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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 25TH OCTOBER 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

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

OFFICERS: Ms J AbbissChief Executive Officer
Mrs S van AswegenDirector Strategic Community Planning
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Mr A Hart Director Corporate Services
Mr D van der Linde.....Executive Manager Strategic Planning
Ms L Howells Senior Planner Projects
Mrs L Fletcher Process Improvement Officer
Ms P Kursar Minute Secretary

APOLOGIES: Cr E Brown (leave of absence)

Members of the public – 26
Members of the press - 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

2.1 John Kirkpatrick – 16 Harris Place, Jarrahdale

I notice that the disabled access to the Jarrahdale Anglican Church has still not been addressed. Closing the building to the faithful is not a satisfactory answer.

My questions are:

Q1 When will this issue be addressed?

A1 The construction of an access ramp to the entrance of the St Paul's Church forms part of a restoration / construction project that began on the 15th August 2010 and is scheduled to be executed over a period of three (3) months. It is

anticipated that work on the ramp will commence on 8th November 2010 with an estimated completion date of 15th November 2010.

Q2 When will the church be reopened to the public?

A2 Should the above work proceed as planned, the church will be available to the community as from 21st November 2010. The Projects Officer will provide regular updates to the Jarrahdale Heritage Park Committee regarding progress.

I notice in reply to a question on notice that Mr Farrell was paid \$550.00 to design the footpaths in Forrest Green Park.

My questions following that are:

Q3 Why are the footpaths grey concrete not coloured to blend with the environment?

A3 Both environmental colours and grey were considered. Grey was chosen as it was more cost effective and it blended with the existing footpath and some of the greys in the landscape.

Q4 Do the paths conform to Australian standards for footpaths and the standards for disabled access?

A4 The footpaths do conform to Australian standards, including disabled access.

There was a function at the community park on Abernethy Road on the morning of the 18 September. A lot of cars were parked illegally either on the footpath, the landscaped areas or adjacent to the junction of Warrington Road.

Q5 Was a traffic management study supplied to the Shire prior to the event?

A5 A risk management plan is required to be submitted if 5000 or more people attend an event, as per r.4(2) of the Health (Public Buildings) Regulations 1992.

(2) An application for the purposes of section 176 of the Act that is in respect of a building or place or part of a building or place where 5 000 or more persons may assemble for religious, entertainment, recreational or sporting purposes shall also be accompanied by a risk management plan that has been developed in accordance with AS/NZS 4360.

Q6 Was an emergency management plan submitted to the Shire prior to the event and how was it to be implemented?

A6 Refer to answer 5.

There appears to be an imbalance of elected members in the Central Ward as against other wards in the Shire.

- Q7 Will there be a re-distribution or an adjustment of ward boundaries prior to the next Council election due next year?
- A7 Council resolved to commence a review of Councillor numbers from 10 to 9 and an associated review of ward boundaries. This is scheduled to be completed before the October 2011 Election.

2.2 John Kirkpatrick – 16 Harris Place, Jarrahdale

At the Ordinary Council Meeting held on the 23 August 2010 Mr Kirkpatrick asked the following questions as indicated in italics below:

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

- Q1 *Where was the excess water designed to go in the case of the water flowing into the compensating basin being greater than the design capacity of the Basin?*
- Q2 *Where was the water designed to go when the flow of water was greater than the capacity of the pipe work to take the water from the compensating basin?*

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

- Q3 *Why did the levee bank fail?*
- Q4 *Why did no water go in to the compensating basin which was designed for this purpose?*
- A1–4 Given that Mr Kirkpatrick indicated his intention to pursue legal action against the Council in relation to this matter, we have been instructed by our insurers not to respond to the questions.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.04pm

3.1 Jan Star – 230 Jarrahdale Road, Jarrahdale

Firstly, congratulations on winning the prestigious Banksia Award. As you know, I try not to get involved in local decision making and instead work at a regional level. I have a strategic question, the executive summary of the Department of Agriculture

and Food Western Australia (DAFWA) report indicates that Serpentine Jarrahdale food production is twice that of Murray. The Peel Development Commission (PDC) are directing their attention to Murray and Waroona and the proposed pipeline projected to run from Gordon Road in Mandurah to Pinjarra. The Alcoa Pinjarra refinery is being extended ten kilometres to the north and south to assist with horticulture.

Serpentine Jarrahdale has had a strategic approach (and could still inform Directions 2031). WRT agreed to the protection of agriculture and productivity. This has worked well as I think it is behind the rise of agricultural productivity here. Living next to a Special Rural zone I can attest that an interface in rural living does not help productivity.

Please note that the words are still there in Council's Plan for the Future – "Retention of viable local agriculture in the face of urbanisation is a priority." I do not follow Council decision but I have noted the efforts of the PDC in this area are all directed at Murray and Waroona and wonder if the Council can explain why this is so and if their good words are reflected in their decisions.

The Chief Executive Officer advised that she agreed with the DAFWA report. The value of agricultural production in Serpentine Jarrahdale is twice as much as the Shire of Murray. The PDC attention to Murray and Waroona is in relation to a proposed pipeline project. Regarding representation to PDC in terms of the business case being developed for the project, we already have all the industries operating in the Shire and the Shire has placed heavy emphasis on these industries remaining as the food bowl for Perth. The Shire will certainly be making representation to the PDC advising we have viable agricultural land and to please consider us.

3.2 Clayton Oud – 301 Lightbody Road, Mardella

In July 2008 a road safety audit was completed on Lightbody Road and was subsequently adopted by Council. Much was made of the findings in this audit by some Councillors despite the obvious errors and omissions contained in the audit that were pointed out to Council by the residents. The Australian Roads Research Board advised that the onus is on the auditor to look at every aspect likely to cause a safety impact.

The audit team leader claimed to be a Senior Road Safety Auditor, however our advice from the Department of Main Roads WA is that the senior safety auditor that conducted the audit on Lightbody Road is not and never has been accredited as a safety auditor with the Department of Main Roads or the Institute of Public Works Engineering Australia. Furthermore (and I quote) "it's not advisable to use a member of staff to undertake audits within their area of work due to possibilities for coercion, objectivity and independence from the site."

Is the Shire aware of any accreditation from a relevant authority that gives grounding to the author of the safety audit report on Lightbody Road being able to claim themselves to be a senior safety auditor?

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

3.3 SD021/10/10 Denyse Needham – 3345 South West Highway, Keysbrook

At the April meeting, the Officer Recommendation was to approve the holiday accommodation / single dwelling and caretakers dwelling. The Caravan Park was dropped. The Shop / restaurant / horse arena / associated equestrian activities were excluded and subject to separate approval as no information was submitted to Council. As we know Council voted to refuse. Now Council is being asked to support in principle the holiday accommodation / horse arena / restaurant / care takers dwelling and recreation room which is quite different to April.

Q1 As we have nothing to go on except the officers recommendations, do the Councillors have before them separate approvals for those businesses and have they been considered and debated, or will the proponent be given approval after having a consultant complete a few reports?

A1 The CEO responded that the original refusal of the application was appealed to SAT and as an outcome of the mediation proceeding, the Shire was asked to look at a revised concept plan. Mediation is confidential and not referred to the community. Permission was given from the applicant to advertise the concept plan. It is correct that the revised concept contains plans that are not included.

Q2 Do Councillors have separate approvals before them or the same concept dot point ?

A2 The CEO responded that Councillors have a revised concept plan.

Q3 As the restaurant, reception centre and recreation room were not dealt with in April and are a discretionary or SA use in the Agriculture Protection Policy Area, shouldn't they require advertising separately? In fact I didn't see a reception centre being allowed conditionally or otherwise in the Agriculture Protection Policy Area. How can Council give principle support to something that required advertising and has not been advertised to the public? What is in the SAT, the application you refused or a whole new approval in concept form?

A3 The CEO responded through the chair that should proceedings in SAT get to the point where applications are developed and the matter comes back to Council, it is her understanding that they should be advertised as they are discretionary uses. At this point in time it is an in principle approval being considered, not final.

3.4 SD021/10/10 Kathleen Williams – 119 Burke Road, Keysbrook

Q1 How will council police how long people stay at this accommodation? What is the zoning and what advantage will this be to the Serpentine Jarrahdale Shire? What rates will be paid and will it be on sewer? We are the next property downstream from this property. What is the target number of occupants? How many can be accommodated in the existing buildings? There are a number of ratepayers unable to attend tonight who are strongly opposed to this proposal.

A1 Director Development Services answered that under Town Planning Scheme 2 the property is zoned Rural. The Chief Executive Officer explained that the amount paid for rates is a personal matter. The property incurs the same rate

in the dollar as every other owner and if applied for, a farmland concession could be given.

Q2 Once accommodation is erected, what would the rates be?

A2 The Chief Executive Officer advised that this is dependent upon the decision of the Valuer General.

Q3 What advantage is it to the Shire?

A3 The Chief Executive Officer advised that this is not a question for her to answer. The Shire President advised that the matter is in the hands of the Valuer General, not the Shire.

3.5 Joe Stokman – 1409 Karnup Road

Q1 On 19 July 2010 the CEO received a letter, reference TPS/0005, from the Minister for Town Planning WA, which required a response from the CEO within 42 days. The letter set out amendments to the Council's requirements in relation to the sub-division of a property in Serpentine. Why did it take over 90 days before an answer was sent to the WA Planning Commission? Why did the answer request the Commission to reconsider the changes recommended?

A1 The CEO responded that the WA Planning Commission had requested the removal of 2 provisions from the Scheme Amendment, that was requested from Council. One was in relation to strategic fire breaks and the other on revegetation requirements. We take the protection of volunteer fire fighters and the community extremely seriously. We wanted the Minister to reconsider this decision, as this is against Council's request. Revegetation is required as the property is located in the Peel Harvey Catchment and is a requirement of State Government Policy to minimise nutrient export into the Peel Harvey estuary.

They are the same conditions applied to other Farmlot zones and the Shire is questioning why the State are not applying these conditions according to the adopted Statement of Planning Policy. These are serious matters that we have asked for reconsideration. The letter was not with the Chief Executive Office for 90 days.

It is apparent that the CEO does not want to sign the modified amendment as required by the Minister and I refer to the contents of an email sent from a senior staff member of the Shire in response to the question as to whether the documents had been signed, which reads as follows:

“No they haven't. Our CEO is not willing to sign the amended documents as she really isn't happy with the Ministers decision. I have prepared a subsequent memo to the CEO to explain that the Shire is required to sign the documents as per the regulations, regardless of the Ministers decision. I note that our CEO want to meet with the Ministers office to discuss this one. Once the memo is finalised the documents will be given back to the CEO, and will hopefully be signed. “

Q2 Why does the CEO not conform to the regulations and what gives the CEO the power to go against the regulations and the advice from your own senior staff?

A2 The Chief Executive Officer advised that she is not going against the advice of senior staff. It is her job to uphold the decisions made by this Council. This involves the protection of volunteer fire fighters, the community and the environment. If someone should be killed due to a poor planning decision, it can be demonstrated that the Shire have done everything possible to ensure their safety.

3.6 John Kirkpatrick – 77 Mead Street, Byford

In reply to a question on notice, it was stated that a new sports oval would be provided in Byford this year but no location was indicated.

Q1 Will the new facility have public toilets?

Q2 Will the new facility have changing rooms?

Q3 Will the new facility have street parking and have the residents in the locality been notified of the potential increase in traffic on a weekend, possibly up to an extra four hundred movements on the weekend?

I made a public statement at the September OCM about designing out crime. I am disappointed that no Councillor had enough interest to contact me about my concerns as if they were instructed to ignore me. As a result I wish to ask the following questions:

Q4 Will the Council as a matter of policy ensure the designing out crime policies and procedures are addressed in any future sub division approvals?

Q5 Will the Council look at the potential hazards in Macey Lane Byford with regard to designing out crime?

Q6 Given that the Council promotes walking and cycling, will the Council address the following location as a matter of urgency:

The completion, even as a temporary measure, of a dual use footpath on the southern side of Abernethy Road, from Thatcher Road to Warrington Road to enable pedestrians, cyclists, school students and the disabled to travel from the Glades to Byford Town Centre. This would join up with the path network already established in the Glades by the developer.

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

3.7 SD021/10/10 Paul Hadley – 10 Elliot Road, Keysbrook

Q1 In relation to the proposed development on Lot 250 Fisher Road, Keysbrook. Isn't it a waste of Council's time discussing and deciding on a vague concept plan before the technical issues of traffic, water supply, effluent and stormwater disposal and land capability have been researched and detailed by the proponents? A concept plan must be more than a pretty picture about a dream. Is the Council satisfied that this will be a well constructed and managed, financially durable, environmentally and socially acceptable development on rurally zoned land on a grandiose but fleeting light of fancy?

A1 Director Development Services responded that it is not a waste of time as this is a matter that is before the State Administrative Tribunal (SAT). The SAT has made an order that Council consider the revised concept plan submitted by the landowner. Council is required to consider this plan.

Q2 Isn't it almost pointless until the proponents have done research?

A2 Director Development Services advised that there is sufficient information available to enable Council to make an informed decision on the revised concept plan.

3.8 SD021/10/10 Alan Elliot – Elliot Road, Keysbrook

This proposal was rejected by the Shire and the community on a number of socially and environmentally points and has not been changed since its first presentation. The Councillors and in particular the south ward representatives, should be compelled to vote against this as it breaches Council development guidelines and is not supported by the community.

Q As this breaches Council guidelines will our south ward vote against it in line with community wishes?

The Shire President advised that this question would be taken on notice and a response issued in writing.

3.9 SD040/10/10 Rob Gibb – 40 Linton Street, Byford

Q Will there be one large sporting complex in the Shire or numerous smaller facilities throughout new subdivisions within the Shire?

A The Director Strategic Community Planning advised that as per Council's Community Facilities and Services Plan, services will be provided, however that level of detail has not yet been finalised.

Public question time ended at 7.29pm

4. PUBLIC STATEMENT TIME:

4.1 SD040/10/10 John Price – 106B Livesey Street, Mundijong

I would like to congratulate the Councillors, the CEO Ms Joanne Abbiss and the staff for your commitment to the Mundijong Structure Plan and the enormous body of work that you have completed to reach this point in time.

I am not going to make reference to the details of the plan because I have been involved in the process over several years. I would like to focus on the opportunities it provides. Some time ago I formed the view and expressed it, that here is an opportunity to do something far better for the present and future residents of Mundijong than has been done in the past elsewhere.

