: Council may resolve to approve the LDP subject to modifications.

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

Option 2: Council may resolve to refuse the LDP.

Refusal of the Local Development Plan may be contemplated by Council if consideration is given that the LDP does not comply with aspects of State Planning Policy 3.1. – Residential Design Codes, the Western Australian Planning Commission *Framework for Local Development Plans 2015* and Local Planning Policy 45.

Option 1 is recommended.

Conclusion

The proposed LDP has been assessed with regards to the WAPC *Framework for Local Development Plans 2015* and the R-Codes. Officers consider the variations to the R-Codes to reflect the intent of clause 7.3.2 of the R-Codes and objectives identified in the WAPC *Framework for Local Development Plans 2015*. Officers consider the additional provisions which are not variations to the R-Codes to be of benefit to both future landowners and visitors to the area by facilitating a high amenity streetscape and flexible design for lots which are smaller than typically found in the Byford area. Shire officers recommend the proposed LDP be supported subject to appropriate modifications

Attachments:

- [OCM187.1/10/16](#) – Proposed Local Development Plan (IN16/20392)
- [OCM187.2/10/16](#) – Proposed Local Development Plan Full Application (IN16/16429)
- [OCM187.3/10/16](#) – Copy of Submission received during advertising (IN16/20391)

Voting Requirements: Simple Majority

OCM187/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Hawkins

That Council

1. Approves the application for a Local Development Plan (LDP) submitted by Mackay Urban Design on behalf of Moonjewel Pty Ltd for Lot 876 Galant Turn and Lot 878 Mead Street, Byford as contained in attachment OCM187.2/10/16, in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:
 - a) Re-number provisions 2(d)(vi) and 2(d)(iii) to 2(d)(i) and 2(d)(ii) respectively.
 - b) Reference in the endorsement table changed from 'Clause 5.18.5.1(c) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2' to 'Schedule 2, Part 6 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*'.
 - c) Reference in the endorsement table changed from 'Manager Statutory Planning' to 'Authorised Officer'.
2. Refers the modified Local Development Plan to the Western Australian Planning Commission for review.

CARRIED UNANIMOUSLY

OCM188/10/16 Local Development Plan – Lot 9029 Thomas Road, Byford (PA16/99)	
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	22 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Gray and Lewis Land Use Planners
 Owner: Thomas Road Developments Ltd
 Date of Receipt: 09 July 2016
 Lot Area: 4,937m² (0.49ha)
 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 9029 Thomas Road, Byford, as Shire officers do not have delegation to determine LDP's in accordance with Delegations P033D and P033S – Local Development Plans.

An application for a proposed LDP was received on 9 July 2016 for Lot 9029 Thomas Road, Byford which is located within the Redgum Brook Estate North Local Structure Plan (LSP).

The Local Development Plan has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Western Australian Planning Commission (WAPC Framework for Local Development Plans 2015).

The report recommends that the LDP submitted be approved subject to modification as discussed within the report and forming part of the officers' recommendation.



Locality Plan

Background

The proposed LDP has been prepared in accordance with condition 17 of subdivision approval (S151822) issued by the Western Australian Planning Commission on 28 August 2015. The subdivision included the following condition:

'17. Detailed Area Plan being prepared and approved for the mixed use lot that addresses the following:

- a) Building orientation;*
- b) Building envelope (ground floor and upper floor setbacks); and*
- c) Landscaping,*

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

The LSP similarly requires a LDP be approved for the site to address design, residential density, floor area, traffic, access and safety and any other matters considered relevant by the Local Government.

Relevant Previous Decisions of Council

SD063/11/11 – Approval of Redgum Brook Estate North Local Structure Plan

OCM200/06/14 – Approval of modification to Redgum Brook Estate North Local Structure Plan

Community / Stakeholder Consultation

Community consultation has been undertaken in accordance with Clause 50 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The proposal was advertised to landowners within 500m of the site for a period of 21 days. One objection was received which has been addressed below.

The submission raises concerns about light pollution from vehicle headlights across Thomas Road as a result of future development. The LDP identifies a 3m landscaping strip along the Thomas Road boundary which will provide a visual buffer between the development and residential land uses across Thomas Road.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
- The lot is zoned 'Urban' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- The lot is zoned 'Urban Development' under the TPS 2.
- State Planning Policy 3.1 – Residential Design Codes (R- Codes).

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Planning Assessment:

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the Western Australian Planning Commission (WAPC) Framework for Local Development Plans.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework, however some modifications are required which are discussed later in this report.

Residential Design Codes

The LSP allows for residential development to be considered as part of the LDP for the subject mixed use site. The proposed LDP however does not provide any provisions in relation to residential development. As a mixed use site there is potential for conflict between commercial and residential land uses that should be addressed through the LDP.

Ground floor residential development is not considered to be appropriate for the subject mixed use site. The built form outcomes sought by provisions within the LDP conflicts with those under the Residential Design Codes for residential development. Furthermore, the commercial streetscape and street activation expected from commercial ground floor development cannot be achieved if ground floor residential development is permitted.

Taking into account the above, ground floor residential development should not be permitted. Upper floor residential development will allow the built form outcomes of the LDP to be achieved without sacrificing the commercial streetscape.

Officers recommend a provision be included in the LDP restricting residential development to upper floors at a density of R80 with a building height restriction of no more than 9m. The building height restriction will ensure the scale of development does not conflict with surrounding residential development. The R80 density will allow flexibility in lot sizes to achieve a feasible development given the restriction in height.

Land use

As a mixed use site there is scope for a range of uses. Provision 1.1 on the LDP states that permissible land uses shall be as per those under the mixed use zone contained within TPS 2. This provision is considered to be appropriate as the site is designated mixed use under the LSP. The LSP also indicates that there should be a maximum of 300m² net leasable area for retail floor space between the subject site and mixed use site on the other side of Kardan Boulevard.

Provision 1.2 restricts the retail floor space to 150m² net leasable area. This is considered to be appropriate as the mixed use site on the other side of Kardan Boulevard has approval for 150m² retail floor space, therefore provision 1.2 ensures consistency with the LSP.

Setbacks

TPS 2 does not include setback provisions for development in the Urban Development zone. As such, there are no variations to TPS 2 under this section of the LDP. Under provision 2.1 a 3m minimum setback is proposed to Pindipindi Loop and Thomas Road and a nil setback to Kardan Boulevard and Pingaring Court. The proposed 3m setback will allow significant landscaping to provide a buffer between the adjacent residential developments. The nil setbacks will generate interaction with the street where the site faces the neighbouring mixed use site on Kardan Boulevard.

Parking and Access

Two access points have been proposed, one from Pingaring Court and one from Pindipindi Loop. Vehicle access is restricted from Kardan Boulevard due to the difference in ground levels between the site and the street. Indicative parking areas have been shown to the centre of the site to prevent amenity impacts on the street.

Built Form

Provision 3.1 requires the primary orientation of buildings to be towards adjacent streets. Provision 3.1 is recommended to be removed as the LDP map indicates which streets each

building should orientate towards. As the map is more specific the provision is considered to be unnecessary.

Provision 3.2 requires a minimum 50% of frontages facing Kardan Boulevard and Pindipindi Loop to feature windows. This provision is recommended to be modified to ensure windows are unobstructed and to address Pingaring Court rather than Pindipindi Loop.

The intended outcome is for built form that activates the street frontages and provides passive surveillance, this can only be achieved if windows are unobstructed. Pindipindi Loop is a residential streetscape, where Pingaring Court is the main frontage for the development and located closer to the commercial streetscape created by the neighbouring mixed use site. Applying the provision to Pingaring Court will ensure the commercial streetscape blends more effectively with surrounding development.

Provision 3.3 requires facades to incorporate articulation and variation in colour, material and texture. These design requirements ensure built form is designed to generate a streetscape of interest.

Landscaping

Landscaping provisions 4.1 and 4.2 ensure that street setback areas and car parking areas are landscaped to the satisfaction of the Shire. Landscaping can be required at the development application stage however having these provisions on the LDP ensures a coordinated approach across the site.

Service Areas and Equipment

The LDP includes two provisions relating to service areas. The intent of these provisions is to ensure that service areas and equipment area located or screened in such a way as not to impact the visual amenity of the area. This includes requiring external service equipment to be screened from the street and servicing areas to be incorporated into the design of buildings so as to be screened from residential areas.

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 address the requirements of subdivision approval S151822.

Option 1 is recommended.

Conclusion

The proposed LDP provides a layout and provisions that are considered to achieve the intended outcome of the LDP. Some modifications are necessary to ensure potential residential development is integrated appropriately with commercial development.

Shire officers recommend the proposed Local Development Plan be approved subject to appropriate modifications.