Mundijong was part of the Hocking Green towns study in the early nineties for obvious reasons. The reason people live is the green landscape. The challenge is to retain it as much as possible so that future residents will move here because they like what they see. Places to walk and ride, rest and think close to nature. Places to meet and be creative and feel that they belong to a community where you can make a difference. A town where employment can be a short bike ride away or at home.

So what does it take? It takes a vision that everyone is committed to. A vision to brand Mundijong as a “Sustainable Green Town.” It can be achieved if developers are brave enough to put aside self interest and consider the benefits of working together with Council and the people who live here.

Council needs to take the lead and I believe the framework in the Structure Plan can achieve it. We are fortunate that there are developers of large holdings who can work together to get the best possible outcome and set a high standard for Mundijong by sitting down with each other and asking the questions, how do we maintain native tress and vegetation, more than ten percent open space and the most environmentally friendly town. The benefits to everyone should be obvious. It's been done in other places.

In new developments in Perth, the blocks are smaller, the houses are bigger and there are no backyards. So basically I say to the developers, you have a choice, work together to aim for the best quality sustainable development of brand “Mundijong the Sustainable Green Town” or continue to do more of the same and risk being judged by the future as having chosen to fail for a short term reward.

4.2 John Kirkpatrick - 77 Mead Street, Byford

I find it disappointing that questions taken on notice, and I prefer my questions to be dealt with in this manner, do not seem to be answered in a timely manner. I have two questions not yet replied to from the August OCM and none of the questions from the September OCM have been replied to. This makes it difficult to ask a supplementary question if needed. I understand that there may be a need for legal advice but two months seems to be a bit unreasonable.

4.3 Jackie Marsh – 340 Lightbody Road, Mardella

Have all Councillors read an email that was sent highlighting a recent accident on Lightbody Road? Are Councillors aware that there was also a rollover on Lightbody Road not long ago which was witnessed by residents? Are Councillors aware that there have been recently been other impacts into trees which are evidenced by damaged vegetation and broken car parts and glass? Most of these accidents go unreported to police. Consequently, they will not show up in statistics supplied by Main Roads.

I must emphasis again a point that we have been making repeatedly.

- it is the residents who have the most exposure to the road
- it is the residents who have to deal with these accidents
- it is the residents who logically have the most understanding and knowledge of the safety issues on Lightbody Road.

Our knowledge of Lightbody Road's safety issues have been overlooked by Council in favour of providing convenience to non-resident landowners and motorists who

use the road as a rat race. Does this stance by Council act in the interests of a duty of care to community or fulfil a political agenda?

4.4 SD036/10/10 Neil Cumming – 62 Leaver Way, Cardup

This proposal is for a 60 metre by 20 metre roof on an arena. It is very difficult to site a 60 x 20 metre arena on most properties and we have put much thought and planning into the proposed site for this development. This site represents the most well screened site (by vegetation), is well removed from surrounding houses (further away from homes than all existing arenas on the street) and so will lead to less impact on homes that may arise from the arena. The 60 metre length fits into the paddock at the proposed site – if moved closer to the house it would result in the removal of vegetation and hence screening and as the paddock narrows to the south the arena would no longer fit into the paddock. To maintain comfort of our neighbour upon whose boundary we wish this development to be, the arena should be sited where proposed to maintain distance and screening. The arena cover is a roof, not walls and so the trees provide the perfect screen for it. If increased setbacks were called for there would be a removal of well established vegetation, the arena would be closer to both our home and the neighbour's home and would be visible to both, two paddocks would be impacted and hence use of the property severely impacted. The land comprising the setback would be wasted land and difficult to maintain. This land currently is heavy clay and very difficult to keep in condition. To place the arena roof in this site would have no impact on views and would enhance fire prevention as arenas provide nothing flammable and are an effective fire break.

EFFECT ON STREETScape CHARACTER AND AMENITY OF LOCALITY

The proposed roof on this arena is surrounded by vegetation – to the North by vegetation planted by us on the drain via our community group (there is a large buffer zone to the North) and to the South by well-established trees. These trees would screen it from the street and from the neighbour on the Western boundary whose home is to the South / South West of the site. An arena is in keeping with current use of land in our area and would increase the value of our home and hopefully have a beneficial knock-on effect to neighbouring property values. Using this proposed new arena would be better for the neighbour than the current arena, which is also on his boundary and much closer to his home.

VISUAL AMENITY OF NEIGHBOURING PROPERTIES

This arena is not visible from the neighbour's home in the proposed site. If it were a setback from the boundary it would necessitate removal of trees and would then have a visual impact on the neighbour to the West. The proposed site is close to the drain where all water currently naturally drains from our properties. We would however be prepared to install a rainwater tank to prevent some of this water from entering the drain and use it for irrigation. There would never be run off to a neighbour's property because the land falls to the drain. As indicated in previous statement we could consider a Colourbond roof if it were a condition of this proposal but feel it would be a shame. We have an Australian home with limestone walls and zincalume roof and out stable and shed roofs are all zincalume. Our neighbour has a substantially sized roof (visible on the attached aerial photograph) also of zincalume. It is in keeping with the history and character of the area.

STORMWATER

Currently all stormwater falls to the drain to the north of the properties. We are happy to install a rainwater tank and prevent some of this flow to use for irrigation. The four properties adjacent to and including our property do not have catchment dams, all

stormwater falling on the paddocks drain into the common drain. Should a 60m x 20m roof be placed on the property boundary, any water draining off this roof would be clean rainwater and thus should not have any adverse environmental effect in the common drain.

SUMMARY

This arena is not enclosed – it is a roof. The arena is in an isolated well-screened position and in that position has the least impact possible on any neighbour than in any other site. We are looking for assistance in progressing this application and to that end have agreed to catching water that currently runs straight into drain and using it for irrigation. We have agreed that the roof could be Colourbond although we think that would be a terrible shame as zincalume is much more in keeping with the character of our property – of which we are very proud and keep to a high standard. In regards to setbacks, we urge Council to consider that there are no walls involved here, that this arena is fire-retardant, that it is isolated because of that lack of setback and is also well screened only because of that lack of setback.

4.5 Clayton Oud – 301 Lightbody Road, Mardella

Recently I asked Councillors to take a drive down Lightbody Road and view the dust generated from the through traffic that insists on travelling on this road at speeds that would be excessive even on a sealed road of this nature. Judging by the feedback I have received it would seem that most Councillors have not taken the time to familiarise themselves with the issues concerning Lightbody Road as we seem to get the same old arguments that are inconsistent with the realities of travelling and living on the road.

You cannot keep stating that the Shire has many kilometres of unsealed roads throughout the Shire, when the bulk of these roads are forestry roads through state forest and water catchment areas and are little used and have trafficable speeds in the 40 to 50km/h range. Dust impact to homes located far from the road on the gravel sections of Balmoral Rd would be insignificant and the homes on Millar Road have the section in front of their homes sealed. Friends who live on Millars Road have stated to us that their road does not come anywhere near close to comparing to Lightbody Road in relation to its location in the road hierarchy as a through road. As much as it would be convenient for them to have their road sealed, it is their opinion that Lightbody's traffic usage and safety concerns are far greater than Millar Road and they cannot understand why for safety reasons Lightbody Road is still allowed to function as a through road without being sealed.

Another misconception is that road users just need to travel within the limitations of the road. The indisputable road traffic counter evidence is that 85th percentile speed of vehicles travelling on the road is 88km an hour. Realistically, the reality for those of us living on the road and using it constantly is that more often than not the vehicles we encounter are certainly not travelling well within the road limitations in terms of speed. This creates a very different road safety experience and you can't just stop or slow down and risk a rear end collision in the blinding dust.

To occasionally drive down Lightbody Road and have a pleasant drive is not grounds to disregard or override residents' experiences and knowledge of the road. If any Councillors should like to hear the opinions of some non residents road users who cannot recount to you some of their near misses with other road users on the road, I can supply you with contact details of a number of people willing to recount their experiences to you.

It is commonsense that gravel bush roads winding through the state forest water catchment areas in Jarrahdale cannot compare to Lightbody Road's location in the road hierarchy and its subsequent use as a through road. Lightbody Road is the shortest route for traffic from Serpentine to north bound traffic on the Kwinana Freeway, Rockingham and Kwinana. It is a short stretch of dirt road that is surrounded by a comprehensive network of sealed roads.

Providing a gravel road for use in the capacity that Lightbody Road is intended for by the Shire is nothing short of negligent. The excuse of "drivers ought to drive to the road conditions" is unacceptable. It has been well demonstrated that they don't – drivers feed off and onto metropolitan sealed roads from Lightbody Road and have difficulty adjusting their attitude or driving skills to cope with this. There is indisputable evidence to indicate this through official traffic counts and various submissions going back many years. The onus needs to be on the Shire, to provide a road of a standard to match the surrounding network of sealed roads which Lightbody Road is expected by the Council to be part of. Lightbody Road needs to be either sealed and left in the network of sealed roads or closed and taken out of that network.

Dust has always been an issue. In submissions going back to 2006 there have been statements about problems with the dust. Rod Dale's letter prior to the Safety Audit attributed his accident to dust and there have been three prior attempts by the works department at applying dust suppressant in the year 1999 and 2007 as well as an ineffective application last summer.

4.6 SD021/10/10 Kathleen Williams – 119 Dirk Road, Keysbrook

A number of ratepayers who could not attend tonight have spoken to me confirming their support in opposing this proposal. The revised proposal is for 24 accommodation buildings. What if more chalets were applied for? We are not convinced that the proponent is not planning to sell this accommodation. As was advertised on the internet, this would set a precedent for similar projects in what is a rural protection area.

4.7 SD021/10/10 Denyse Needham – 3345 South West Highway, Keysbrook

Regarding Lot 250 Fisher Road, I wish to make 2 points Councillors. When making your decision on this proposal, please give serious consideration to the fact that this land is in the Agricultural Protection Policy Area in the Rural Strategy and would have gone into the Agricultural Protection Zone in the Town Planning Scheme (TPS). The Conservation Zone and the Agricultural Protection Zone are both within the TPS and I guess it is the fault of previous Councils that only a few properties have taken up the opportunity to be put into these zones. I consider it failure of previous Councils over the last 2 decades for not selling the benefits of rezoning into the Agricultural Protection Zone or the Conservation Zone – after all it does have benefits because one is a 50% rate reduction.

However Councillors, the Agricultural Protection Policy Area was written into the strategy and the scheme to give added protection to farming as the primary land use and to protect it against land use conflict.

This proposal will most definitely create conflict between the working farms, which are only a couple of strands of wire away, and the tourists / investors / corporate

functions and whoever else comes to this place. It will most definitely be the beginning of fragmentation of the area and create another substantial settlement north of Keysbrook against your LPP's. Councillors, there were 14 perfectly good reasons for refusing this proposal in April. I don't see anything in the concept plan that addresses those 14 reasons to refuse.

My second point is you are being asked to give 'in principle support' but then the advice note says this is not binding. To give this proponent 'in principle support' is to give her the encouragement and belief that you are going to approve her development.

The previous councils I was involved with did not fall into the trap of giving 'in principle support' as it can get you into serious legal problems later on. Previous SJ Councils learned years ago not to give 'in principle support' unless they were very sure it was going to be approved. We took a lot of legal advice over the years and were advised strongly not to go down that path.

5. PETITIONS & DEPUTATIONS:

Cr Ellis presented a petition of 231 signatures requesting that the Shire object on their behalf to the Department of Child Protection property at 21 Brockwell Place, Oakford. The petition does not comply with the Shire's standing orders S3.6(1)(b) and S3.6(1)(d) as it has not been dated and has also been signed by people that are not landowners or residents of the Shire.

Moved Cr Harris, seconded Cr Geurds

That the petition be accepted and be dealt with by the Council at a subsequent meeting.

Cr Harris withdrew her motion as the petition does not comply with Standing Orders Local Law 2002 3.6(1)(b) and 3.6(1)(d).

Moved Cr Lowry, seconded Cr Hoyer

The petition not be accepted by Council as it does not comply with Council's Standing Orders.

CARRIED 7/2

Cr Geurds left the meeting at 7.52pm and returned at 7.55pm

6. PRESIDENT'S REPORT:

I have four good news stories to share with you this month.

First there was the popular Log Chop on Sunday 3rd October. About 4,000 people enjoyed the stalls, camel rides, wood chopping and music on the Jarrahdale Oval. The SJ Lions ran the show like clockwork and the weather was idyllic. Many community groups in Jarrahdale benefit from fundraising efforts at this event.

Next came the 350.org on 10/10/10, which saw planter boxes being distributed to every class in all the Shire schools. The planter boxes were filled with soil, and seedlings were given for the students to plant up loads of vegetables. Thanks to the team of volunteers and sponsors who provided money, goods, know how, muscle and organising power. Colleen Rankin, Cr Merri Harris and Councillor Christine Randall were amongst those who contributed so willingly to assist in reducing our carbon footprint on the planet.

Then on Friday 15th October, your Shire (along with Armadale and Gosnells) won the prestigious national Banksia Award for our environmental “Switch Your Thinking” program. I went with Cr Hart from Armadale to collect the award. It was presented with much pomp and ceremony in the Sydney Town Hall, complete with red carpet! I was mighty proud of our Shire. The trophy and the Award Book is in our front office if you’d like to have a look at it. Well done to Jason Menzies and to our Chris Portlock.

On the 20th Oct, I went to Byford Primary School for a very special event. Four of our year 7 students found my wallet in a carpark and handed it in to a local shop. I am so grateful to Rebecca Hart, Brianna Farkas, Monique Durban and Tiahna Wisdom for their honesty and integrity. A book is to be bought for the School library on behalf of the girls, containing an inscription with their names.

Well done Serpentine Jarrahdale – what a month !

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer declared an interest in common in item OCM021/10/10 as her residence was within the area of consultation and a member of her household made a submission.

Cr Buttfeld advised that under the Local Government Act 1995 she does not have an interest that she is required to declare in relation to this item OCM021/10/10. However she does wish it to be noted for the record that she does have family that live in the Keysbrook area and they have been consulted by the Shire, along with every other resident in the entire locality. This will not affect the way in which Cr Buttfeld votes on this matter.

Cr Harris declared an interest of impartiality in item SD040/10/10 as her brother owns property in the area. This will not affect the way in which Cr Harris votes on this matter.

Cr Lowry declared a financial interest in item SD040/10/10 as she owns property in the Mundijong Whitby area. Cr Lowry will leave the room when the item is discussed.

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

7.1 Ordinary Council Meeting – 28 September 2010

Moved Cr Harris, seconded Cr Buttfeld
The *attached (E10/4940)* minutes of the Ordinary Council Meeting held on 28 September 2010 be confirmed.
CARRIED 9/0

REPORTS OF COMMITTEES:**COUNCIL DECISION****Moved Cr Harris, seconded Cr Hoyer**

That Items SD038/10/10, SD036/10/10, SD039/10/10, OCM021/10/10, SD040/10/10 be discussed out of order whilst members of the gallery are present to hear the items.

CARRIED 9/0

SD038/10/10 REQUEST FOR RENEWAL OF PLANNING APPROVAL FOR PROPOSED EXPANSION AND REFURBISHMENT TO EXISTING SHOPPING CENTRE – LOT 22 (867) SOUTH WESTERN HIGHWAY, BYFORD (P00462/02)		
Proponent:	Dykstra Planning	In Brief Approval for expansion and refurbishment of the Byford Village Shopping Centre was issued on 15 November 2007. As the expansion and refurbishment had not substantially commenced within the required 2 year time frame, the approval was extended by Council in July 2009 for a further 12 month period, expiring 15 November 2010. As works have only recently commenced on site, the applicant seeks a further renewal. It is recommended that the term of the existing approval be extended for a further period of 12 months.
Owner:	Lenz Corporation Pty Ltd	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 September 2010	
Previously	SD005/07/09 SD019/08/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	28 July 2010
Lot Area:	5140m ²
L.A Zoning:	Commercial
MRS Zoning:	Urban
Byford Structure Plan:	Town Centre
Byford Town site Detailed Area Plan:	Town Centre
Draft Byford Town Centre Local Structure Plan:	Town Centre (Retail Core)

Background**Original Application (2007)**

At the Ordinary Council Meeting held 27 August 2007, Council resolved to approve the proposed expansion and refurbishment of the Byford Village Shopping Centre.

A copy of the locality plan, aerial photograph, site and elevation plans are with attachments marked SD038.1/10/10.

Subsequent Application - 2008

In October 2008, a new development application was lodged with Council for the expansion and refurbishment of the Byford Village Shopping Centre, reflecting an increased gross leasable floor area that was deemed necessary by the owner to make the project more economically viable.

At the Ordinary Council Meeting held 3 March 2009, Council resolved to defer a decision on this application for a period of six (6) months so that matters requiring clarification could be addressed prior to a decision being made. The matters for clarification related to:

- The Byford Town Centre Local Structure Plan (BTCLSP);
- Storm water Management; and
- Car parking.

Matters surrounding the BTCLSP are discussed later in this report, whereas the car parking and stormwater management issues have been addressed through subsequent approvals and the issuing of a building licence for the redevelopment. Since the deferral of this application, the applicant has not indicated any desire at this stage to proceed with the revised application.

Request for Renewal (2009)

As the planning approval from 2007 was due to expire on 15 November 2009, the applicant sought to renew this approval for a further 12 months. Council resolved to grant an extension to the 2007 approval for a period of 12 months, expiring 15 November 2010.

A copy of the current Form 2 Approval (2009) and the original Form 2 Approval (2007) is with attachment marked [SD038.2/10/10](#).

Current Request for Renewal (2010)

The planning approval from 2009 expires on 15 November 2010. The applicant has again requested that an extension to the approval be granted for a further 12 month period until 15 November 2011. To support this request, the applicant has provided the following justification:

“Since late 2008, the land owner has proceeded firstly, to meet all relevant conditions of the approval and subsequently, has applied for and been issued a building licence to enable redevelopment works to commence. A builder has been engaged, contracts awarded to relevant contractors and consultants and preliminary site works have commenced.

The extension would ensure works are substantially commenced as required by the approval and that until this stage is reached a current planning approval is in place over the land. An extension of the approval, in the manner proposed, would also result in the term of the approval to correlate with the term of the planning approval issued by the Western Australian Planning Commission (WAPC) for use of the railway reserve for car parking associated with the shopping centre. The WAPC approval was issued on 6 November 2009 for a period of 2 years”.

In response to a request to provide further justification to support the renewal of the approval, the applicant provided the following subsequent information:

“The single most significant cause of the delay has been the uncertainty over the future use of the Railway Reserve land brought about by Council’s designation of a train station over a portion of this land under the Byford Town Centre Local Structure Plan. Our submission seeking to have the approved car parking area recognised on the Structure Plan was effectively ignored. The effect of this is that the developer’s financial institution has granted finance approval subject to the future use of the railway reserve being clarified. The Public Transport Authority (PTA) has given assurances that there are no plans for a train station for at least the next 20 years and this has been conveyed to the bank. However, the fact the Structure Plan does not properly secure the car park for use by the shopping centre has jeopardised the project.

This notwithstanding, I am able to provide a construction programme prepared by the builder (Gavin Construction) which indicates the anticipated timeframe for works to be completed assuming finance is unconditionally approved. The program start date also makes it clear the landowner had every intention of having the re-development substantially commenced by this time”.

The construction programme as submitted indicates a number of key dates for certain milestones to be achieved. These include the following:

▪ PROJECT START DATE:	February 2010
▪ Demolition of car park east of George Street:	December 2010
▪ <u>Stage 1 works Commence:</u>	January 2011
▪ Footing for new IGA store poured:	January 2011
▪ Tilt panels erected:	February 2011
▪ Roofing & external elevations finished:	May 2011
▪ Stage 1 works complete:	July 2011
▪ <u>Stage 2 works commence:</u>	July 2011
▪ Roofing finished:	October 2011
▪ Internals finished:	October 2011
▪ Stage 2 works complete:	November 2011
▪ PROJECT COMPLETION DATE:	November 2011

This report provides Council with an opportunity to consider whether to grant an extension of time for the existing approval.

Sustainability Statement

Effect on Environment: The existing vegetation along the South Western Highway and Abernethy Road frontages of the site and the existing large gum tree in the forecourt are intended to be retained. The addition of some larger tree species in the beds along the street frontages is recommended for the purpose of providing shade to the car parking area and to improve the streetscape. Some of the existing large trees along the western side of the George Street road reserve and within the railway reserve have been retained as part of the development application for the car parking as approved by the WAPC.

Social – Quality of Life: The development will propose an extended range of retail and ancillary facilities in close proximity to new and existing residential areas in Byford. The development will also serve to consolidate existing development in the Town Centre and provide additional activity on the George Street frontage as is intended under the Byford Townsite Detailed Area Plan (DAP).

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Byford District Structure Plan (BDSP)

Draft BTCLSP
Byford Townsite DAP

Policy/Work Procedure Implications:

Local Planning Policy 19 (LPP19) and draft Amendment No.171 to TPS 2 provides guidance in respect of the permissibility of different land uses within the BDSP Area. LPP 31 – Byford Town Centre Design Guidelines (draft)

Financial Implications:

Possible financial implications to Council related to this application if the applicant seeks a review of the Council's decision by the State Administrative Tribunal (SAT) in the instance that an extension of time is not granted.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
NATURAL ENVIRONMENT					
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
	Integrated Water Cycle Management		16	Quantity	Promote and implement water conservation and reuse.
			18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.	
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.	
		23		Enforce the adoption of "better urban water management".	
BUILT ENVIRONMENT					
	Land Use Planning	2	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.	
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.	
		14		Encourage built form that positively contributes to streetscape amenity.	
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.	
		16		Enable built form that accommodates a range of business and family circumstances and needs.	
		23	Landscape	Protect the landscape and environmental values of natural reserves and areas from the impacts of development.	
		27	General	Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.	
	Infrastructure	40	Water	Promote, implement and celebrate best	

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			Management	practice integrated water cycle management.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
PEOPLE AND COMMUNITY				
	Wellbeing	3	Healthy	Enable the provision of a range of facilities and services for families and children.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.

Community Consultation

Community consultation was undertaken as part of the original application assessment process (2007 approval). Although it is open to Council to seek comment before making a decision, it is generally not considered necessary for an extension of time.

Comment

In considering the applicant's request for an extension of the time of the planning approval, the following matters are considered relevant:

- The statutory environment;
- The requirements of the BDSP;
- The current status of the BTCLSP; and
- The overall merits of extending the term of the current approval.

Statutory Environment

Clause 6.9 of Council's TPS 2 relates to the term of a planning approval and covers the issue of planning approval renewals. Clause 6.9 states the following:

"6.9 TERM OF PLANNING APPROVAL

6.9.1 *Where the Council grants approval, that approval:*

- shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and*
- lapses if the development has not substantially commenced before the*

expiration of that period.

6.9.2 *A written request may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in sub-clause 6.9.1 (a)."*

The applicant submitted a request for renewal on the 28 July 2010, thereby complying with the timeframe specified in clause 6.9.2 above. It is open to Council to consider an extension to the term of the existing planning approval.

BDSP

The BDSP was adopted by the Council in accordance with the provisions of clause 5.18.3.15 of TPS 2 on 22 August 2005 to provide a framework for the development of the Byford urban area. With respect to the Town Centre, the 'operative part' of the BDSP states:

"Town Centre requires the preparation and completion of a Local Structure Plan, complete with detailed area plans and design guidelines. The Local Structure Plan is to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the town centre".

The timing of the current request for renewal of planning approval, relevant to the preparation of a LSP for the Byford Town Centre (as per the operative part of the BDSP) is a relevant consideration for Council. This matter is further discussed below.

BTCLSP

To satisfy the requirements of the BDSP, a LSP has been prepared by Council for the Byford Town Centre area. The LSP has been adopted by Council though will require approval by the WAPC before it can be finally adopted by the Shire. It is anticipated that the LSP will be finally adopted in early 2011.

The purpose of the LSP is to set a framework for the future development of the Town Centre area. As part of the LSP, draft design guidelines have been prepared focussing on the built form environment of the Town Centre. A draft strategy has also been prepared to guide the future streetscape environment. These documents have been advertised and finalisation is pending further progression of the LSP through the statutory process.

The finalisation of the LSP and associated design guidelines and strategy are vital to the future development of the Town Centre. These documents will set the framework for how the Town Centre is to look and operate and will help to ensure that future development is compatible with the objectives and vision of the Council and the wider community.

Draft Byford Town Centre Design Guidelines (LPP 31)

Draft LPP 31 was advertised concurrently with the BTCLSP in late 2009 but has not yet been formally adopted by Council. Even though the policy is still in draft format and was prepared after the original approval was granted in 2007 and renewed in 2009, it is worthwhile considering how the approved redevelopment of the Byford Village Shopping Centre compiles with LPP 31.

Within the draft design guidelines, there are a number of general policy requirements that will apply to all development within the BTCLSP area. These general policy requirements cover the following areas:

- Building Envelope;
- Building Design;
- Streetscape; and
- Site Planning & Design.

An assessment of the previously approved development against the general policy requirements has not been undertaken as there are 130 policy requirements in total which cover the above four areas. It is considered more beneficial to assess the development against the draft design guidelines for the specific precinct area within which the subject site is located.

Under the design guidelines the subject site is identified as forming part of the 'Town Centre East Precinct'. Generally, this precinct comprises the areas around South Western Highway and the existing Abernethy Road railway crossing, whilst also including the existing Byford Town Centre. An assessment of the approved development against the draft design guidelines for the 'Town Centre East Precinct' is detailed in the table below.

Draft Design Guidelines Requirement	Provided	Comment
<u>Land Use</u>		
The following land uses are preferred in the Town Centre East Precinct: Retail; Office; Café; Civic Facilities; Showrooms and; Residential.	Retail; Shopping Centre; Fast Food/Takeaway;	Development complies.
<u>Building Height</u>		
The preferred building height is 1-2 storeys	Maximum 2 storeys.	Complies
<u>Setbacks</u>		
The maximum setback from the South Western Highway boundary is 3m to achieve a village style atmosphere	4m to South Western Highway from the closest shop. 14m to the IGA supermarket.	Does not Comply. By achieving a main street design along George Street, the on-site car parking has been located (and previously approved) along the South Western Highway frontage.
<u>Building Orientation</u>		
Active ground uses shall be provided to address South Western Highway, George Street and the transit station forecourt	The active ground uses address South Western Highway and George Street.	Complies
<u>Parking</u>		
No on-street parking should be provided on the South Western Highway	No on-street parking is provided.	Complies
On-street parking on George Street shall be parallel and shall be shared between uses	On-street parking on George Street is provided via 45 degree and 90 degree bays.	Does not comply.
Off street parking shall be placed perpendicular to the South Western Highway and George Street in between	Parking is provided facing South Western Highway, on George St and on the	Does not comply.

Draft Design Guidelines Requirement	Provided	Comment
developments to encourage shared parking	railway reserve.	
Parking in the rail reserve shall be shared between uses	Parking bays within the railway reserve can be utilised for other uses.	Complies
<i>Site Facilities</i>		
Site services to be internalised to minimise impacts and street level amenity	Services are internalised.	Complies
<i>View Corridors</i>		
Developments must respond and maintain the key view corridors as identified at diagram 25	Subject site is not affected by the view corridors as per diagram 25.	NA
The view corridors shall have a minimum width of 15m	See above comment	NA
The view corridors may be used as parking areas	See above comment	NA

Merits of extending the term of the existing approval

Each application needs to be considered on its individual merits. Council granted development approval in 2007 with a subsequent request lodged to extend the term of approval in 2009. This was supported by Council. A new request has recently been lodged to again extend the term of the approval for an additional 12 months. Each application needs to be considered against the strategic and statutory planning framework that exists now. In considering an extension of time, Council needs to consider what changes (if any) have occurred to the planning framework since the application was first determined and since the first extension to the planning approval was granted. The following is a list of the key changes that have occurred since the application was determined in 2007:

- A determination has been made by the WAPC on the proposed modification to the BDSP, requiring the preparation of a LSP for the Byford Town Centre;
- Considerable progress has been achieved with the preparation and adoption by Council of a LSP for the Byford Town Centre; and
- The Department of Water finalised the Byford Town site Drainage and Water Management Plan.
- WAPC have granted planning approval for a car park on the railway reserve.

Council needs to carefully consider whether the above-mentioned changes to the planning framework for the existing Byford Town Centre represent significant enough reasons to not extend the term of the approval. There is no obligation on Council to approve an extension to the term of the approval, only to make a determination on a written request from an applicant.

However, it must be noted that the above changes were flagged with Council when the previous request to extend the term of the approval was considered. It was determined by Council in 2009 that an extension to the approval for this development was distinguishable from other types of development applications that the Shire has previously considered or is likely to have to consider prior to the finalisation of the Town Centre LSP. The extension to the approval was therefore supported.