Attachments:

- [OCM188.1/10/16](#) – Updated Local Development Plan (IN16/20592)

Voting Requirements: Simple Majority

OCM188/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins , seconded Cr Gossage

That Council approves the Local Development Plan submitted by Gray and Lewis Land Use Planners on behalf of Thomas Roads Developments Ltd for Lot 9029 Thomas Road, Byford as contained in attachment OCM188.1/10/16 in accordance with Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:

- 1. Delete provision 3.1 of the Local Development Plan.**
- 2. Rewrite provision 3.2 of the Local Development Plan to read:**
‘Ground floor elevations of buildings fronting Kardan Boulevard and Pingaring Court shall be glazed for a minimum of 50% of the building frontage. Windows facing Kardan Boulevard and Pingaring Court shall be unobstructed at all times’
- 3. Include the following as provision 3.3:**
‘Building height shall be no greater than 9m’
- 4. Include the following as provision 6.1:**
‘Residential development shall not be permitted on the ground floor’
- 5. Include the following as provision 6.2:**
‘R80 density applies to the subject site’

CARRIED UNANIMOUSLY

OCM189/10/16	Proposed Local Development Plan 20 (Redgum Brook Estate) – Stage 12B, Byford - (PA16/120)
Author:	Regan Travers – Senior Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	28 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray and Lewis Land Use Planners
 Owner: Thomas Road Developments Ltd
 Date of Receipt: 6 July 2016
 Lot Area: 56 733m² (5.67ha)
 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) received on 6 July 2016 for Stage 12B of the Redgum Brook Estate subdivision which is located within the Redgum Brook (North) local structure plan. Officers do not have delegation to determine LDP's in accordance with delegations P033D and P033S – LDP's.

The LDP has been assessed with regard to the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Western Australian Planning Commission (WAPC) *Framework for Local Development Plans 2015*.

The LDP seeks to vary a number of Residential Design Code (R-Code) requirements including vehicle access and open space.

The report recommends that the LDP submitted be approved subject to minor modifications as discussed within the report and forming part of the officer's recommendation.



Location Plan

Background

Existing Development

The subject site is located within the suburb of Byford, to the north-west of the Byford town centre area. There is a multiple use corridor to the south of the subject site. The general area is being developed for residential purposes with densities of R20 to R30 and a few scattered grouped housing sites. The LDP includes lots that abut Thomas Road, however there will be a 1.8 metre high acoustic wall constructed as part of the approved subdivision.

Proposed Development

Condition 27 of the WAPC subdivision approval 151965 dated 26 August 2015 only requires a LDP (previously known as detailed area plans) to be prepared for lots abutting public open space sites.

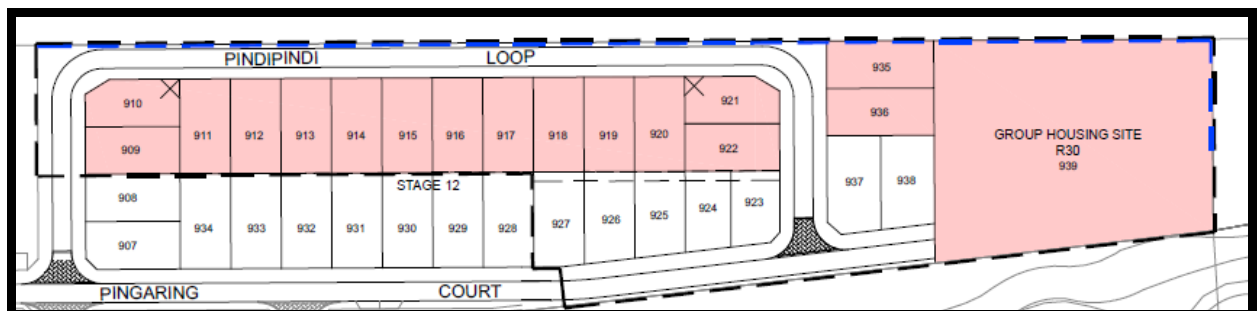
“27. Detailed Area Plans(s) being prepared and approved for those lots abutting the proposed public open space sites to the satisfaction of the Western Australian Planning Commission (Local Government)”

The proposed LDP does not include any lots which are abutting public open space sites. It is acknowledged that noise attenuation is a matter identified in clause 1.4 of the Department of Planning’s *Framework for Local Development Plans* 2015 as a circumstance where the preparation of a LDP is appropriate.

“1.4 To expand on clause 47 of the Regulations, a local development plan may be prepared in the following circumstances:

- *lots with an area less than 260m² and irregularly configured lots;*
- *lots where specific vehicle access and egress control is required;*
- *lots abutting public open space;*
- *local and neighbourhood centres;*
- *lots that have been identified to accommodate a future change of use;*
- *lots with particular site constraints (e.g. steeply sloping land); and*
- *to address noise buffer and amelioration requirements.”*

The plan below shows two corner lots with designated garage locations (‘X’) and lots subject to quiet house design requirements highlighted in pink.



Extract of LDP

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Community / Stakeholder Consultation

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

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

The proposed LDP was not advertised. Shire officers consider that the proposed LDP will not adversely affect any owners or occupiers of the adjoining area and therefore advertising was not undertaken.

Agency Referrals

In accordance with clause 7.3.2 of the R-Codes the proposed LDP has been referred to the WAPC for approval prior to becoming operational.

The WAPC has provided a response indicating no objection to the proposed 5% open space variation to the R-Codes.

Statutory Environment:

- *Metropolitan Regional Scheme (MRS)*
- The lot is zoned 'Urban/Urban Deferred' under the MRS.
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)*
- The lot is zoned 'Urban Development' under the TPS 2.
- The area of the subject lot has been identified as R20 and R30 densities under the Redgum Brook (North) Local Structure Plan.
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Financial Implications

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Planning Assessment

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

The *WAPC Framework for Local Development Plans* provides guidance as to how LDP's should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework, however some additional minor modifications are required to improve legibility which are discussed later in this report.

Local Planning Framework

Part 7 of the R-Codes provides a framework under which a local government can vary, amend or replace provisions of the R-Codes.

Clause 7.3.1 of the R-Codes lists a number of provisions that may be varied by LDP's, which in this instance has been applied to:

- Open Space requirements

Further to clause 7.3.1, 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 where it can 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:

- Open Space requirements.

Open Space Requirements

The applicant proposes a 5% open space variation in the proposed LDP, as indicated in the table one (1) below.

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R20	50%	45%	5%

Table 1

Table two (2) below represents the minimum lot size for the R20 R-Code density compared to the smallest lot size on the LDP.

Density	R-Code Minimum Size	Smallest Lot Proposed
R20	350m ²	356m ²

Table 2

Table two (2) demonstrates that lots are small enough to justify an open space variation, given the smallest lot is close to the minimum lot size. The percentage of the lots which is subject to a drainage easement ranges from 10.1% to 13.3%.

Officers note that the drainage easement shown on lots 923 to 927 is a constraint to achieving typical development aspirations for the R20 lots. Officers consider a 5% variation appropriate given the constraint of the drainage easement, a constraint which exceeds the 5% proposed.

The applicant has also added provisions requiring mandatory soft landscaping within front setback areas and outdoor living areas. Mandatory soft landscaping reduces the possibility of landowners creating hard surfaces such as brick paving or additional driveway space which are impermeable to stormwater. Hard surfaces can also absorb heat and negatively impact on the suburban microclimate. These provisions are considered appropriate to offset possible adverse impacts of the open space reduction.

The streetscape within the LDP will remain consistent with the expected neighbourhood character. The expected character is detached single dwellings with double garages landscaped front setback areas.

Vehicular Access Arrangements

Clause 1.4 of the WAPC *Framework for Local Development Plans* states that a LDP may be prepared for “lots where specific vehicle access and egress control is required”. In this case, the proposal provides for designated garage locations for lot 910 and 921. While officers acknowledge that clause 5.3.5 C5.1 requires access to on-site car parking spaces to be provided from a secondary street where no right-of-way exists, it is considered appropriate to reinforce this requirement on the LDP. Officers are concerned that building designs will turn their orientation away from the secondary street facing Thomas Road to facilitate quiet house design. This will compromise passive street surveillance. Officers are supportive of the designated garage locations being shown on the LDP.

Noise Attenuation

At the subdivision stage, it was identified that the lots adjacent to Abernethy Road would be impacted on by traffic noise. Clause 1.4 of the WAPC's framework states that a LDP may be prepared to address noise buffer and amelioration requirements. A noise management plan has been reviewed prior to submission of the LDP and the 1.8 metre high acoustic wall is considered acceptable. In this circumstance the wall must be implemented in order to address a separate condition of WAPC subdivision approval.

Land Use

The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No.2 zonings of ‘Urban’ and ‘Urban Development’ respectively.