Compliance Issues

Over the past few months, a number of complaints have been received by the Shire, specifically in regard to the unsightly nature of the land including the rear of the shops abutting George Street and the railway reserve. These complaints are currently being investigated by Shire officers and discussions with the owner, enforcement action will be undertaken.

However, as no substantial works have commenced in the 3 years since approval was first granted, the unsightly land use issue needs to be addressed as a priority. It is open to Council as part of the resolution to advise the owner that a number of concerns exist with the unsightly nature of the land and that appropriate measures are to be put immediately to rectify the situation.

Options

There are primarily two (2) options available to Council, as follows:

- Extend the term of the existing approval for a defined period of time; or
- Not extend the term of the existing approval.

In the instance that Council resolves not extend the term of the existing approval, the approval would expire on 15 November 2010 and the project would cease. The landowner could not substantially complete the works in this time.

Conclusion

Each individual application needs to be carefully considered on its merits. The applicant has requested an extension of time to the existing approval for a number of reasons, including being able to substantially commence work on site at the earliest opportunity and also to tie in with the WAPC's approval for the car park within the rail reserve.

Since the modification to the BDSP to require the preparation of a LSP before any development within the Byford Town Centre, Council has clearly discouraged all significant development applications within the Town Centre until the BTCLSP has been finalised. Officers are of the opinion that that the renewal of the existing approval for this site is distinguishable from other types of development applications that the Shire has previously considered or is likely to have to consider prior to the finalisation of the BTCLSP.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council extend the term of the approval granted for Lot 22 (867) South Western Highway, Byford on 27 July 2009 for a further period of 12 months, expiring on 15 November 2011 as per the conditions included within *Attachment SD038.2/10/10*

SD038/10/10 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

A. That Council extend the term of the approval granted for Lot 22 (867) South Western Highway, Byford on 27 July 2009 for a further period of 12 months, expiring on 15 November 2011 as per the conditions included within *Attachment [SD038.2/10/10](#)*

B. The applicant be advised:

1. That Council is concerned with the existing unsightly nature of the site, specifically with respect to the inadequate disposal of rubbish and storage of building materials and potential breaches of the legislative requirements regarding health and safety issues.
2. That should remedial actions not be undertaken immediately to rectify this situation, Council may consider the commencement of legal action against the land owner.

CARRIED 8/1

Committee Note: The Officers Recommended Resolution was changed by adding part B.

Council Note: The Committee Recommended Resolution was changed by adding the word potential in part B 1.

SD036/10/10 PROPOSED COVERED HORSE ARENA – LOT 69 (62) LEAVER WAY, CARDUP (P01842/03)		
Proponent:	Neil & Wendy Cumming	In Brief The applicant seeks planning approval for development of a roof cover for a horse arena. It is recommended that the application be refused.
Owner:	As above	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 September 2010	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 24 May 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 1.99 hectares
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Date of Inspection: 16 September 2010

Background

An application has been lodged for the construction of a roofed cover to a proposed horse arena on Lot 69 Leaver Way, Cardup. The proposed structure is located outside the building envelope with reduced side and rear setbacks. The subject land contains an existing dwelling, shed and stable block all with zincalume roofs. The structure is proposed to be constructed entirely out of zincalume to be in keeping with existing buildings on the property.

The cover is proposed to be 20 metres wide and 60 metres long in size (1200m²) with a post height of 5 metres and an apex height of 7.13 metres. The covered arena which is proposed to be predominantly all open will be setback one (1) metre from the rear boundary and one metre (1) from the western neighbouring property. The applicant provided information that

the covered arena (for private rural use), will enable their horses, to be worked on in all weather conditions.

A location plan, aerial photograph, elevations and site plans are with the attachments marked [SD036.1/10/10](#).

Variations requested

The application seeks a variation with regards to the construction of a roofed arena located outside the building envelope with reduced rear and side setbacks.

Sustainability Statement

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	Yes. The subject lot contains mature remnant vegetation. Remnant vegetation on the site consists of several Eucalyptus rudis spread across the property.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No. The proposal will not result in the removal of any vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. A site visit confirmed that whilst the northern portion of the arena (being the long side of the arena) will be well screened by the existing mature and semi mature vegetation along the Water Corporation drain, vegetation screening cannot occur along the western neighbouring property boundary to reduce the visual impacts, due to the setback distance of 1 metre.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The proposed structure is not likely to be visible at all from the streetscape as it will be located just one metre from the rear boundary of the subject property. Existing trees along the Water Corporation drain are considered to provide adequate screening of the structure from the properties across this drain. The structure would have an adverse impact on the amenity of the adjoining landowner. A facility of this nature needs to be managed carefully to ensure that its operation does not adversely impact on the amenity of neighbouring properties (i.e. dust, odour, flies, and appearance).

Sustainable Element	Comment
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	<p>Yes. The site of this proposal to be located one metre from the western boundary is considered to have adverse visual impacts and associated drainage problems due to the size of the roof cover and its close proximity to the neighbours' paddocks. Management of storm water is considered very crucial and is likely to be an issue due to the one metre setback. The applicant provided additional information that they were prepared put in a rain water tank to capture stormwater, however, no size of the proposed water tank was specified.</p> <p>The applicant also indicated that painting the zincalume roof and use of colorbond material for the roof could be done if required, but stated that it was considered not their best option.</p>
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The applicant provided information that they were prepared to put in a rain water tank to capture storm water.

Statutory Environment:

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

Policy/Work Procedure Implications:

Local Planning Policy No.17 – *Residential and Incidental Development within Serpentine Jarrahdale Shire* (LPP 17)
Residential Design Codes (R-Codes)

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.

		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		14		Encourage built form that positively contributes to streetscape amenity.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.

Community Consultation

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. As a result of the advertising one (1) letter of no objection and one (1) letter of objection was received.

Affected Property	Summary of Submission	Officer Comment
A173326	Submitter has no objection to the proposed development provided water off roof is properly drained into gully at rear of property or into a tank.	Comments noted.
A173305	<p>Given the slope that exists with the proposed arena cover being 1 metre from the fence line (as there is a creek behind the fence) a significant retaining wall would need to be built to prevent material washing down into the creek.</p> <p>There are catchment dams on all the properties that border this creek with the intended purpose of filtering animal manures and associated nutrients from washing into the peel catchment area.</p> <p>I believe that the intended site is not suitable due to the environmental considerations mentioned above.</p> <p>As the property already has an arena, I don't understand why this isn't the logical site to be covered? Has anyone questioned why the existing arena isn't suitable?</p>	<p>There is an existing Water Corporation drain at the rear of the property. The application was referred to Water Corporation who in this report have viewed the plans. No drainage from the property is permitted to enter into the drain.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>The existing arena being located at the front of the property would be visible from the streetscape if it were to be covered.</p>

External Government Agency Comments

The application was referred to Water Corporation as the subject site abuts the Water Corporation drain. Their advice was as follows:

Drainage

The subject area falls within the Oaklands Drainage Catchment in the Mundijong Drainage District, which is a rural drainage system. The Oaklands Drain Sub – section K runs along the northern boundary of the subject land. Rural drains are not designated to give flood protection at all times and some inundation of land can be expected. The Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event – where contours and internal drainage makes this physically possible.

General comments

The building application will require Water Corporation Building Services approval prior to commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.

Planning Assessment:LPP 17

Table 3.1 contained within the LPP 17 stipulates setbacks for dwellings, outbuildings, swimming pools, water tanks and other incidental structures such as carports, patios, gazebos and verandas for example. Officers have considered the proposed structure as an ‘incidental structure’.

Policy Requirements

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
<u>Setbacks</u>	<u>Minimum</u>		
Primary Street	20 metres	160 metres	Complies
Rear	20 metres	1 metre	Variation – not supported
Side	10 metres	1 metre	Variation – not supported

Table 3.2 within LPP 17 specifies the maximum floor areas, wall height and roof heights for ‘outbuildings’. An ‘outbuilding’ under the R-Codes is defined as “an enclosed non habitable structure that is detached from any dwelling”. As the proposed cover for the horse arena is not enclosed, it is not defined as an ‘outbuilding’. As such the requirements under table 3.2 within LPP 17, relating to floor areas and maximum heights, cannot be applied to this application.

However, due regard still must be given to the impact that a structure with a proposed roof area of 1200m² will have on the surrounding locality.

COMMENTProposal

The applicant has submitted the following summary of the proposal:

- *We plan to erect a 60 metre by 20 metre arena cover at the aforementioned address. The arena cover will be no higher than a normal shed or stable typically found in the area so will not protrude above the height of other buildings in the surrounds, the highest point of the roof being approximately 7 metres.*

- *The cover will not be visible from the road or from neighbours' homes, but for one. The surrounding vegetation provides screening on most sides. The affected neighbour has approached me as regards my plans and welcomes such an equestrian facility in the area.*
- *An arena cannot fit into our building envelope and a full size arena is in fact often difficult to position on any property. We are fortunate that a full size arena fits conveniently on the site and that the reduced set back affects only one neighbour, the neighbour previously mentioned who has no objection to this development but looks forward to it.*
- *Such an equestrian facility raises the profile of the property and increases property value, a knock-on effect of this investment into our property should be felt beneficially by local home-owners, as with other increases in investment into our properties.*
- *We are prepared to put a rain water tank in to collect water from the roof of the arena.*
- *We are prepared to either paint or order the roof in colorbond if required. A note here that we would rather not as all buildings on our property have a zincalume roof and we would like it to be in keeping. We realise that it can be reflective initially but it fades very quickly and blends beautifully. Also there is limited visibility of the roof in question from anyone.*
- *We cannot re-site the proposed position of the arena without compromising well-established trees on our property. We do not wish to fell any of these trees and the lack of offset would affect only one neighbour who has verbally indicated his acceptance of the arena positioning to us.*

Previous Applications

Table 1 below show similar applications that have been lodged with the Shire since and the outcomes:

Property Address	Size of property	Size of Arena (m2)	Outcome	Date Approved
Lot 281 (Reserve 46398) Gossage Road, Cardup	3.5ha	25mx60m	Approved	25/05/09 (Council)
Lot 62 (102) Blair Road, Oakford	2.04ha	60mx20m	Approved	03/03/07 (Council)
Lot 13 Dairy Link, Mardella.	4.08 ha	60mx20m	Approved	16/03/10 (Council)

Records indicate that the Shire has three existing covered horse arenas listed above, all of which have been approved in recent times. Experience from these arenas indicates and identifies drainage issues (relating to stormwater collected from the roof) and visual amenity impacts as significant areas of concern that need to be adequately addressed and continuously monitored by the applicant. The size of arena covers requires that stormwater be suitably catered for on site to prevent direct discharge onto adjoining properties or into existing drainage lines. The applicant has submitted limited information to the Shire to adequately demonstrate how storm water from the proposed roofed structure will be catered for on site.

Officer Comment

In view of the information provided by the proponent, officers have considered that the measures, outlined by the proponent regarding stormwater management and reduction of visual impacts, to be unsatisfactory and inadequate at this stage. The applicants have not specified the capacity of the proposed rain water tank and therefore officers are unable to determine if it would have the capacity to capture and store water collected by the combined roof space on the property.

It is also considered that the location of the structure outside the building envelope with reduced side and rear setbacks of 1 metre (in lieu of 10 and 20 metres respectively) would result in adverse visual impacts and likely to affect the amenity of the neighbouring properties. In addition, a structure at only 1 metre from the respective boundaries may set a precedent for similar applications in the future.

Options for Council

There are two options available to Council in determining the application, namely:

1. to approve the application, subject to conditions; or
2. to refuse the application.

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

Conclusion

Horse arenas are common on most properties in keeping with the equestrian lifestyle in this locality. Whilst covering of arenas would enable horse riding activities to be carried out in all weather conditions, careful consideration has to be given to the general amenity issues and management of storm water. The proposal has been carefully considered on its individual merit and officers are of the view that it is likely to impact on the general amenity of neighbouring property owners. In addition, the applicant has not adequately demonstrated how stormwater will be managed on site. It is likely, therefore, to establish an undesirable precedent for other future applications in the Shire. Accordingly, refusal of the proposed development is recommended.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

The application for approval to commence development for the construction of a cover for a horse arena on Lot 69 Leaver Way, Cardup be refused for the following reasons:

1. The applicant has provided insufficient information and evidence to demonstrate that storm water runoff from the proposed structure can be adequately contained on site.
2. The proposed side and rear setbacks of 1.0 metre does not comply with the Shire's Local Planning Policy No.17 *Residential and Incidental Development within Serpentine Jarrahdale Shire* which stipulates a 10.0 metre side setback and 20.0 metre rear setback within the Special Rural zone.
3. The reduced side and rear setback of the proposal is considered to have an unacceptable level of visual impact on the adjoining neighbouring properties.
4. The proposal with a roof area of 1200m², constructed entirely out of zincalume, is considered to have an unacceptable level of visual impact on the adjoining neighbouring properties.

SD036/10/10 COUNCIL DECISION

Moved Cr Randall, seconded Cr Lowry

Council defer item SD036/10/10 and request that the item be referred back to Council.

CARRIED 6/3

Council Note: The officer recommendation was not supported at this time as Council require greater clarity with regard to setbacks and associated amenity and policy impacts.

During debate Cr Geurds foreshadowed that he would move the Officer Recommended Resolution if the motion under debate is defeated.

During debate Cr Hoyer foreshadowed that he would move the Officer Recommended Resolution if the motion under debate is defeated.

SD039/10/10 PROPOSED RADIO, TV AND COMMUNICATION INSTALLATION (MOBILE PHONE BASE STATION) – LOT 5076 THOMAS ROAD, DARLING DOWNS (P06031/01)		
Proponent:	Telstra	In Brief The applicant seeks approval to construct a 35 metre high mobile phone telecommunications monopole with associated equipment shelter and infrastructure. It is recommended that the application be conditionally approved.
Owner:	Wayne Marron	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	20 September 2010	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 8 June 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 3.76 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living B
 Date of Inspection: August 2010

Background

The proposed infrastructure at Lot 5076 Thomas Road, Darling Downs will introduce Telstra's WCDMA850 wireless network coverage in the areas of Darling Downs and Oakford. The applicant advises that the facility will provide 3GSM service availability and good call quality in the vicinity of the proposed site location, to users in this area currently experiencing little or no signal level on handset devices, particularly inside buildings and

those shadowed by undulating terrain. Coverage continuity will also be raised to motorists travelling along the Tonkin Highway in the area.

A copy of the location plan and aerial photograph is marked with attachments [SD039.1/10/10](#).

Sustainability Statement

Effect on Environment: The base station is to be located on a cleared area within a rural property. There will be no impacts on surrounding vegetation.

Resource Implications: Through the future co-location of other telecommunication carriers on the same monopole, the use of resources, the number of monopoles required and the area of land needed will all be reduced.

Social – Quality of Life: It is expected that the base station will improve the quality of life for residents in the Shire through upgrading the current digital mobile telephone service provided to the community. It is considered that the base station will not have any significant visual impacts on the community as the design and location of the monopole is considered to be the most acceptable for the subject property.

Social and Environmental Responsibility and Social Diversity: The application was referred to adjoining land owners within a 1 km radius of the proposed site for comment. The maximum electromagnetic energy (EME) output from the facility is 0.17% of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards.

Statutory Environment:

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

Policy/Work Procedure Implications:

Local Planning Policy No.3 – *Telecommunications Infrastructure Policy – Mobile Phone Towers/Monopoles* (LPP 3)
State Planning Policy No.2.1 – *The Peel-Harvey Coastal Plain Catchment* (SPP 2.1)
State Planning Policy No.5.2 – *Telecommunications Infrastructure* (SPP 5.2)

Financial Implications:

If the application is not supported by Council, then there may be financial implications to Council as a result of officer time spent dealing with an application for review before the State Administrative Tribunal (SAT) related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.
		14	Buildings	Encourage built form that positively contributes to streetscape amenity.
	Infrastructure	44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
SUSTAINABLE ECONOMIC GROWTH	Industry Assistance	25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.

GOVERNMENT AGENCY REFERRALS

Department of Water (DoW)

The proposal was referred to the DoW for comment as the subject site contains a Multiple Use Wetland and is located within the Peel-Harvey Coastal Plain Catchment Policy area. The DoW provided some general advice relating to groundwater abstraction and the Peel-Harvey Coastal Plain Catchment.

Department of Environment and Conservation (DEC)

The proposal was also referred to the DEC for comment for the same reasons as the DoW. The DoW advised that they have no objection to the proposal.

Department of Planning

As per the Western Australian Planning Commission's (WAPC's) Instrument of Delegation (gazetted 19 December 2008), any development on land that abuts a 'category 3' Primary Regional Road under the MRS is required to be referred to the Department of Planning for comment prior to being determined by the local government. As the subject site abuts a 'category 3' portion of the Tonkin Highway reservation, a referral to the Department of Planning was undertaken and they advised that they have no objection to the proposal.

City of Armadale

As the subject site abuts the City of Armadale boundary, the application was referred to them for comment. No comment was received.

COMMUNITY CONSULTATION

The application was referred to all eighty-five (85) landowners within a 1 kilometre radius of the proposed site. As a result of the advertising, one (1) letter of support and four (4) letters of objection were received.

As the submissions cover similar issues, these are summarised below. The applicant's response to each issue of objection is also provided, where required, together with relevant officer comments.

Summary of Support

The district and community will benefit greatly from this facility and will greatly improve the telecommunications services available in the area.

Summary of Objections

1) Purpose

- Is this tower being built for black spots on the Tonkin Highway or as a booster facility?

Officer Comment

- The proponent advises that the proposed tower is being built to provide reliable 3GSM coverage to users which currently experience little or no signal on handset devices.

2) Location

- Kellet Drive should be an industrial area not a rural area. We are stuck between the tip, the Tonkin Highway and now companies want to fill up the land with unsightly towers. Put it somewhere 'industrial' away from our home.
- Perhaps this structure could be relocated to a more suitable industrial zone rather than an incompatible rural zone.

Applicant's Response

- *The site will be part of Telstra's primary coverage network.*
- *A range of properties were investigated in the target area. The proposed location was the most suitable site across a range of Planning, design, servicing, and coverage requirements that need to be met while also having land owner consent. The proposed site is entirely consistent with Telecommunication Facilities in rural locations across WA and Australia.*
- *Telecommunications Infrastructure has comprehensively been established across Australia as compatible with Rural zoned land and land uses.*

Officer Comment

- The proposed telecommunications infrastructure is considered appropriate in this location given that the site does abut the Tonkin Highway reserve and the Hopkinson Road refuse site and well away from the nearest house (approximately 400 metres).
- An alternative location is not appropriate as this location has been chosen as the best site to improve coverage in the area.

3) Zoning & Land Use

- The proposal is certainly not in keeping with the special rural environment of the area.

Applicant's Response

- *The site is zoned for general Rural activities and Telecommunications Infrastructure is compatible with Rural zoned land and rural land uses.*

Officer Comment

- The proposed location of the facility complies with Council's LPP 3 which supports this type of infrastructure within the Rural zone, provided that it is not within the Landscape Protection policy area.

4) Social, Health & Property Impacts

- What are the maximum levels of electromagnetic radiation that we will be exposed to?
- There is a very high potential that our home structure and the cabling within it will, due to the significant power output of the tower, become a secondary antenna. This then gives rise to health issues associated with cancer clusters, sleep disorders and the like.
- Towers and monopoles in such a rural style populated area in the Shire impacts negatively on landowners.
- A structure such as this would negate property values significantly and collectively impact with a certain degree on property depreciation.
- A tower such as the one proposed can have an effect of up to \$100,000 on the sale value of my property. Who is responsible for compensating me for this loss?
- I currently have a 500m buffer zone on my property due to the refuse facility. Am I now to assume that I will have another item on my land title with regards to a mobile phone tower?
- Prospective purchasers would no doubt be put off by the tip, the Tonkin Highway and now a 35 metre high mobile phone tower emitting magnetic radiation.
- The proposed equipment shelter poses an invitation to graffiti and vandalism, which is a growing problem in this area.

Applicant's Response

- *EME outputs for the site are stated in the EME report attached to the development application. These levels are significantly below the ARPANSA standards.*
- *Land values are not a Planning matter and not within the scope of assessment.*
- *A notice or memorial on title is not required for a Telecommunications tower.*
- *Telstra has a graffiti management plan which it implements to manage graffiti of its facilities.*

Officer Comment

- The applicant's comments are supported. The EME report attached to the Development Application (and referred for comment) demonstrates that the EME when the site is operating at maximum output is 0.17% of the Australian ARPANSA standards at 159 metres from the site.
- Notices and memorials will not be included on the title of adjoining landowners.

5) Power Supply

- The power usage of this proposed structure is a concern as particularly during summer we often experience power outages and disruptions.
- What exactly is the power ranges for this facility?
- Will a substation be required to power this facility?
- Will the power draw affect those residents on the east side of the Tonkin Highway?

Applicant's Response

- *Connection to power and regularity of power supply is subject to Western Power approval and management. Queries regarding impact on services should be directed to Western Power.*
- *It is assumed that by power range that the comment is referring to EME output. The EME output is stated in the EME report attached to the application.*

Officer Comment

- The applicant's comments are supported. The EME report attached to the Development Application demonstrates that the EME level from the site varies between 0.0071% and 0.17% of the Australian ARPANSA standards.

6) Environmental

- Whilst Telstra believes scattered vegetation provides some screening a 35 metre high tower is still visible and no amount of vegetation is going to hide this.

Applicant's Response

- *Existing scattered vegetation as stated in the Development Application only helps to screen the compound at the base of the tower.*

Officer Comment

- The proposed vegetation is to screen the equipment shelter only. It is acknowledged that vegetation won't screen a 35 metre high monopole.
- To assist with the screening, it is recommended that the proposed fenced compound be setback a minimum of 10 metres from the western property boundary to allow for additional revegetation between the compound and the Tonkin Highway reserve. This requirement is included within the officers recommendation.

7) Safety Issues

- Fire issues are also a factor, considering there have been at least three fires at the Hopkinson Road refuse facility. Should a fire affect this structure, what is the EMR exposure in an incidence such as this?

Applicant's Response

- *If the site (which is provided with fire breaks) does burn down, the tower will cease operating and there will be no EME emitted from the facility.*

Officer Comment

- The application was referred to the Shire's Emergency Services Risk Coordinator for comment who indicated support for the proposal. There are no relevant fire issues that need to be addressed with respect to this application.

COMMENT

Proposal

The proposal involves the installation of a 35 metre high telecommunications monopole with a triangular headframe and equipment shelter. Three current and six future panel antennas are to be installed on the structure. These panel antennas will be located at a centre line height of 35 metres. At ground level, the proposal will require the construction of a standard telecommunications equipment shelter in a fenced compound.

A copy of the development plans are with attachments marked [SD039.2/10/10](#).

In terms of visual impact, the monopole is located adjacent to the Tonkin Highway Road reserve but has an effective set back of approximately 50 metres from the carriageway due to the width of the reserve. Scattered vegetation on the northern portion of the lot and the

western side of the site provide some limited screening of the base of the structure which minimises the visual impact of the facility.

The site is also immediately adjacent to the southern boundary of the City of Armadale landfill facility on Hopkinson Road. Thus the site is located in the remote corner of a rural lot adjacent to a regional road reservation and a landfill site.

Statutory Environment

TPS 2

The subject site is zoned 'Rural' under the Shire's TPS 2. Under TPS 2, the proposed use is deemed to fall under the definition of 'Radio, TV and Communication Installation', as follows:

"means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include communications antennae domestic"

This proposed use is identified as a discretionary 'AA' use under TPS 2 which means that it may be considered by Council.

The general purpose and intent of the 'Rural' zone, as detailed under TPS 2 is to "allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area".

It is considered that the proposal will not significantly reduce the value of the land for rural and agricultural purposes or impact to an unreasonable degree on the character or amenity of the area. As such, the proposal is considered to be consistent with the purpose and intent of the 'Rural' zone.

LPP3 - Telecommunications Infrastructure Policy - Mobile Phone Towers/Monopoles

Under the Shire's LPP3, section 2(a) states:

"Towers/monopoles should be located in the General Industry, Light Industry, Showroom/Warehouse (Highway Commercial, Town Centre, Mixed Business zone(s) - as identified in the draft Byford Structure Plan) and Rural zone (excluding Landscape Protection Policy Area Overlay of Councils Rural Strategy), and not in any other zone(s) listed in the Zoning Table of Town Planning Scheme No.2; as is the opinion of Council such land use/development in these zone(s) would have prospect for adverse environmental, visual, heritage impact which is not in the public/community interest and/or meet long term sustainable strategic planning objectives".

The proposed location of the monopole, within the 'Rural' zone, compiles with the above requirement.

SPP 5.2 – Telecommunications Infrastructure

Statement of Planning Policy No.5.2 was developed by the WAPC to provide guiding principles for the location, siting and design of telecommunications infrastructure. The provisions under the policy include:

- Providing an effective and efficient mobile telephone network that meets the communication needs of the community;

- Designing telecommunication towers to minimise the visual impact on the character and amenity of the local environment;
- Locating telecommunication towers in rural areas and outside any identified conservation areas; and
- Enabling the co-location of telecommunication facilities.

In accordance with the WAPC's SPP 5.2, the proposal is:

- Part of a co-ordinated approach to the planning and development of telecommunications infrastructure;
- Located and designed to meet the needs of the local community;
- Located within a rural area and outside an identified conservation reserve;
- Sited and designed to minimise impact on the local environment; and
- Upgrading provision and reliability of Telstra's mobile phone service in the surrounding area.

It is considered that the proposal is consistent with the objectives of SPP 5.2.

Regulation and Monitoring of Radio Frequency EME

The following information is provided by the ARPANSA:

“Radio frequency EME is the transfer of energy by radio waves and is transmitted by mobile phone base stations, broadcast towers and radar facilities. The Australian Communication Authority (ACA) sets limits for exposure from mobile phone base stations to protect public health, and all mobile base stations must comply with these limits. The ACA's public exposure limit is 200 microwatts per square centimetre and this is at least 50 times below a level of exposure to EMR which is known to have adverse health effects on the human body. This level is also consistent with World Health Organisation guidelines.

The exposure levels of EMR around mobile phone base stations are less than 0.1 per cent of the ACA limit, and in most locations are less than television or radio signals measured in the same place. Evidence gathered by ARPANSA suggest that exposure levels in public areas are so far below the exposure limit set by the ACA that EME emissions from mobile phone base stations have no implication for health”.

The Department of Health has also issued a statement saying:

“Mobile phone towers radiate only small amounts of power over wide areas, resulting in very low intensities at ground level. Measurements made recently near a tower in Melbourne were reported to be below the public exposure limit set by Standards Australia by at least 250 times. The weight of scientific opinion is that harmful effects should not be expected from these small amounts of radiation. Current research tends to confirm this to be the case. The International Commission on Non-Ionizing Radiation Protection states that the research studies “do not form a basis for hazard assessments of exposure to Radio frequency fields, neither can they be used for setting quantitative restrictions on human exposure”.

Given that any health and/or social impacts resulting from the EME emitted from the site are considered negligible, the proposed facility is supported.

Options

1. To grant approval for the development.

2. To refuse to grant approval for the development and give reasons for the decision.

Conclusion

Telstra's network is strategically planned and co-ordinated to ensure the best possible coverage is provided with minimal need for new towers. The proposed facility is part of Telstra's strategic plan for improving mobile telecommunications in rural locations, servicing both the local community and visitors to the area. It will provide improved telecommunications services, leading to improved convenience and safety for residents, travellers and visitors in the Shire.

The proposed facility complies with LPP 3 and is considered to be compatible on the subject site and with the surrounding area, especially given that two sides of the property are bound by the Tonkin Highway reserve and the Hopkinson Road refuse site. With respect to human health, impacts are considered to be negligible given that the maximum EME level from the facility is 0.17% of the ARPANSA standards.

Voting Requirements: Simple Majority

SD039/10/10 COUNCIL DECISION / Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Ellis

That the proposed Radio, TV and Communication Installation (Mobile Phone Base Station) on Lot 5076 Thomas Road, Darling Downs be approved subject to the following conditions:

1. **Development shall be in accordance with the plans attached to and forming part of this approval (dwg no. W106665) except as otherwise required by a condition of this approval. Any additional development, which is not in accordance with these plans, will require further approval from the Shire.**
2. **The fenced compound is to be setback a minimum of 10 metres from the western property boundary.**
3. **Crossover to be constructed in accordance with the Serpentine Jarrahdale Shire standard industrial crossover specifications to the satisfaction of the Director Engineering.**
4. **All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust to the satisfaction of the Director Engineering.**
5. **Stormwater drainage to be controlled on site to the satisfaction of the Director Engineering.**
6. **A Landscape Management Plan, for the purposes of screening the equipment shelter, shall be submitted to the Shire and approved prior to the commencement of site works.**
7. **Once approved, the Landscape Management Plan is to be implemented in its entirety within 12 months after the construction of the Telecommunications Infrastructure and thereafter maintained to the satisfaction of the Director Strategic Community Planning.**

8. Upon decommissioning the Telecommunications Infrastructure, the infrastructure shall be removed and the site reinstated to its original condition at the cost of the proponent.
9. The Telecommunications Infrastructure is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council’s Health Services for setbacks and requirements to other systems.