The Redgum Brook (North) structure plan broadly defines the intention of the area to be developed for residential purposes.

Options and Implications

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

Option 1: Council may resolve to approve the LDP subject to modifications.

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

Option 2: Council may resolve to refuse the LDP.

Refusal of the LDP may be contemplated by Council if consideration is given that the LDP does not comply with aspects of State Planning Policy 3.1. – Residential Design Codes 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 Western Australian Planning Commission *Framework for Local Development Plans 2015*. As discussed in the report, the LDP proposes to identify specific lots that require noise attenuation due to the proximity to Thomas Road, provide two designated garage locations for corner lots and facilitate a 5% open space variation for lots subject to a drainage easement and an offset of soft landscaping. These measures are considered consistent with the WAPC's framework for LDP's and therefore supported by the officer.

Shire officers recommend the proposed LDP be supported subject to appropriate modifications

Attachments:

- [OCM189.1/10/16](#) – Modified Local Development Plan (IN16/20460)
- [OCM189.2/10/16](#) – Western Australian Planning Commission Comment (IN16/22264)

Voting Requirements: Simple Majority

OCM189/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins , seconded Cr Urban

That Council approves the application submitted by Gray and Lewis Land Use Planners on behalf of Thomas Road Developments Ltd for Local Development Plan 20 (Redgum Brook Estate) – Stage 12B, Byford as contained within attachment *OCM189.1/10/16* in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:

- 1. Add provision numbers for Setbacks, Open Space and Quiet House Design to the satisfaction of the Shire.**
- 2. Reference in the endorsement table changed from 'Clause 5.18.5.1(c) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2' to 'Schedule 2, Part 6 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*'.**
- 3. Reference in the endorsement table changed from "Signed" to 'Authorised Officer'.**

CARRIED UNANIMOUSLY

OCM190/10/16 Local Planning Policy No. 39 – Ancillary Dwellings (SJ1120)	
Author:	Rob Casella - Senior Strategic Planner
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	28 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

Local Planning Policy No. 39 – Ancillary Accommodation (LPP39) was referred to the Western Australian Planning Commission (WAPC) for review due to it incorporating policy variations to clause 5.5.1 of the State Planning Policy 3.1 Residential Design Codes which requires endorsement by the WAPC.

The purpose of this report is to inform Council of the WAPCs decision to support the Shire's Local Planning Policy No. 39 subject to modifications.

Council are requested to acknowledge the decision made by the Statutory Planning Committee (SPC) and amend the policy accordingly.

Background

Council at its Ordinary Council Meeting held on 7 December 2015, resolved to proceed with LPP39 following community consultation period.

The Council endorsed policy included a provision that permits lots greater than 5,000sqm to be eligible to construct an ancillary dwelling 110sqm in area subject to compliance with other relevant provisions.

Relevant Previous Decisions of Council

OCM289.12.15 – Council resolved to proceed with Local Planning Policy 39 Ancillary Dwelling.

Community / Stakeholder Consultation

The application has previously been advertised in accordance with clause 4(1) of Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) between 1 October 2015 and 22 October 2015.

The advertised LPP included the 110sqm provision for ancillary dwellings on lots with a total site area equal to or greater than 5,000sqm.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The Policy relates to land zoned Rural and Urban under the MRS
- State Planning Policy 3.1 Residential Design Codes
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The Policy relates to land in various Rural and Urban Development zones under TPS 2.

Financial Implications

There are no direct financial cost implications for Council.

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

Planning Assessment

At its meeting held on Tuesday 13 September 2016, the SPC resolved to:

1. *Approve the Shire of Serpentine Jarrahdale Local Planning Policy 39 – Ancillary Dwellings which incorporates a variation to the Residential Design Codes deemed-to-comply provision for the plot ratio area of ancillary dwellings to a maximum of 100m².*
2. *Advise the Shire of Serpentine Jarrahdale of the following:*
 - i) *Amend Local Planning Policy 39 to refer to a 'maximum plot ratio area' as opposed to 'maximum floor area' to maintain consistency with terminology in the Residential Design Codes;*
 - ii) *Modify Schedule 1 of Local Planning Policy 39 to ensure that the acceptable development standards can be applied to lots that are equal to or greater than 5000m²; and*
 - iii) *Review the implementation of the policy following 12 months of its operation, specifically in relation to land use intensification and land use conflict.*

A revised version of LPP 39 has been prepared, reflecting the SPC's resolution, contained within the [OCM190.1/10/16](#).

Options and Implications:

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

Option 1: Council may resolve to proceed with LPP 39 with modification.

By proceeding with LPP 39 as per the modifications supported by the WAPC, it ensures the Shire can appropriately assess and control the development of ancillary dwellings outside of the residential zone at an acceptable floor area, supported by the State.

Option 2: Council may resolve not to proceed with LPP 39.

By not proceeding with LPP 39 the Shire has to apply the provisions contained within the R-Codes when carrying out its assessment, which subsequently permit a 70sqm floor area, ultimately increasing the time and resources to assessing applications for ancillary dwellings on the various rural zones lots within the Shire.

Option 1 is recommended.

Conclusion

Following consultation with the Department of Planning on the proposal to vary the provisions contained within the R-Codes, applicable to the development of Ancillary Dwellings, the SPC has resolved to permit the Shire to apply a maximum plot ratio area of

100sqm for lots with a site area of 5,000sqm or greater, as opposed to the 110sqm the Shire previously resolved to proceed with.

Subsequently, the Shire has made the recommended changes request by the SPC, and subsequently seek Council's endorsement to proceed with LPP 39.

Attachments:

- [OCM190.1/10/16](#) – Revised Local Planning Policy No. 39 – Ancillary Dwellings (E16/7769)

Voting Requirements: Simple Majority

OCM190/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Urban

That Council:

1. Pursuant to Clause 4(3)(b) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to proceed with Local Planning Policy No.39 – Ancillary Dwellings, as contained within attachment OCM190.1/10/16.
2. Pursuant to Clause 4(4) Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a notice of the adoption of Local Planning Policy No. 39 – Ancillary Dwellings in a newspaper circulating in the Scheme Area.

CARRIED UNANIMOUSLY

OCM191/10/16	Endorsement of SJ 2050 as The Vision for Serpentine Jarrahdale (E16/7977)
Author:	Deon van der Linde – Executive Manager Strategic Planning
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	5 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to seek Council's endorsement for SJ 2050 as the Vision document for further planning in terms of the Local Government Integrated Planning and Reporting Framework (The Framework) and other strategic strategic planning including the Strategic Community Plan, Corporate Business Plan including the Workforce plan, Long Term Financial Plan, Local Planning Strategy, the Participatory Budgeting process and any planning for community facilities.

Background

The Department of Local Government Integrated Planning and Reporting Framework and Guidelines

required local governments to produce a plan for the future under S5.56 (1) of the Local Government Act 1995 (the Act). The Integrated Strategic Planning Framework provides the basis for improving the practice of strategic planning in local government. It addresses the minimum requirements to meet the intent of the Act and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.

There are three major parties to the development of an integrated strategic plan:

1. **The Community** – participates in a community planning process to determine major vision or intended big picture directions and also participates in regular reviews of those directions.
2. **The Council** – signs off the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget.
3. **The Local government administration** – supports delivery of the Strategic Community Plan, the 4-yearly reviews, and annual budget through its corporate business planning.

Figure 1.1



The Framework requires that the drafting of the framework provides the following outcomes:

- *There is a long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.*
- *The local government has a Corporate Business Plan that integrates resourcing plans and specific council plans with the Strategic Plan.*
- *The Council has a clearly stated vision for the future viability of the local government area.*

State Government through the Perth and Peel @ 3.5 million and the Green Growth Plan have also identified long term growth up to around 2050. Other Agencies such as the Peel Development Commission and Regional Development Australia have also taken longer term views to consider the significant infrastructure project proposed and identified in the area to support the expected economic and population growth.

In addition to the visioning done by state agencies and subsequent regulations for local governments to develop the abovementioned plans, the Planning and Development Act 2005 and recent (Local Planning Scheme) Regulations 2015 requires local governments to review their Local Planning Schemes. Council on 11 April 2016 initiated the drafting of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 and a Local Planning Strategy that requires a longer term (10 to 15 year) vision.

Council supported the proposed process to develop a 2050 Vision and called for nominations onto a Community Reference Group from representatives of the community within the following sectors: Community Groups and Non-for Profit Organisations; Environmental and Heritage Groups or Associations; Business, Industry and Developer Representatives; and Education Committees and Sporting Clubs. This process has now concluded.

SJ 2050 provides a more holistic vision that includes the aspirations of the community and which gives an overview of what the area could look like when these longer term strategies come to fruition.