Advice Note:

The applicant is advised of the requirement to comply with the specifications of the Civil Aviation Safety Authority.

CARRIED 5/4

COUNCIL DECISION

Moved Cr Buttfield, seconded Cr Harris

That the meeting be closed to members of the public at 8.41pm to allow Council to discuss item OCM021/10/10 as the matter concerns information of a confidential nature in accordance with Local Government Act 1995 s5.23(2)(d).

CARRIED 9/0

OCM021/10/10		CONFIDENTIAL ITEM – REQUEST FOR IN PRINCIPLE SUPPORT FOR PROPOSED HOLIDAY ACCOMMODATION, RURAL USE (HORSE AGISTMENT), RESTAURANT, RECEPTION CENTRE, CARETAKER’S DWELLING AND USE NOT LISTED (RECREATION ROOM) - LOT 250 FISHER ROAD, KEYSBROOK (P02745/01)
Proponent:	Greg Rowe & Associates	In Brief The applicant lodged an application for review with the State Administrative Tribunal against the previous refusal for the proposed Caravan Park and Holiday Accommodation on Lot 250 Fisher Road, Keysbrook. A revised proposal is now presented to Council for ‘In Principle’ support.
Owner:	K Wilson & H Rendell	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	26 August 2010	
Previously	SD128/04/10	
Disclosure of Interest	The Chief Executive Officer declares an interest in common in item OCM021/10/10 as her residence was within the area of consultation and a member of her household made a submission.	
Delegation	Council	

Officer Recommended Resolution:

That Council, in accordance with clause 6.5 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, supports in principle the concept for the proposed Holiday Accommodation, Rural Use (Horse Agistment), Restaurant, Reception Centre, Caretaker’s

Dwelling and Use Not Listed (Recreation Room) at Lot 250 Fisher Road, Keysbrook subject to the following:

1. A Traffic Impact Assessment for the proposed development being prepared to the satisfaction of the Shire and Main Roads WA;
2. A report being prepared by a suitably qualified consultant that demonstrates the following to the satisfaction of the Director Development Services:
 - a) That an adequate supply of potable water can be provided to the land to cater for the proposed development;
 - b) That the land can suitably cater for effluent disposal from the proposed development; and
 - c) How stormwater will be disposed of from the proposed development.
3. A land capability assessment being prepared to demonstrate that the proposed equestrian and agistment facility is environmentally sustainable on the subject property.

Advice Notes:

1. In accordance with clause 6.5.2 of the Shire's Town Planning Scheme No.2, the applicant is advised that any 'in principle' support shall not in any way bind the Council or fetter its discretion when making a formal determination on the proposal.

Cr Ellis and Director Engineering left the meeting at 9.21pm and returned at 9.23pm.

OCM021/10/10 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Buttfeld, seconded Cr Harris

That Council, in accordance with clause 6.5 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, does not support in principle the concept for the proposed Holiday Accommodation, Rural Use (Horse Agistment), Restaurant, Reception Centre, Caretaker's Dwelling And Use Not Listed (Recreation Room) at Lot 250 Fisher Road, Keysbrook for the following reasons:

1. **The proposed use of the property for Holiday Accommodation does not comply with the purpose and intent of the Rural zone as provided for by Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 as follows:**

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

The proposed Holiday Accommodation, including 24 accommodation units, is not considered to be a rural pursuit or associated with a rural pursuit.

2. **The proposal fails to demonstrate compliance with the objectives of State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment.**
3. **The proposed development is not consistent with State Planning Policy 3 Urban Growth and Settlement as it is isolated from the existing Keysbrook town site.**
4. **The proposed development is contrary to the Shire's planning objectives of ensuring that development maximises the use of existing services and infrastructures, in particular at existing towns and villages.**
5. **The proposal fails to demonstrate compliance with the Shire's desire to see drainage systems catering for storm water retention and removal of nutrients, including the Dirk Brook.**

6. The proposed development is contrary to the objective of the Agricultural Protection Policy area, which seeks to ensure that productive agricultural enterprise remains the primary land use.
7. The proposed development is contrary to the objective of supporting and protecting agricultural and horticultural industries, as it would result in increased pressure for fragmentation of land to other uses.
8. The proposed development has the potential to have a detrimental impact on the existing Keysbrook town site.
9. The proposal fails to demonstrate that potential impacts on the Dirk Brook will be minimised.
10. The proposed development, which includes 24 accommodation units, a restaurant a reception centre and a Use Not Listed (Recreation Room) is considered to represent over development of the site.
11. The proposed land use is considered detrimental to the amenity of the occupiers of adjacent properties and the surrounding locality by reason of the visual amenity impacts that will arise from the proposed use of the land.
12. The proposal has the potential to compromise the landscape environment of the locality and the district.
13. The proponent has submitted insufficient information detailing how the proposed development will impact on the surrounding road network and the intersection with the South Western Highway. Specifically, the proponent has not prepared a Traffic Impact Assessment as required by Main Roads WA to allow for the traffic impacts associated with the development to be fully assessed.
14. The proponent has failed to demonstrate how effluent disposal and storm water management will be addressed.

CARRIED 7/2

Cr Hoyer voted against the motion

Council Note: The item was not supported as the proposed development is considered to be incompatible with the Rural zone, represents overdevelopment of the site and potentially impacts on the surrounding locality and the occupiers of adjacent properties.

During debate Cr Hoyer foreshadowed that he would move the Officers Recommended Resolution if the motion under debate is defeated.

COUNCIL DECISION

Moved Cr Harris, seconded Cr Hoyer

The meeting was re-opened to the public at 9.20pm.

CARRIED 9/0

Director Development Services left the meeting at 9.23pm and returned at 9.25pm.

SD040/10/10 CONSIDERATION OF MUNDIJONG-WHITBY DISTRICT STRUCTURE PLAN FOR ADOPTION SUBJECT TO MODIFICATIONS (A0858)		
Officer:	Louise Howells – Senior Planner - Projects	In Brief The Mundijong-Whitby District Structure Plan (MWDSP) has been advertised and a review of submissions has been undertaken. A number of modifications are proposed as a result of matters raised within the submissions. It is recommended that Council determine the MWDSP is adopted subject to modifications, pursuant to Clause 5.18.3.7(a) of Town Planning Scheme No.2.
Senior Officer:	S van Aswegen - Director Strategic Community Planning	
Date of Report	1 September 2010	
Previously	OCM038/05/10 SCM16/12/09 SD69/11/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Mundijong-Whitby District Structure Plan (DSP) has been prepared to provide overall guidance to the structure, vision and objectives identified for the future planning and development of Mundijong/Whitby. It is designed to establish the overall development theme and address major district-wide issues in order to facilitate efficient and coordinated development in a manner that delivers the objectives and vision identified.

The DSP by its nature is not intended to address detailed planning and design matters but to provide the context for which these matters can be appropriately dealt with as part of further more detailed planning design.

The draft DSP was prepared and considered at a Council Meeting on 24 May 2010, where Council resolved as follows:

- A. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No.2 Council determines that the Draft Mundijong-Whitby District Structure Plan is satisfactory for advertising.
- B. Subject to (A), in the advertising, Council invites comment on the proposed Draft District Structure Plan for a period of 42 days by way of:
 - (1) A notice being placed in a local newspaper circulating within the district;
 - (2) A notice being placed in the Shire's Administration Centre and Library;
 - (3) A notice being placed on the Shire's internet website;
 - (4) A letter being sent to all landowners within the District Structure Plan Area;
 - (5) A letter being sent to all surrounding landowners that are considered to be affected by the proposed District Structure Plan;
 - (6) A letter being sent to all relevant state government agencies; and
 - (7) A letter being sent to all community groups in the Shire's database.

Sustainability Statement

A Sustainability Strategy has been prepared as part of the District Structure Plan which identifies a number of sustainability criteria to be addressed. The Sustainability Strategy includes the following objectives:

1. Protect and enhance significant natural areas and their buffers, including those ecological linkage values along railroads, roads and scenic highways.
2. Preserve the “leafy green” character of the structure plan area including its scenic values, viewsapes and landscapes.
3. Protect and enhance wetlands, waterways and catchments through appropriate management of water quality and maintenance of hydrology as part of land use change and development.
4. Create a distinctive and responsive built form that enhances the sense of place, community identity and character of Mundijong-Whitby.
5. Reduce reliance on vehicles by creating a pedestrian-oriented community and providing for alternative modes of transport.
6. Reduce consumption of non-renewable resources via climate responsive design, efficient use of energy and water and increased use of renewable energy.
7. Create a strong employment base which provides for locally available infrastructure and services.
8. Create a vibrant and attractive place that offers a range of lifestyle choices and liveable environment, supporting a safe, healthy and active community.

Effect on Environment: The District Structure Plan incorporates the following planning principles to guide decision making:

1. The natural environment will be protected, repaired, enhances and respected within the urban context.
2. Urban development will promote green power initiatives.
3. The total water cycle will be sustainably repaired, maintained and enhanced.
4. Feasible water cycle management approaches will be promoted.
5. Existing landform must be respected and maintained and be utilized to enhance the built environment.

Resource Implications: There will be a cost associated with the Shire’s need to maintain multiple use corridors and other infrastructure.

Use of Local, renewable or recycled Resources: The DSP attempts to minimise resources within the Shire through the requirement of various strategies relating to water resources and climate responsive design at future stages of planning and development.

Economic Viability: The DSP seeks to retain the land in private ownership, providing opportunities for services and infrastructure to be delivered and maintained by the private sector and therefore minimising demands on the Shire.

Economic Benefits: The DSP provides for economic benefits to the community which will include employment generation (through the retail and other commercial activities that will be drawn to the area).

Social – Quality of Life: The DSP improves the quality of life for the community through being sensitive to the various community values and principles that are held dear to the community.

Social and Environmental Responsibility: The DSP requires that significant vegetation is maintained and indicates the possible realignment of the freight rail removing the barrier between either side of the DSP area which may have a significant social impact.

Social Diversity: The DSP seeks to provide a high level of diversity of housing types and lot sizes.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 – Clause 9.3(a)
Local Planning Policy 19 (LPP 19)
Local Planning Policy 29 (LPP 29)

Following a Council resolution to adopt the District Structure Plan, the District Structure Plan will be sent to the Western Australian Planning Commission to make a determination. Pursuant to Clause 5.18.3.13 of TPS 2, if the Commission requires modifications to the Structure Plan the Commission is to consult with the local government prior to making its determination. As soon as practicable after receiving notice of approval of the Proposed Structure Plan by the Commission, the local government is to finally adopt the Proposed Local Structure Plan.

Policy/Work Procedure

Implications:

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
State Planning Policy 2.9 - Better Urban Water Management Framework (2008)
State Planning Policy 3.0 – Urban Growth and Settlement
State Planning Policy 3.1 – Residential Design Codes
State Planning Policy 4.2 - Activity Centres for Perth and Peel
State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning
Local Planning Policy No. 6 – Water Sensitive Design
Local Planning Policy No. 8 – Landscape Protection
Local Planning Policy No. 9 Multiple Use Trails
Local Planning Policy No. 16 – Paterson Street Design Guidelines
Local Planning Policy No. 22 – Water Sensitive Urban Design
Local Planning Policy No. 26 – Biodiversity Planning
Local Planning Policy No. 29 – Mundijong-Whitby Planning Framework
Local Planning Policy No. 30 – Mineral Sands Extraction

Financial Implications:

A Deed of Agreement for the DSP is substantially progressed. The Deed of Agreement is an agreement between the Shire and the landowners for the landowners to fund the finalisation of the DSP.

Strategic Implications:

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

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.

		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		10	Manage	Promote and develop appropriate tourism, recreation and educational opportunities.
		11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		21	Education	Facilitate a range of educational initiatives to improve integrated water cycle management.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	Climate Change	26	Research	Identify where knowledge gaps are and where further investigation is needed.
		27		Ensure climate change research is understandable and accessible to a range of stakeholders.
		28		Ensure that accurate data and risk assessments of the impacts of climate change inform plans and decisions.
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
	Energy	34	Production	Keep abreast of advances in renewable technology.
		35		Demonstrate, facilitate and promote the use of renewable energy technologies within the Shire.
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.

		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	Infrastructure	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.

		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the provision of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
		59		Interact with professional and industry bodies to keep abreast of best practice.
		60		Establish, implement and maintain effective developer contribution schemes.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
SUSTAINABLE GROWTH	ECONOMIC			
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		9		Develop and maintain our heritage assets to encourage visitors.
		15	Education	Facilitate shire based life long learning and training opportunities, particularly those aligned to our local industries.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries
	Industry Assistance	20	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.

		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.
		23		Undertake strategic Shire projects to stimulate local economies.
		24		Enter into partnership and joint venture projects that are mutually beneficial.
		25	Infrastructure	Advance the development of transport, technology and utilities infrastructure.
		28	Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
		29		Foster the creation of a range of business start-up and traineeship opportunities.
PEOPLE AND COMMUNITY				
	Wellbeing	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
		10		Understand and respond to the needs of our youth.
		13	Safe	Achieve a high level of community safety
	Relationships	16	Encourage	Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community's capacity to create vibrant places through activities and events.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		38		Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.

		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
OUR COUNCIL AT WORK				
	Leadership	3		Our structure, processes, systems and policies are based on the “keep it simple” principle.
		15		The Shire will set policy direction in the best interests of the community.
		26	Society, community and environmental responsibility	The Shire is focused on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	34	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
		35		Evaluate performance against recognised standards and best practice and make improvements.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		37		Create a culture where communication of achievement and performance is actively promoted.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		39		Projects and goals are realistic and resourced.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery

		59	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
		65		Strive to continually improve customer satisfaction and stakeholder relationships.
	Process Management, Improvement and Innovation	92	Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.

Community Consultation:

The draft DSP was advertised for public comment for 42 days, concluding on 12 July 2010. A range of submissions were received from private landowners, major development proponents, and government agencies. A schedule of submissions is attached detailing submissions received and a recommended action in response to each submission.

A draft District Structure Plan map with proposed modifications is with the attachments marked [SD040.1/10/10](#).

The schedule of submissions is with the attachments to the agenda marked [SD040.2/10/10](#) (E10/3642).

Issues raised within attachments to submissions and responses provided are with the attachments to the agenda marked [SD040.3/10/10](#).

Comment:

A total of 45 submissions were received ranging from the standard submission form and brief letters through to comprehensive submissions with many attachments. A number of submissions were representing essentially the same interest in that they addressed the same items and were prepared by consultants on behalf of landowners and/or a combination of the both.

In considering the 45 submissions received, a total of 33 principal queries or issues have been identified. Simple observations, minor items or comments of support have not been included in the issues identification.

The 33 summary issues are listed below. The number of times the issue was raised has also been noted.

- Increase in density at a specific site requested (4)
- The Council needs to prepare Local Structure Plans in fragmented precincts as soon as possible (4)
- More guidance to allocation of Public Open Space should be provided at the District Structure Plan stage (1)
- Development contributions need to be finalised as soon as possible (2)
- District Structure Plan areas should be extended/modified to incorporate land currently outside the District Structure Plan area (6)
- The location of primary schools or the number of schools provided are queried (5)
- The alignment of a district road is queried (5)
- The need for design/landscape guidelines and/or management plans is queried (7)
- Third pipe system is questioned (6)
- Provision of specific density percentage targets is questioned (3)

- Queries in relation to the service corridor (4)
- Query over a specific District Structure Plan objective (2)
- General objection to any urban development (4)
- Concern over the impact of the proposed freight rail realignment on special rural properties south west of Mundijong-Whitby (2)
- Purpose and/or alignment of a multiple use corridor link questioned (3)
- Objection to proposed new town centre - Mundijong to be retained as the new town centre (3)
- Queries over approach in District Structure Plan to calculation of what will comprise 10% POS contribution (2)
- Updated transport study required (1)
- Greater consistency between District Structure Plan and local bio-diversity strategy required (3)
- Objection to specification of fill with a specific phosphorus retention index of 70% (2)
- Query over foreshore management plan requirement (1)
- Query over Parks and Recreation reservation and Bush Forever boundaries shown on District Structure Plan which has recently been subject to a negotiated planning solution with Western Australian Planning Commission (1)
- Objection to proposed TAFE site (1)
- Objection to application of Local Planning Policy 8 within the District Structure Plan area (1)
- Queries over the location of access points on the south west highway (2)
- Queries re requirement for 70% of all landscaping to comprise local native plant species (4)
- Refers to a proposal to reclassify some CCW wetlands and the need for this to be recognised in District Structure Plan (1)
- Request Enquiry by Design plan be deleted in favour of District Structure Plan from Council website (1)
- Request District Structure Plan to include standards pertaining to bushfires and emergency services (1)
- Request lower residential density throughout District Structure Plan area (1)
- Concern re lack of sporting facilities in District Structure Plan area (1)
- Concern over proximity of existing Cardup landfill site to District Structure Plan area (1)
- Request security and clarity be provided in reference to ongoing use of land within the District Structure Plan area (1)

The top 5 issues identified were as follows:

1. The need for design/landscape guidelines and/or management plans.
2. The requirement for a third pipe system.
3. The request that the District Structure Plan area should be extended/modified.
4. The alignment of a district road.
5. The requirement for or location of primary schools.

The detailed responses to submissions contained in the schedule of submissions provides commentary to support a recommendation in response to submissions either to modify the DSP or not. As a result of these considerations the following recommended modifications to the DSP documentation have been identified. These are listed in order of identification in response to submissions raised and do not necessarily reflect an order of priority.

- 1. Delete the district road link between Mundijong Road and Adams Street in Mundijong (Precinct F).**

The DSP proposed a district Road Link between Mundijong Road and Adams Street to encourage retail and commercial development to occur down Whitby Road and create a main street with retail and commercial frontage along both sides and facilitate a link to the Mundijong centre however as no public transport route will utilise this link the necessity for this short proposed District link is proposed to be deleted from the DSP.

2. Reword DSP Part 2, section 4.1.3 to make it explicit that all state planning policies must be complied with.

Concern was raised regarding no mention of a particular State Planning Policy. A large range of State Policies apply to the DSP and only a few are specifically detailed within the DSP where they are of particular relevance. Whilst all State Planning Policies are intended to need to be complied with, it is noted that this could be more explicitly worded within the DSP.

3. Modify Part 1 clause 7.5.3.9 of the DSP to refer to noise mitigation matters to be addressed in accordance with appropriate policy requirements at the Local Structure Plan stage.

Appropriate noise mitigation methods will be required for those urban areas located within proximity to Tonkin Highway and, in accordance with the WAPC's SPP 5.4 a noise acoustic study may need to be undertaken to determine appropriate mitigation measures. The clause currently requires the need to address any service corridor buffer.

4. Modify the DSP to provide greater clarity and guidance for matters to be addressed within and the structure of built form and landscape design guidelines required in Local Structure Plans.

A number of submissions raised concern in regard to the requirement for built form and landscape design guidelines at Local Structure Plan stage. It is appropriate that urban and landscape design guidelines be required at LSP stage, however, greater guidance could be provided as to what these should address as part of the DSP.

The content of the guidelines prepared at the LSP stage needs to be sufficient to convey the design and landscape intent, without being overly prescriptive. It would be reasonable to assume that more detailed Building Design Guidelines and Restrictive Covenants would be prepared at the subdivision stage, which would be administered directly by the developer. Such Building Design Guidelines and Restrictive Covenant would effectively expand upon the design guidelines prepared at the LSP stage. However, because detailed Building Design Guidelines are not always prepared at the subdivision stage, it is important that the Built Form and Landscape Design Guidelines prepared at the LSP stage are able to provide sufficient guidance for designers in the absence of any developer-administered detailed Building Design Guidelines.

The following structure for Built Form and Landscape Design Guidelines are to convey the design and landscape intent at the LSP stage:

Building Form Design Guidelines

Development character

- Provide a statement describing the overall intended character of development
- Identify a suite of guiding principles

Development forms

- Identify indicative character precincts and the range of development typologies that might be associated with each precinct

- Identify indicative setbacks, locations on lots, and relationships to the street for each development typology
- Identify the general approach to on-site parking for each development typology
-

General building characteristics

- Provide a statement on the degree of articulation of walls and the predominant materials (such as red brick and horizontal boarding)
- Provide a statement on preferred roof forms and materials
- Provide a statement on the location and proportions of openings
- Provide a statement on the use of verandahs, balconies and other external spaces to articulate buildings and manage solar ingress
- Provide a statement on the location of ancillary elements (such as mechanical plant, rainwater tanks, etc)
- Identify a suite of design principles to encourage environmental and resource conservation.

Precinct specific building characteristics

- Identify any exceptions to the above general characteristics for precincts where a specific character is desired.

Landscape Design Guidelines

Landscape character

- Provide a statement describing the overall intended landscape character(s)
- Identify a suite of guiding principles

Landscape themes

- Identify an appropriate range of landscape themes for streets of different roles and scales
- Identify an appropriate range of landscape themes for different parks types
- Identify an appropriate landscape theme(s) for riparian corridors
- Identify an appropriate landscape theme(s) for small urban spaces (such as piazzas and courtyards)
- Identify an appropriate landscape theme(s) for private gardens adjacent to streets and other public areas.

General landscape characteristics

- Provide a statement on preferred fencing types by either street type or building type
- Provide a statement on enhancing safety and surveillance through the use of landscape design
- Provide a statement on encouraging environmental and resource conservation through landscape design
- Identify a list of preferred plant species
- Provide a statement on the intended quality and durability of landscape materials and elements.

5. Modify District Structure Plan clauses relating to provision of a third pipe system to require planning and design to make allowance for the possible future provision of a possible third pipe system should investigations support installation of such a third pipe system and insert requirement for Precincts B, D and F.

The Draft DSP states that a third pipe system is to be installed. As this approach is currently under investigation, requiring its installation prior to the completion of the

investigation is premature. In the eventuality that the investigation supports installation of a third pipe system, the opportunity for such a system could be protected in the interim by provision being made to accommodate future installation in the planning and design of LSP's and subdivision. This should be applicable to all precincts.

- 6. Modify the sustainability strategy, specifically clause 3.1.3 to provide more flexibility by requiring landscape plans within Local Structure Plans to primarily include local native planting for public spaces, streetscapes and wildlife corridors. Water wise plants which are adapted to local soils and climate should be encouraged.**

The Draft DSP required the provision of at least 70% local native planting. Concern was raised in submission in relation to the availability of sufficient seed stock. A great diversity of local native species are available, but often only grown at a commercial scale if requested – therefore, sufficient quantities should be available if sufficiently planned for. Nevertheless guaranteeing such a supply may be difficult. On this basis it is suggested the Sustainability Strategy 3.1.3 e) be modified to provide more flexibility by requiring landscape plans within local structure plans to primarily include local native planting for public spaces, streetscapes and also wildlife corridors and also to refer to PS03 Landscape and Vegetation to provide further guidance in regard to the Shire's expectations.

- 7. Correct errors in various Figures within the DSP documentation and various textual errors.**

There are number of minor errors within the text and figures that need to be corrected.

- 8. Modify clause 6.3.3 in part 1 of the DSP to more accurately reflect relevant Liveable Neighbourhoods Public Open Space elements.**

Concern was raised that this clause does not accurately reflect Liveable Neighbourhoods (LN). It is therefore proposed to be modified to ensure consistency with LN.

- 9. Modify clause 6.3.4 in part 1 of the DSP to state “locally significant natural areas identified under the Shire of Serpentine Jarrahdale local bio-diversity strategy shall be protected from subdivision and development where possible and may be included within the 10% public open space contribution.”**

Concern was raised in regard to the outright requirement for protection of all remnant vegetation from subdivision or development. As some remnant vegetation may require removal the clause should refer to locally significant natural areas being retained where possible.

- 10. Modify the DSP to require a 70% Phosphorus Retention Index for fill to be used for active Public Open Space areas.**

Concerns were raised in regard to the requirement for 70% Phosphorous Retention Index for imported fill. It is considered there is opportunity to achieve the target of 70% PRI where extensive nutrient application will eventuate post development such as in turfed active POS areas. The DSP should be modified to require this target to be met at such areas.

- 11. Include Figure 6 within the DSP documentation.**

Figure 6 was inadvertently left out of the draft DSP.

12. Modify the DSP to reflect a negotiated planning solution for Bush Forever Site 354.

A small portion of Bush Forever Site was removed as part of a negotiated planning solution with the Department of Planning in September 2006. The Bush Forever site is to be amended to reflect the amended boundary of the Bush Forever site.

13. Modify the DSP to co-locate the proposed high school and Precinct A to abutt southern most primary school within Precinct A.

A submission was received proposing to relocate the High School within Precinct A to co-locate it with the southernmost primary school within Precinct A. The co-location of Primary Schools and High Schools is supported due to the ability to share facilities.

14. Insert clarification within the DSP as to what management plans are required and at what stage, including the need for a visual landscape assessment.

Clarification on the requirement of management plans and the stage they are required was sought in submissions.

Greater clarification is proposed to be included in the DSP to detail the following:

Local Structure Plans are required to include a Landscaping Masterplan and Landscape Survey including a visual landscape assessment. A Landscaping and Vegetation Management Plan will be required at subdivision Stage.

Where development is proposed near wetlands, a Wetland Management Strategy is required at Local Structure Plan stage and a Wetland Management Plan in accordance with DEC Guidelines is required at subdivision stage.

A level 2 flora and fauna survey is required at Local Structure Plan stage. Where the clearing of native and remnant vegetation is proposed a flora and fauna management plan may be required at subdivision stage.

15. Modify the DSP to note the identification of site for the purposes of a “possible future” TAFE campus “approximately” 10 hectares in area with provision to be acknowledged that should the possible TAFE site not be required by government then an amendment to the DSP to remove it’s designation should follow.

The DTWD have advised Shire Officers that it would prefer that the TAFE be noted as a possible future TAFE site.

The DSP be modified to note (changes in bold): the identification of a site for the purposes of a possible future Technical and Further Education (TAFE) campus of approximately 10ha within proximity to the future District Centre. The following criteria shall apply in determining the final location of a possible TAFE site within a Local Structure Plan:

- Adjacent to a Neighbourhood Connector Road.
- Within 800m of a proposed transport node.
- Within 800m of the proposed District Centre.

Should it be identified in the future that the site is not required to be provided for a TAFE, an Amendment to any Local Structure Plan is to be considered to remove the requirement for a TAFE site. Any decision to remove the possible TAFE site should be

undertaken in consultation with the Shire and the Department of Training and Workforce Development.

16. Modify the DSP to delete the requirement for larger lots within the landscape protection areas identified in Local Planning Policy 8.

The requirement for large lots in landscape protection areas is contrary to the need to achieve greater density in accordance with Directions 2031. It is therefore proposed that this requirement is deleted.

17. Modify the District Structure Plan by deleting the alternative passenger rail alignment and proposed District Road between Norman Road and proposed Bishop Road extension from the District Structure Plan plan and modify the text accordingly.

An alternative rail spur option was initially included in the EbD plan as it was thought it would be more environmentally acceptable and was included in the DSP on this basis. Subsequent investigations have confirmed it is possible to accommodate a passenger rail station with minimal environmental impact within the existing railway reservation, while the proposed spur has the potential to have a significant environmental impact at its northern end. On this basis it is considered the alternate spur option is now unnecessary and can be deleted. In doing so the DSP should be modified to extend the passenger line further to the south and include appropriate words to ensure appropriate planning and design of the Town Centre to address land use and interface with the possible Transit precinct is addressed at LSP stage.

18. Modifying the DSP by extending the passenger rail alignment within the rail reserve further south to achieve better proximity to the proposed District Centre.

See above comment for point 17.

19. Insert requirement for Local Structure Plan in Precinct A to address need to provide for a future Transit Precinct including Park and Ride.

See above comment for point 17.

20. Include information within the DSP to detail the priority of roads crossing the railway reserve.

A submission has raised concern in regard to the ability for all the level crossings across the railway line to achieve support from all relevant agencies. The ability to achieve additional crossings may not be able to be achieved and the removal of additional crossings is likely to be necessary to achieve higher priority crossing locations. The DSP should identify the priority of roads crossing the railway reserve.