Relevant Previous Decisions of Council

OCM065/04/16 - Endorsement of a process to establish the 2050 Vision as required by the Integrated Planning and Reporting Framework.

Community / Stakeholder Consultation

The process included significant community involvement through workshops, online surveys and media releases to capture the views of the community and identify the community's aspirations.

Comment

The process to develop the document can be summarized into the following three Stages:

1. The Vision
2. The Views
3. The Verdict

The following outlines briefly what each of the stages entailed:

1. The Vision (May – June 2016)

The consultant team were organised to provide in-depth review, firstly through a process of back-casting into previous reports produced by the Shire to understand and identify core values and strategies that have shaped the region today. And secondly, by future-casting to

identify key trends and challenges, such as state level growth projections, infrastructure priorities and global innovations that would all have an impact on shaping the region. The team presented this research for use during the development of shire land use scenarios and growth strategies.

2. The Views (June – July 2016):

A series of hands-on visioning workshops engaged local residents to gain a better understanding of core values and testing of growth scenarios and big ideas shaping the future of the Shire. Workshops were conducted at the wider regional scale down to the neighbourhood scale and offered members of the public an opportunity to collaborate with the research team in determining how and where the Shire should grow. Challenging participants to think at the global trends and mega forces impacting regional development, this allowed members of the public to act as planners, grappling with potential trade-offs and solving problems using future land use scenarios. To ensure the vision captured the perspectives of the youth living in the shire, Year 12 Students from Serpentine Jarrahdale Grammar School participated in two workshops.

The Community Reference Group was formed around broad and relatable themes (Environment, Economic Development, Agriculture, Community Development) and was comprised of 30 individuals representing the spectrum of expertise, community type, sector and positions on the value chain (e.g. producers and consumers). Two round table workshops were held with members at each session. These served as forums for discussion, interpretation and networking. Ultimately, the Community Reference Group were responsible for crafting the aspirations and outcomes of the scenario testing which informed the shaping of the final Vision. Their recommendations were the outcome of thorough analysis and detailed discussion about the shire's strengths, weaknesses, opportunities, and threats. Listening to the issues of the community and recording inputs as part of these discussions, provided a snapshot of the community's core values, concerns and outlooks unique to the region formed an important starting point for shaping the 2050 Vision.

Following community workshops, the Shire's 2050 Vision campaign was launched online. Local residents were asked to identify their personal values and aspirations regarding the quality of life today and into the future. The survey also asked respondents to identify top concerns and possible solutions to overcome these issues. Lastly, participants were asked to weigh in on possible 'big projects or ideas' and indicate their top priorities within the Shire. This feedback has been used to refine and finalise shared aspirations and outcomes of the 2050 Vision. The outcome of the online survey captured a statistically representative sample of the Serpentine Jarrahdale community with a total of 341 respondents. Of these, 306 were residents of the shire and nearly half were from the Byford area. In review of the age-distribution of respondents, responses were found to be evenly represented across all age groups. The results of the survey are provided in more detail in the Vision 2050 document attached to this report.

3. The Verdict (August 2016):

A refined list of core values was produced to serve the vision and its implementation moving forward. These elements were identified as the most important to future success and happiness. Working together, the Shire should strive to protect and preserve these values and strengthen the community to create a vibrant place to live, work and play. The core values identified:

- Maintain a relaxed 'country lifestyle' and welcoming values [PEOPLE]
- Retain and integrate the natural environment [PROSPERITY]
- Maintain a strong sense of community and 'neighbourliness' [PEOPLE]
- Support local agriculture [PROSPERITY]
- Maintain affordable and a choice of housing [PLACE]

- Restore and celebrate the local heritage and history [PLACE]
- Retain a high quality of life [PEOPLE]
- Expand and enhance transportation choices connecting with both Perth and Peel [PLACE]
- Plan for sustainable and economically resilient future [PROSPERITY]
- Promote the areas unique sense of place and identity [PLACE]
- Maintain excellent educational opportunities [PEOPLE]
- Foster innovative thinking and technologies [PROSPERITY]

Along with the core values, a set of aspirations were also created through the work of the Steering Committee and Community Reference Group and outputs of the survey. These Aspirations go beyond the core values and create overarching themes used to guide the vision outcomes, and future strategies and actions to be adopted by the Shire.

1. *Inclusive:* Decision making and the implementation of solutions within the Shire will be done in a way that ensures the all of the shire's residents have an opportunity to participate in the process, implementation and evaluation.
2. *Integrate:* It is critical that future planning provide for the lifecycle of its local community integrated a diversity of housing, access to public transport, cycleways, walkways and public open space to ensure healthy, active and vibrant future.
3. *Connection:* The Shire will work to connect with the Perth and Peel on a regional scale while ensuring local and personal connection are made with individuals within the community.
4. *Equitable:* All individuals and groups within the community will have full and equal access to opportunities throughout the Shire.
5. *Innovation:* Innovation will drive productivity and growth by enabling new and productive ways to value-add goods, services and increase efficiencies.

Using the Values and Aspirations as a framework, nine outcomes have been established with the input of the Steering Committee to improve our quality of life and create a long-term, shared vision in alignment with **people, place and prosperity**.

- *Well-being:* Together, our shire will be noted for its healthy living, inclusive communities and integration with nature.
- *Connected Communities:* Together, our shire will be known for its welcoming, connected and lively communities.
- *Education:* Together, our Shire will offer the highest quality education system that educates the work force of the future.
- *Housing and Development:* Together, our shire will offer residents a range of housing choices and locations within good access to local facilities and amenities
- *Transport:* Together, our shire's investments will develop efficient infrastructure that supports economic development and more transportation choices.
- *History and Heritage:* Together, our shire will be known for its preservation of local arts, culture, and history, spreading stories and knowledge for generations to come.
- *Economic Development:* Together, the shire will strengthen its economy to encourage local business expansion, job training and diversity through innovation, research and development
- *Agriculture:* Together, our shire will strengthen its agricultural base and value add, enabling increased production of local food to meet increasing demand.
- *Natural Environment:* Together, our shire values, protects and utilises our natural features and systems to provide access to open space and resiliency from natural disasters.

A SJ 2050 Spatial Framework was also drafted as an illustration of the Shire's future, as shaped by the participants and stakeholders. The Vision Map depicts how various elements - such as well-planned residential development, reinvesting in existing centres and

neighbourhoods, and a revitalised urban core and main street environments - will function. It provides ideas, direction and focus for crafting land use and transport strategies and choosing strategic public investments that support the vision outcomes. It is the starting point for a region-wide discussion about the projects, investments and implementation steps that will allow the Shire to achieve the Serpentine Jarrahdale 2050 Vision.

The SJ 2050 Spatial Framework embodies the values and outcomes expressed by the Serpentine Jarrahdale residents by helping to keep existing centres strong, maintaining the shire's low cost of living, embracing new technology and innovations to expand its economic base, providing high mobility and new transportation options such as a rapid bus and greenways, as well as access to nature and recreational opportunities. The SJ 2050 Vision strikes a balance between concentrated growth and distributed growth, locating mixed use development in the urban core and smaller centres. The Vision incorporates uniqueness of its rural and natural environments to create strategies for preserving and enhancing these natural assets.

Conclusion

The process to develop SJ 2050, produced by the three stage process (The Vision, The Views and The Verdict) as envisaged in the Council decision in April 2016 received a significant response from the community. The process, including the workshops with the community reference group and on-line survey provides a snapshot of the community's core values, concerns and outlooks unique to the region shaped the SJ 2050 Vision.

Along with the core values, a set of aspirations create overarching themes used to guide the vision outcomes, and future strategies and actions. Nine outcomes improve the quality of life and create a long-term, shared vision in alignment with people, place and prosperity. The Vision Spatial Framework is an illustration of the Shire's future, and depicts how various elements - such as well-planned residential development, reinvesting in existing centres and neighbourhoods, and a revitalised urban core and main street environments will function.

Officers recommend that Council endorses SJ 2050 as the vision document for further planning in terms of the Local Government Integrated Planning and Reporting Framework (The Framework) and other strategic planning including the Strategic Community Plan, Corporate Business Plan including the Workforce plan, Long Term Financial Plan, Local Planning Strategy, the Participatory Budgeting process and any planning for community facilities.

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation: Implement an integrated planning and reporting framework.
Key Action 1.2.3	Establish and communicate the Shire's purpose, vision, values and goals.

Statutory Environment

- *Local Government Act 1995*
- *Planning and Development Act 2005*

Financial Implications

There are no direct financial implications regarding this matter.

Attachments:

[OCM191.1/10/16](#) – SJ 2050: The Shire of Serpentine Jarrahdale 2050 Vision (Draft) (IN16/216853)

Voting Requirements: Simple Majority

OCM191/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

- 1. Endorse SJ 2050 as contained in attachment OCM191.1/10/16 the visioning document for further planning in terms of the Local Government Integrated Planning and Reporting Framework (The Framework) and other strategic planning including:**
 - a. Strategic Community Plan**
 - b. Corporate Business Plan including the Workforce plan**
 - c. Long Term Financial Plan**
 - d. Local Planning Strategy**
 - e. The Participatory Budgeting process**
 - f. Any planning for community facilities.**
- 2. Authorise the Chief Executive Officer to finalise SJ2050 by the addition of aspects such as the Presidents Foreword and other cosmetic changes (including grammatical modifications and illustrations) to ensure that a highly professional document is produced.**

CARRIED UNANIMOUSLY

OCM192/10/16	Transport @ 3.5 Million Perth Transport Plan – Submission (SJ1369-08)
Author:	RPS
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	3 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Proponent: Shire of Serpentine Jarrahdale
 Owner: Various
 Town Planning Scheme No 2 Zoning: Various
 Metropolitan Region Scheme Zoning: Various

Introduction

This report is presented to Council to consider the draft submission prepared by RPS on behalf of the Shire of Serpentine Jarrahdale with respect to the Transport @ 3.5 Million Perth Transport Plan that has been released by the Department of Transport.

The draft submission states the position of the Shire as reflected within various Shire planning documents. It is recommended that the draft submission be endorsed by Council.

Background

The Department of the Transport (DoT) recently released the Transport @ 3.5 Million Perth Transport Plan. The Transport Plan provides a long term plan to guide development of a strategic, sustainable and robust transport network for Perth and Peel. It describes a future transport network that provides people with more than one viable option for travelling to work, school and shops and for accessing services and recreational activities.

The Transport Plan is an integrated plan that considers not just transport, but the intersection of transport, land use, health and environmental management. It considers how the public transport, active transport and road networks will work together to ensure the best transport, lifestyle and economic outcomes for Perth.

The plan will guide future investment, planning and policy decisions for the metropolitan transport system, as well as inform local government planning, industry, developers and the community.

The plan is modelled on the Western Australian Planning Commission's draft Perth and Peel @ 3.5 Million planning frameworks of where people will live and work. It also aligns with the Perth and Peel Green Growth Plan for 3.5 Million.

The Department of Transport is currently seeking public comment on the Transport Plan, providing the Shire with an opportunity to make a submission.

Relevant Previous Decisions of Council

OCM115/07/15 – Draft Perth and Peel @ 3.5 Million Sub-Regional Planning Frameworks. A submission was made to the Department of Planning by the Shire during the public advertising period in response to the invitation for submissions. The submission was broadly supportive of the South Metropolitan Peel Sub-Regional Planning Framework.

Comment

The Shire's draft submission on the Transport @ 3.5 Million Perth Transport Plan is presented to Council to be endorsed prior to being finalised by Shire Officers and submitted to WAPC.

The report covers the following key priority areas for the Shire:

- Public Transport
- Road Network
- Active Transport Network
- Freight Network

Further detail in regards to the key priorities identified above is contained in **OCM192.2/10/16**.

Statutory Environment

The following documents have been considered in the draft submission

- Town Planning Scheme No. 2
- Rural Strategy Review 2013
- Byford District Structure Plan
- Mundijong Whitby District Structure Plan
- Draft West Mundijong District Structure Plan
- Byford Town Centre Local Structure Plan
- Cardup Business Park Local Structure Plan
- Shire of Serpentine Jarrahdale 2050 Vision
- Shire of Serpentine Jarrahdale Strategic Community Plan

Financial Implications

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan

Options and Implications

- Option 1: Endorse the draft submission.
- Option 2: Endorse the submission with modifications.
- Option 3: Not endorse the draft submission.
- Option 1 is recommended.

Conclusion

It is recommended that the draft submission be endorsed by Council.

Attachments:

- [OCM192.1/10/16](#) – Transport @ 3.5 Million Perth Transport Plan (E16/8208)
- [OCM192.2/10/16](#) – Draft Submission (IN16/21284)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. **Endorse the draft submission on the Transport @ 3.5 Million Perth Transport Plan, as contained within OCM192.2/10/16**
2. **Finalise the submission on the Transport @ 3.5 Million Perth Transport Plan and send to the Department of Transport by 28 October 2016.**

OCM192/10/16 COUNCIL DECISION / Alternative Recommendation:

Moved Cr Rich, seconded Cr Piipponen

That Council:

- 1. Endorse the draft submission on the Transport @ 3.5 Million Perth Transport Plan, as contained within OCM192.2/10/16 with the following amendment being included under 2. Road Network in the last sentence of the third paragraph to read as follows:
In this regard it is noted that on Plan 6 of the Perth and Peel @ 3.5 Million Planning Framework this southernmost extension of the Tonkin Highway is described as a “Post 2031 Investigation”, to which the Shire would suggest that a much earlier start to the investigation of route options, including alternative route options based on existing roads and their potential upgrade or impact on the existing rural land uses should be prioritised.**
- 2. Finalise the submission on the Transport @ 3.5 Million Perth Transport Plan and send to the Department of Transport by 28 October 2016.**

CARRIED UNANIMOUSLY

Council Note: the officers recommendation was amended to include additional wording under 2 to ensure the investigation of alternative route options based on existing roads and potential upgrades.

8.3 Engineering Reports:

OCM193/10/16 Waste Disposal Option (SJ1289)	
Author:	Doug Elkins – Director Engineering
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	7 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

With the impending closure of the Shale Road Landfill facility, it is necessary for Council to determine a new waste disposal solution, pending the commencement of operations at the Rivers Regional Council facility.

Background:

The pending closure of the Shale Road landfill facility has been known by the Shire for many years, with the operator having a number of meetings with senior Shire staff. Formal notification was sent to the Shire in June 2016, following meetings in the preceding two years and numerous emails. When the pending closure of the facility was first considered an issue, around 2008, the solution was determined to be the new waste disposal facility being developed through the Rivers Regional Council. However, the processes of the Rivers Regional Council have taken longer than originally anticipated, so that a new facility is still several years away. The Shale Road landfill facility will close on the 30 November 2016. As such, it is necessary for Council to determine an interim waste disposal solution. Unfortunately, this solution is now being developed at short notice.

Officers have had discussions with neighbouring Councils and a commercial operator. The City of Armadale and the City of Rockingham have offered access to their facilities, on an ongoing basis. The Shire's current waste pick-up contractor has also offered access to their Bibra Lake transfer station, also on an ongoing basis. All three options are viable and have the potential to become a permanent solution, should the planned Rivers Regional Council facility ultimately not eventuate.

After considering the costs and consequences of available options, it is recommended that Council endorse entering into an agreement with the City of Rockingham for the disposal of waste.

Community / Stakeholder Consultation:

Nil

Comment:

Prior to considering the disposal options, it is necessary to understand the current disposal agreement, costs and waste budget. As part of the agreement reached with the Council, to develop the Shale Road waste disposal facility, the operator provided free disposal for the first 5,000 tonnes of waste, with additional waste being charged at (currently) around \$22 per tonne. In addition, the Shire pays the State Government's Landfill Levy, at a current cost of \$60 per tonne. Accordingly, the cost of waste disposal is only \$60 per tonne for the first 5,000 tonne, increasing to \$82 per tonne, for each additional tonne. Last financial year, the Shire disposed of 7,500 tonnes of waste.

The disposal rates offered to the Shire, by alternative facilities, are as follows:

City of Armadale - \$143.19 per tonne;

City of Rockingham - \$135.45 per tonne; and

PerthWaste - \$140 per tonne;

In addition, there will be an increase in transport costs to the City of Rockingham and PerthWaste facilities. PerthWaste have confirmed an additional cost of \$0.06 per pickup service to access the PerthWaste facility, representing, approximately, an additional disposal charge of between \$1.05 per tonne and \$1.10 per tonne. To date, PerthWaste has not provided costs for the additional transport to the City of Rockingham facility, however, it should be similar to the cost of the PerthWaste facility, which is located in Bibra Lake. The City of Armadale facility would not attract an additional transport charge.

Notably, the cost of the additional facilities is substantially greater than the current arrangement with the Shale Road facility. In 2008, as part of the preparation for moving to the Rivers Regional Council facility, officers developed a plan to increase rates over a period of 6 years, to cover the additional cost. As the Rivers Regional Council facility did not commence operation around 2011/12, as anticipated, the increase to the higher disposal costs has already been accommodated into the annual budget, in the form of a transfer to reserve. Accordingly, the extra costs will be funded through a reduction in a transfer to reserve, this financial year, and through the cessation of the transfer to reserve in each future financial year. If necessary, and as intended, if the future costs exceed the waste budget substantially, the recovery of the additional costs will be crept up, using the monies in the Waste Reserve as a buffer.

The rates noted above suggest that the City of Rockingham facility is the financially most advantageous. In addition, the City of Rockingham have offered to enter into a three year arrangement, whereby cost increases are constrained to CPI, plus any increase of the landfill levy. The PerthWaste facility, the second most advantageous, in terms of cost, has the disadvantage of potentially obliging the use of the same pickup contractor. This is not seen as ideal. In addition, as PerthWaste is a business, access to their facility will require appointment through tender or from the WALGA panel. PerthWaste is on the WALGA panel so access to their facility is available through the WALGA panel contract. The City of Armadale facility is the most expensive, and provides no advantage that justifies paying the additional price.

It is recommended that Council endorse the entering into an agreement, with the City of Rockingham, for the disposal of waste. It is also recommended that Council endorse the covering of any additional costs, through a reduction in the transfer to the Waste Reserve. The latter recommendation would be formally implemented as part of a budget review.

Attachments:

Nil

Alignment with our Strategic Community Plan:

Reduce the creation of waste, facilitate waste recovery and reuse, and minimise the negative environmental impacts of waste disposal.

Statutory Environment:

The *Waste Avoidance and Resource Recovery Act 2007* provides the legislative framework for the management of waste within the State. However, ultimately this is a pure business issue, within the constraints of the *Local Government Act 1995*.

Financial Implications:

The additional cost of waste disposal will be in the order of \$310,000, for the current service. The planned transfer to the Waste Reserve is \$337,999. New services, established after 1 July 2016, will be covered by the attributable interim rate.

The estimated additional cost of a full year of the Rockingham facility is \$400,000 to \$450,000 excluding new services established during the year.

Voting Requirements: Simple Majority

OCM193/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

- 1. Endorse entering into an agreement, with the City of Rockingham, for the disposal of municipal waste; and**
- 2. Endorse covering the additional cost of waste disposal through a reduction in the 2016/2017 transfer to the Waste Reserve, by an amount equivalent to the additional cost.**

CARRIED UNANIMOUSLY

OCM194/10/16	Briggs Park and Brickwood Reserve Management Plan (SJ1863-02)
Author:	Chris Portlock – Manager Environmental and Sustainability Services
Senior Officers:	Doug Elkins – Director Engineering
Date of Report:	7 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Introduction:

Council is asked to endorse the finalised Briggs Park and Brickwood Reserve Management Plan, following the completion of public consultation.

Background:

Briggs Park and Brickwood Reserve are located in Byford, the current main urban centre of the Shire of Serpentine Jarrahdale (the 'Shire'). It is a popular recreation node within the Shire, containing the Serpentine Jarrahdale Recreation Centre. The reserve system is also on the National Trust Register, recognised as having significant environmental features, including being a Bush Forever Reference Site, and containing one of the largest and most intact examples of a critically endangered threatened ecological community on the Swan Coastal Plain. The environmental values of the reserves are protected under both Federal and State legislation.

Urban pressure, associated with the growth of Byford, is placing additional demand on the recreation, access and environmental features of Briggs Park and Brickwood Reserve. To ensure the protection of the environmental virtues of the reserves, in parallel with the development of the Briggs Park Master Plan, the Shire has developed the attached Briggs Park and Brickwood Reserve Management Plan ('Management Plan').

Relevant Previous Decisions of Council:

CR09/234 – Following the release of the draft management plan for the standard submission period, the Final Brickwood Reserve and Briggs Park Management Plan was endorsed at Council's December 2009 meeting.

CR15/153 - The Draft Briggs Park and Brickwood Reserve Management Plan was endorsed to go out for a public submission period at Council's November 2015 meeting.

Community / Stakeholder Consultation:

Community and stakeholder consultation has occurred and a revision and an update of the reserve's values, threats and opportunities has been undertaken in consultation with the community. A summary of this has been included in the latest draft of the management plan.

A Community Workshop was held at the Serpentine Jarrahdale Recreation Centre to brainstorm values, threats, opportunities and key issues on the 14 July 2009. Attendance was good with approximately twelve participants from a good cross section of the community.

The Top 5 Key Issues identified were:

- Population Pressure
- Fire
- Proactive Flora and Fauna Management
- Cat Management
- Equitable use of the facilities including promotion/public relations

A Community Workshop was also held at the Serpentine Jarrahdale Recreation Centre in December 2015 and although the attendance was poor, with only a few attending, the workshop was able to focus on an update of the values, threats, opportunities and key issues identified in 2009 and the latest top 5 lists developed are listed below for 2016:

Values:

- Unique attributes (environmental, social and economic)
- Habitat/Flora/Fauna
- Diversity Sport/Recreation/Exercise, Facilities, Aesthetics/Events
- Size – unusual for Urban Area
- Community Centre Hub

Threats:

- Fire
- Population Development Pressures
- Reticulation of ovals and associated nutrients (water quality and quantity)
- Feral Cats and Domestic Animals
- Apathy

Opportunities:

- Education – Sustainability and Biodiversity
- Scientific Study
- Forward Planning to Divert Pressure
- Fire Management Initiatives
- Nurturing of Community Groups

Key Issues:

- Adaptive Management and Growth
- Population Pressures
- Fire
- Proactive Flora and Fauna Management
- Cat Management

Comment:

As noted above, the draft Management Plan has been subjected to public consultation, following endorsement of the draft by Council. The comment received is sparse, being mostly generic feedback from Government departments. Comment was received from the local friends group seeking sustainable management of stormwater run-off, and desiring continued involvement in the review of the plan. These desires have been incorporated into current processes and the Management Plan, as required. The second community group comment, received, was related to a desire for additional information. This information has been provided. The submission table is below.

Number	Submitter	Date Received	Comment Summary	Response
1	Karl H. Titelius & Eileen Davis Regenerated Landscapes and Friends of Brickwood Reserve	11/12/2015 IN16/18376	Key issues arising from the Draft Management Plan Briggs Park and Brickwood Reserve Stakeholders Meeting 10 th December 2015: Favouring sustainable runoff management options for subsurface drainage, for the west end of the southern oval with filtrated water for vegetation maintenance of the adjacent Brickwood Reserve That the community based bush care group Friends of Brickwood Group continue to be part of the management plan review and revision process	Options for subsurface drainage have been reviewed with an Environmental Impact Assessment attached as an Appendix to the management plan leading to a preferred option for subsurface drainage with the least impact associated with drawdown allowing for sustainable filtered water movement into Brickwood Reserve Follow up consultation will occur during the revision of the final draft
2	Department of Planning	10/3/2016 IN16/4641	Extent of vegetation loss is not clearly articulated in the document: The amount and location of Bush Forever Area 321 vegetation which is proposed to be cleared should be depicted ie (the amount of Bush Forever Site proposed to be removed) and any mitigation measure of offsets proposed in exchange for clearing Any significant proposals for clearing of vegetation and expansion of the development footprint need to be clarified in detailed for WAPC endorsement in accordance with Clause 16 of the Metropolitan Regional Scheme. Update correction in policy and tenure were also included and some strategy renumbering	Extent of vegetation proposed for clearing has been detailed and depicted in the Environmental Impact Assessment Attachment to the management plan and mitigation measure of offsets proposed have been included and WAPC endorsement is being applied for on the basis of these detailed amendments.
3	Department of Environment Regulation	30/3/2016 IN16/5941	As the draft management plan may include a proposal for clearing of native vegetation it is drawn to the Shire's attention that it is an offence to clear native vegetation including clearing to install a pipe to improve drainage unless the clearing is done in accordance with a clearing permit, or an exemption.	Clearing is proposed and the vegetation proposed to be cleared has been closely scrutinized by DPaW. Any clearing proposal will include application through the DER and offset proposal detailed but these will all be considered only in the context of a DER clearing permit application sometime in the future.
4	Ramone Glasgow North Murray Diamond Sports Association who use the Briggs Park Lower Oval	4/5/2016 OC16/8599	Summary of the December 2015 Community Workshop Briggs Park and Brickwood Reserve Draft Management Plan were requested as attendance wasn't possible by the North Murray Diamond Sports Association representative. This group who use the Briggs Park Lower Oval are keen to be kept informed as the oval plans are detailed and commence.	Details of the proposal to improve and upgrade the Briggs Park Lower Oval were communicated in detail with the objective of extending the period of time that the oval can be used through the year without standing water.
5	Department of Environment Regulation	30/6/2016 IN16/12934	Clearing exemptions do not apply for management plans. Exemptions can apply to clearing of prescribed activities but this would not apply in this case. DER does not provide general comment on management plans without a regulatory requirement to do so but will consider the management plan in the context of assessing a clearing permit application when it is received by DER.	Noted
6	Department of Parks and Wildlife	20/7/2016 IN16/15105	The Department of Parks and Wildlife agree with supporting the Option 3 proposal for Lower Briggs Park Oval Subsurface Drainage on the basis of the Environmental Impact Assessment recommendation for the option with the least possible drawdown and associated impact. DPaW also recommends that ground and surface water monitoring be spatially and temporally linked to vegetation composition and condition monitoring for areas adjacent to the proposal in consultation with DoW and DPaW. EPBC Act discussions and or referral are also recommended. Figure 2 infers clearing of an important area of TEC.	Option 3 is the preferred Option being pursued and the detailed proposal and the draft final management plan will include a strategy for ground and surface water monitoring spatially and temporally linked to vegetation composition and condition. Figure 2 has been amended to cover the important area of TEC north of the eastern end of Turner Road.

In view of the feedback received, it is recommended that Council endorse the revised version of the Management Plan.

Attachments:

- [OCM194.1/10/16](#) – Briggs Park and Brickwood Reserve Management Plan (E16/7671)
- [OCM194.2/10/16](#) – Appendix 6 Environmental Impact Assessment Briggs Park (E16/7673)
- [OCM194.3/10/16](#) – Briggs Park and Brickwood Reserve Summary and Analysis of Submissions (E16/7674)

Alignment with our Strategic Community Plan:

OBJECTIVE 5.2	Natural Environment	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity	Continue Implementing the Biodiversity Strategy

This project is in line with the Strategic Community Plan, in particular with relation to objectives to protect, restore and manage our landscapes and biodiversity.

Statutory Environment:

- Metropolitan Region Scheme (MRS)
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- TPS 2

Financial Implications:

The implementation of the Management Plan will require an additional financial investment by Council. The annual size of this investment will be determined in the context of Council's overall priorities, when establishing the long-term financial plan, and through the participatory budget process.

Voting requirements: Simple Majority

OCM194/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Urban

That Council endorse the Briggs Park and Brickwood Reserve Management Plan as included at attachment OCM194.1/10/16.

CARRIED UNANIMOUSLY

OCM195/10/16	Request for Tender RFT 05/2016 Supply and Delivery of Crushed Roadbase (SJ2078)
Author:	Peter de Groot – Manager Operations and Parks
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	7 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified contractor to supply crushed roadbase.

Background:

As part of the Shire's ongoing requirement for supply and delivery of crushed roadbase, a tender was prepared and advertised seeking suitable contractors to supply this product. The previous contract expired some years ago and a replacement supplier arrangement is required by Council to meet our purchasing policy requirements. Up until recently, roadbase supply has been available through the WALGA panel contract.

Three submissions were received at the time of closure. These tenders were reviewed through a pre-determined tender submission and assessment process. This process has now been completed with a recommendation to enable engagement of the preferred supplier in line with the summarised assessment.

Tender:

Tender RFT 05/2016 for the Supply and Delivery of Crushed Roadbase was advertised in the West Australian on Saturday 10 September 2016. The tender closed at 2.00pm on Wednesday 28 September 2016.

The tender has been scoped for a two (2) year period for planned commencement immediately following approval. The documentation includes a one (1) year extension option.

Relevant Previous Decisions of Council:

There is no relevant previous decision from Council.

Community/Stakeholder Consultation:

There is no community or stakeholder consultation required in this instance.

Proposal:

The tender is for the supply only, and the supply and delivery of crushed roadbase.

Submissions:

Three conforming tenders were received.

Evaluation Panel:

The panel consisted of:

1. Manager Operations and Parks (Chairman)
2. Design Engineer
3. Technical Officer

Compliance Criteria:

The criteria against which the tenders were evaluated are:

- Relevant Experience
- Tenderer's Resources
- Demonstrated Understanding

Following the evaluation using non-priced criteria, pricing was considered and is presented as a confidential attachment OCM195.1/10/16.

Qualitative Evaluation Criteria:

Assessment based on the non-priced criteria was conducted in accordance with the tender document. The three tenders were compliant and of an average standard. The recommended tenderer was deemed the most advantageous after assessment of the qualitative criteria.

Pricing:

Pricing for all schedule items was assessed using a weighting system that proportionally weighted each schedule item based on their anticipated usage. Although the material cost of one of the tenderers is substantially cheaper, the cartage costs are higher, and with the additional cartage distance, due to the locality of the pit, the to site cost is higher. In addition, this particular material is expected to require additional working effort, which will be an additional cost to the Council. Pricing has been assessed and included in confidential attachment OCM195.1/10/16.

Summation:

In evaluating both performance (non-priced criteria) and price together, Ransberg Pty Ltd t/as WA Blue Metal is recommended as the preferred supplier.

Attachments:

- **Confidential – OCM195.1/10/16** – Tender Evaluation Score Sheets (E16/8041)
- **Confidential – OCM195.2/10/16** – Tender submitted by Ransberg Pty Ltd t/as WA Blue Metal (IN16/21246)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The annual cost of material is dependent on the annual budget. The tender process allows material costs to be set for a three year term, allowing improved estimating for budgeting purposes.

Voting Requirements: Simple Majority

OCM195/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council

1. Award tender RFT 05/2016 for Supply and Delivery of Crushed Roadbase to Ransberg Pty Ltd t/as WA Blue Metal for a two year period from 1 November 2016

to 31 October 2018 in accordance with the submitted tender as per confidential attachment OCM195.2/10/2016; and

- 2. Authorise the Chief Executive Officer to extend the contract for a period of twelve months, from 1 November 2018, should the Chief Executive Officer is satisfied with Ransberg Pty Ltd t/as WA Blue Metal's performance under the contract, in accordance with the tendered contract provisions.**

CARRIED UNANIMOUSLY

OCM196/10/16	Request for Tender RFT 04/2016 Supply and Delivery of Crushed Limestone (SJ2077)
Author:	Peter De Groot – Manager Operations and Parks
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	5 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified contractor to supply and deliver crushed limestone.

Background:

As part of the Shire's ongoing requirement for supply and delivery of crushed limestone, a tender was prepared and advertised seeking suitable contractors to supply this product. The previous contract has expired and a replacement supplier arrangement is required by Council to meet our purchasing policy requirements

Two submissions were received at the time of closure. These tenders were reviewed through a pre-determined tender submission and assessment process. This process has now been completed with a recommendation to enable engagement of the preferred supplier in line with the summarised assessment.

Tender:

Tender RFT 04/2016 for the Supply and Delivery of Crushed Limestone was advertised in the West Australian on Saturday 10 September 2016. The tender closed at 2.00pm on Wednesday 28 September 2016.

The tender has been scoped for a two (2) year period for planned commencement immediately following approval. The documentation includes a one (1) year extension option.

Relevant Previous Decisions of Council:

There is no relevant previous decision from Council.

Community/Stakeholder Consultation:

There is no community or stakeholder consultation required in this instance.

Proposal:

The tender is for the supply only and the supply and delivery of crushed limestone.

Submissions:

One conforming tender was received. The second tender provided a 'roadbase' equivalent, rather than limestone. This same product has been proposed for a separate tender for road base. As the product is considered roadbase, rather than the specific 'limestone', the tender is deemed non-conforming.

Evaluation Panel:

The panel consisted of:

4. Manager Operations and Parks (Chairman)
5. Design Engineer
6. Technical Officer

Compliance Criteria:

The criteria against which the tenders were evaluated are:

- Relevant Experience
- Tenderer's Resources

- Demonstrated Understanding

Following the evaluation using non-priced criteria, pricing was considered and is provided in confidential attachment OCM196.1/10/16.

Qualitative Evaluation Criteria:

Assessment based on the non-priced criteria was conducted in accordance with the tender document. The one tender was compliant and of an average standard.

Pricing:

Given that only one compliant tender was received, the pricing comparison was done against the alternative tender submitted. It was found that, although the alternative product was cheaper, the transport cost from the supply base made it uncompetitive with the other local supply proposal. In addition, this particular material is expected to require additional working effort, which will be an additional cost to the Council. Pricing has been assessed and included in confidential attachment OCM196.1/10/16.

Summation:

The Shire has previously used WA Limestone for some years, both under contract and on a one off basis. They have provided a very good service over this time and were found to have sound OH&S systems in place. WA Limestone is the preferred tenderer.

Attachments:

- **Confidential OCM196.1/10/16** – Tender Evaluation Score Sheets (E16/8044)
- **Confidential OCM196.2/10/16** – Tender submitted by PRM Quarries t/as WA Limestone (IN16/21242)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The annual cost of material is dependent on the annual budget. The tender process allows material costs to be set for a three year term, allowing improved estimating for budgeting purposes.

Voting Requirements: Simple Majority

OCM196/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council:

1. **Award tender RFT 04/2016 for Supply and Delivery of Crushed Limestone to PMR Quarries t/as WA Limestone for a two year period from 1 November 2016 to 31 October 2018 in accordance with the submitted tender as per confidential attachment OCM196.2/10/2016; and**
2. **Authorise the Chief Executive Officer to extend the contract for a period of twelve months, from 1 November 2018, should the Chief Executive Officer is satisfied with PMR Quarries t/as WA Limestone's performance under the contract, in accordance with the tendered contract provisions.**

CARRIED UNANIMOUSLY

8.4 Corporate and Community Services Reports:

OCM197/10/16 Monthly Financial Report - September 2016 (SJ514-07)	
Author:	Tracey Torley – Management Accountant
Senior Officer/s:	Kellie Bartley – Acting Director Corporate and Community Services
Date of Report:	7 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

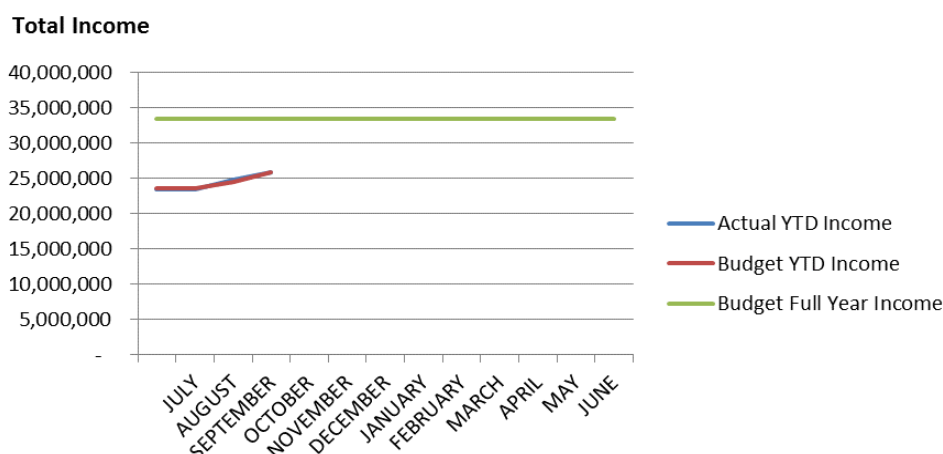
No community consultation was undertaken / required.

Comment:

The period of review is September 2016. The municipal surplus for this period is \$22,253,432 compared to a budget position of \$19,616,003. This is considered a satisfactory result for the Shire.

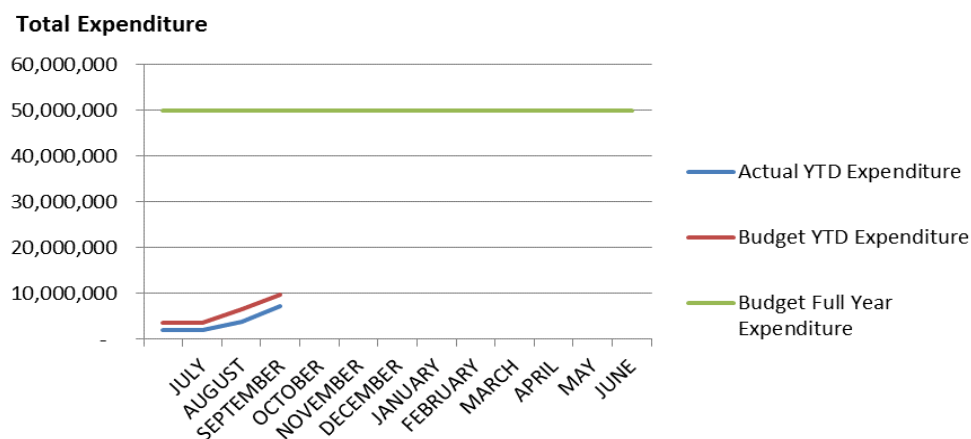
Income for the September 2016 period, year-to-date is \$25,802,496. The budget estimated \$25,917,022, would be received for the same period. The variance to budget is (\$114,526). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the September 2016 period, year-to-date is \$7,114,677. The budget estimated \$9,668,255 would be spent for the same period. The variance to budget is \$2,553,578. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Attachment:

[OCM197.1/10/16](#) – Monthly Financial Report September 2016 (E16/7955)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM197/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

OCM198/10/16 Confirmation of Payment of Creditors (SJ514-07)	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	4 October 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

- Payees name;
- The amount of the payment;
- The date of the payment; and
- Sufficient information to identify the transaction.

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

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

OCM198.1/10/16 and the Purchasing Card Report 6 August 2016 to 5 September 2016 as per attachment OCM198.2/10/16.

Attachments:

[OCM198.1/10/16](#) - Creditors Schedule of Accounts 1 September 2016 to 30 September 2016. (E16/7949)

[OCM198.2/10/16](#) – Purchasing Card Report 6 August 2016 to 5 September 2016. (E16/7950)

Alignment with our Strategic Community Plan:

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

Financial Sustainability

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

Statutory Environment

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

Financial Implications

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

Voting Requirements

Simple Majority

OCM198/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 September 2016 to 30 September 2016, as per attachment OCM198.1/10/16 - Creditor List of Accounts 1 September 2016 to 30 September 2016 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 August 2016 to 5 September 2016, as per attachment OCM198.2/10/16 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

8.5 Chief Executive Officer Reports:

Nil

8.6 Confidential Reports:

COUNCIL DECISION

Moved Cr See, seconded Cr Hawkins

That the meeting be closed to members of the public at 7.35pm to allow Council to Discuss Confidential Item OCM199/10/16 Section 31 - Reconsideration for Development Application for Timber Recycling Facility, Dam and Retrospective Driveway - Lot 717 (#252) Boomerang Road, Oldbury, 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 OCM199/10/16 was discussed. The doors were closed at 7.37pm.

OCM199/10/16	CONFIDENTIAL - Section 31- Reconsideration for Development Application for Timber Recycling Facility, Dam and Retrospective Driveway - Lot 717 (#252) Boomerang Road, Oldbury SJ1974)
Author:	Helen Maruta – Senior planner
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	22 august 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Voting Requirements: Simple Majority

OCM199/10/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr See

That Council approves the retrospective application submitted by David Scofield for the retrospective timber recycling facility and an internal driveway on Lot 717 (#252) in accordance with section 31 of the *State Administrative Tribunal Act 2004* Boomerang Road, Oldbury, as indicated on the approved application subject to the following conditions:

Timber Recycling:

1. The landowner shall ensure that cutting of timber and storage of finished product related to the timber recycling facility shall be contained wholly within the designated shed at all times.
2. The approval shall be for a period of no more than three years from the date of approval by Council being 26 October 2019.
3. Operating hours shall be restricted to 8:00am to 5:00pm Monday to Friday. The operation of chainsaws and any similar machinery may only take place for a period of no more than one (1) hour per day during normal operating hours. No works are to be undertaken on weekends and Public Holidays.
4. No more than eight (8) delivery trucks per week are permitted on site.

5. Storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
6. Within 60 days of the date of this approval or such further period as agreed by the Director Engineering, a bushfire management plan shall be prepared and approved and relevant provisions implemented in accordance with the Western Australian Planning Commission's Guideline Planning for Bushfire Protection Edition 2. May 2010, State Planning Policy 3.7 Planning for Bushfire Risk Management May 2014 (Draft) and to the specifications of the Local Government.
7. The landowner / occupier shall keep a register of any complaints received and remedial action taken.

Driveway:

8. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
9. Suitable arrangements being made with the Director Engineering for the provision of vehicular crossover to service the lot.

Construction of a portion of Boomerang Road:

10. Prior to commencement of development the applicant shall construct and bitumen seal the section of Boomerang Road from King Road to the cross-over where access is to be taken from for this development to be in accordance with the crossover plan and diagrams dated 16 September 2016 to the satisfaction of the Shire.

Advice Notes:

1. All activity at the site is to comply with current noise regulations as enacted under the Environmental Protection Act 1986.
2. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained in accordance with the Environmental Protection Act 1986 or is of an exempt kind.

CARRIED UNANIMOUSLY**COUNCIL DECISION:****Moved Cr See, seconded Cr Hawkins****That the meeting be reopened to the public at 7.43pm.****CARRIED UNANIMOUSLY**

Members of the public returned to the Chambers and the Presiding Members advised that the officers recommendation was carried for confidential item OCM199/10/16 with an unanimous vote.

9. Motions of which notice has been given:

Nil

10. Urgent Business:

Nil

11. Councillor questions of which notice has been given:

Nil

12. Closure:

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

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 28 November 2016

.....
Presiding Member

.....
Date