21. Modifying the DSP by shifting the District Centre towards the rail reserve.

To achieve better proximity to the possible future train station and due to the removal of the spur line, it is proposed to shift the District Centre westwards towards the rail reserve.

22. Modify the Part 1 clauses in the DSP that relate to preparation of Local Structure Plans or which provide for the Council and/or Western Australian Planning Commission to require further information to make the clauses less arbitrary and to provide the opportunity for negotiation between proponents and agencies.

The DSP should state that Local Structure Plans should be prepared 'generally' in accordance with the requirements of the DSP. Furthermore, additional information not identified within the DSP may be where requested if 'reasonably' required.

23. Modify the DSP to include updated information provided by servicing agencies in submissions.

Further information in regard to future servicing of the area has been provide during advertising period and should be included within the DSP.

24. Modify the DSP to include reference to relevant matters in the recently gazetted Western Australian Planning Commission Activity Centres Policy.

The draft DSP was prepared prior to the gazettal of the Western Australian Planning Commission Activity Centres Policy. The DSP should be updated to include relevant matters within this documentation.

25. Possible location of the Pump Station and buffer to be depicted on DSP in general location provided in Water Corp submission.

Water Corp has provided a possible location for the future Pump Station which should be depicted in the DSP.

26. Inclusion of 'Significant' in front of 'native vegetation' in item 3.2 point 5.

Offsets should only be required for significant native vegetation and not all native vegetation. It is therefore proposed that item 3.2 point 5 is amended to refer to significant native vegetation.

27. Include reference within DSP that residential components of mixed use sites will require contribution to POS.

The Department of Planning have requested inclusion of statement that all residential components of mixed use sites will require contribution to POS.

28. Amend DSP to clearly identify Conservation Areas and separate into areas of Conservation Category Wetland and Bush Forever.

Concern was raised over the lack of clarity as to what is a Conservation Area in the DSP. The plan should be amended to provide more clarity as well as separately identify Bush Forever Sites and Conservation Category Wetlands.

Further modifications have been identified, though are not a result of submissions:

29. Amend DSP to reflect recent inclusion of additional Parks and Recreation sites within the MRS.

A number of sites have been recently included as Parks and Recreation within the MRS and these should be depicted within the DSP.

30. Inclusion of more references to revegetation as well as retention of existing vegetation.

Whilst the retention of existing vegetation is considered very important, the revegetation of existing vegetation is a high priority within the Shire and the DSP Part 2 should provide a greater emphasis on the need for revegetation.

31. Modify the DSP to locate the Primary School site within Precinct G further north.

The primary school should be shifted slightly north.

32. Removal of cadastral boundaries and removal of scale bar on the DSP.

To emphasise the indicative nature of the DSP, cadastral boundaries and the scale bar are proposed to be removed. The plan should not be scaled off and the ultimate alignment of roads and multiple use corridors should be determined at Local Structure Plan stage.

33. Multiple Use Corridor in DSP legend to include statement ‘Location, size and dimensions to be determined at Local Structure Plan stage’.

Multiple Use Corridors are very indicative and the inclusion of this statement will assist with making this clear.

34. Inserting into Part One Precinct B, D, E, F and G requirement to provide appropriate interface to Bush Forever.

Precincts B, D, E, F, G abut a portion of Bush forever sites and should also be required to provide appropriate interface.

Traffic Modelling

Regional traffic modelling is currently being undertaken by the Shire in conjunction with Main Roads. An update to the traffic modelling provided in the DSP will be required to include the latest traffic modelling. It is not envisaged that the traffic modelling will have an impact to the proposed district road layout within the DSP though landowners will need to ensure that Local Structure Plan traffic modelling is based on the latest regional data.

Implementation Strategy

An Implementation Strategy is being prepared which will identify a number of key implementation items including the following:

Possible Freight Rail Realignment

A meeting was held on 12 March 2010 with the Department of Planning, Department of Transport, Main Roads WA, Shire of Serpentine Jarrahdale officers and the Shire's transport engineer in attendance. The meeting was requested by the Shire of Serpentine-Jarrahdale to discuss the possibility of moving the Cockburn - South West freight rail line from its current alignment to a new alignment immediately west of the proposed Tonkin Highway extension. This would remove the freight operations component of the rail system from the Mundijong town centre and the surrounding area that has been rezoned urban in the MRS. The creation of a new alignment that runs along the eastern boundary of the proposed West Mundijong strategic industrial area presents the opportunity to develop an intermodal terminal in this area.

The meeting identified the following actions:

1. Shire of Serpentine-Jarrahdale to write to the Chairman of the WAPC, setting out the Council's position and formally requesting the Commission's assistance with the proposal.
2. MRWA, DoT and Shire to provide DoP with details on why the proposal should proceed, issues associated with the realignment and other relevant information. (It was noted that the PTA provided several points for consideration prior to the meeting.)
3. DoP to put together a report for consideration by the WAPC at the earliest convenient meeting date. This will need to be circulated back to the group for comment prior to finalisation. The report will need to suggest an appropriate course of action, and funding needs, to enable further work to be undertaken.
4. Organisations to give consideration to any funding sources that might be available for this project. (In this regard, the Shire indicated it may speak to local land developers regarding a possible contribution to a study. DoP noted the possibility of a conflict of interest with land developers funding the study.)

Following the meeting the Shire took a report to a Special Council Meeting on 7 May 2010 where Council resolved to endorse a letter to the Chairman of the Western Australian Planning Commission, setting out Serpentine Jarrahdale Shire's position and formally requesting the Commission's assistance with the proposal to realign the freight railway.

Accompanying the letter to the Commission was a Business Case for the Freight Rail Relocation with details on why the proposal should proceed, issues associated with the realignment and other relevant information. The Business Case included the following conclusions:

1. The cost of relocating the railway will be in the order of \$20M. Subject to risk management assessment, various road/rail grade separation costs, particularly with respect to Tonkin Highway, can make relocation of the railway cost neutral, cost positive or cost negative.
2. Delaying rail relocation until after Tonkin Highway is constructed will result in the abandonment of \$20M worth of works at the existing rail route under the new Tonkin Highway.

Realignment of the railway should therefore be programmed to be before or at the same time as the Tonkin Highway construction.

3. Option 2 – Rail Relocation has the following benefits compared to Option 1 – Rail Retention:
 - a) It could provide the opportunity for an intermodal terminal to be developed adjacent to the realigned rail corridor. A terminal in this area is supported from a strategic freight perspective and would support the proposed future industrial development currently being investigated by the Department of Planning.
 - b) Lesser cost of land – currently zoned Rural.
 - c) Certainty that the District Centre will be able to be developed and effectively service the catchment.
 - d) Avoidance of future conflicts between rail and road users and political pressures as a result of this conflict.
 - e) Avoidance of significant safety/emergency access issues due to limited east/west crossings.
 - f) Significantly reduced noise impact on urban development.

- g) Assist in avoiding pressure from landowners whose land is constrained from developing in earlier stages due to the location of the freight line.
4. Relocation could provide the opportunity for an intermodal terminal to be developed adjacent to the realigned rail corridor serving the proposed future industrial development currently being investigated by the Department of Planning

Following the above information being provided to the Department of Planning, a report went to the WAPC Infrastructure Coordinating Committee (ICC) meeting on 9th June on the West Mundijong proposal and also a similar issue at South Bullsbrook. The ICC endorsed the need for work to occur on both projects. A budget of \$100,000 was allocated to the two projects for 2010/11. No decision was made on how that funding might be used or how it might be split between the projects. The Shire will need to continuously liaise with the relevant departments to ensure that investigations into the realignment of freight rail continues to progress.

Passenger Rail Extension

Initial discussions have been undertaken with the Public Transport Authority to discuss the possibility of passenger rail being extended to Mundijong-Whitby. The Public Transport Authority has advised that there are currently 20 new stations proposed within the Perth Metropolitan Area and the cost of extending passenger rail to Mundijong-Whitby is likely to be in the realm of \$80,000. The Public Transport Authority advised that with the growth of Armadale Centre as a key attractor of employment this may strengthen the need for passenger rail to be extended to Mundijong-Whitby, though the Shire will need to prepare a strong business case to justify the cost of extending the passenger rail. The PTA also recommended that the Shire await the release of their 20yr public transport vision.

The Shire is currently proposing to engage id Forecast to undertake a review of population projections. The current population projections do not take into account the future development of Mundijong-Whitby. Once population projections have been updated the updated data can be utilised to prepare a business case for the extension of passenger rail.

Industrial Land – West Mundijong

The Shire of Serpentine Jarrahdale, and the Department of Planning (Industrial Land Strategy 2010) have identified a portion of land west of Mundijong as possible future industrial land.

The Mundijong West Industrial Site is proposed to accommodate integrated rail, transport and an industrial estate to support the growing needs of Mundijong and the Serpentine Jarrahdale Shire and ensure the long term prosperity of the region. The proposed realignment of the freight line will ensure accessibility to the Wheatbelt in the south, Rockingham/Kwinana Industrial Hub and will integrate effectively with existing and future rail infrastructure. This will support the provision of industrial development by providing an integrated and cost effective services corridor for road, rail and utility services from the existing industrial area, the Wheatbelt, Rockingham/Kwinana Industrial Hub and Perth CBD.

Funding has been made available through budgetary allocation and a grant from Royalties for Regions. The Shire is currently in the process of engaging a consultant to undertake initial feasibility investigations.

Developer Contribution Plans

Two Developer Contributions Plans will be progressed by the Shire to guide provision of Traditional Infrastructure and Community Facilities. The role of Developer Contribution Plans is to ensure the equitable distribution of common infrastructure costs between developers and landowners. The Landowners and the Community will be able to participate in this process and further information will be provided in due course.

Conclusion

The Shire have worked in a collaborative process with the community, developers, government agencies to achieve a plan that sets the framework for a sustainable community that embraces and enhances the character of Mundijong.

The DSP provides for the possible relocation of freight railway, provision of future passenger rail, retention of significant vegetation, provision of green links, possible inclusion of a third pipe system, and the requirement for quality landscape and built form development that encourages resource conservation. It promotes high density development within walkable catchments of transport and centres and sets a suite of sustainability criteria through the sustainability strategy.

Effective implementation through continuous liaison with government agencies and ongoing relationships with the community and developers will be required to ensure that the vision and objectives are achieved on the ground.

It is recommended that Council adopt the DSP subject to modifications to enable the plan to provide a framework and strategic vision for the future development of the Mundijong-Whitby area.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.2/10/10* and endorses the Shire staff responses to these submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.4/10/10* subject to the modifications outlined in *Attachment SD040.5/10/10* being made.
- C. Following compliance with part B of Council's resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
 1. A summary of all submissions and comments received by the Shire in respect of the draft Mundijong-Whitby District Structure Plan, and Council's decisions or comments in relation to these.
 2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Mundijong-Whitby District Structure Plan, with modifications.
 3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Mundijong-Whitby District Structure Plan.
- D. Advises all persons and parties who made a submission on the draft Mundijong-Whitby District Structure Plan of its resolution.

Committee Recommended Resolution:

Moved Cr Twine seconded Cr Hoyer

That the item be deferred to the October Ordinary Council Meeting.

LOST 1/6

Committee Note: The Committee raised a number of concerns and would like to receive a supplementary report at the October Ordinary Council Meeting. Items requiring modification or clarification are:

- Road alignment treatment
- Amend the wording of Modification No. 5 in Attachment SD040.5/10/10
- Paterson St Guidelines
- Monitoring provisions for water quality
- Remove the words “*where possible*” from Modification No. 9 in Attachment SD 040.5/10/10
- Replace the words “*Mundijong Rd*” with “*Paterson St*” in Modification No. 1 in Attachment SD040.5/10/10

Supplementary Report

This supplementary report details proposed modifications and provides clarification on a number of items raised at the Sustainable Development Committee Meeting.

Clarification of errors

The following errors are contained within the officer’s report and Schedule of submissions. The errors within the officer’s report should be noted and the Schedule of Modifications has been amended.

1. Point 1 reference to Mundijong Road in the officer’s report and the Schedule of Modifications should refer to ‘Paterson Street’ and not ‘Mundijong Road’
2. The reference to \$80,000 under Passenger Rail Extension within the officer’s report should read \$80,000,000.

Third Pipe

Whilst it is acknowledged that due to the current status of investigations into alternative water reuse it is premature to require third pipe, it should be noted that the Shire is still committed to investigating alternative sources of water as detailed within section 13.0 of the District Structure Plan report.

Therefore, in addition to proposed modification 5 within the officers report, the following should be noted:

The Shire is committed to investigating alternative sources of water and not applying the business as usual approach. Consideration of alternative water reuse is currently under investigation.

Should investigations support the installation of a third pipe system, developments will be required to include a third pipe system.

Amendment to Schedule of Submissions regarding Paterson Street Guidelines

As part of the Implementation of the District Structure Plan the Paterson Street Guidelines may need to be amended or replaced. This is due to the need for a Local Structure Plan and Centres Plan to be prepared over the same area. The provision of too many documents covering an area may result in conflicting requirements and confusion. Furthermore, the District Structure Plan indicates the intention of concentrating retail development around Whitby Street to allow retail development to occur on both sides of a road. This is more conducive to achieving a walkable, pedestrian oriented town centre, though conflicts with the Paterson Street Guidelines.

Whilst there may be a need to amend or replace the Paterson Street Guidelines it is acknowledged that a large amount of work has gone into the preparation of these guidelines. The Policy provides a framework for the beautification of Paterson Street and contains guidelines to ensure the heritage character is protected and enhanced. This should not be lost in any amendment or replacement of the Paterson Street Guidelines.

Reference to the Paterson Street Guidelines within the Schedule of Submissions response has been amended to state *'Should any modification to the Paterson Street Guidelines occur or should any documentation replace the Paterson Street Guidelines it must be ensured that the objectives and principles of the current policy are maintained.'*

The need to maintain the objectives and principles of the Paterson Street Guidelines should also be reinstated within the Implementation Strategy that is currently being prepared.

An amended schedule of submissions is with the attachments to the agenda marked SD040.6/10/10.

Road alignment treatments

Key entrances into the Mundijong Whitby development area should strongly reflect the character of the area and include attractive entry statements containing public art and a tree lined streetscape. The provision of entry statements into Mundijong Whitby would need to be Shire funded.

At the time of Council considering an Implementation Strategy for Mundijong Whitby, Council may wish to give consideration to how entry statements to Mundijong Whitby may be funded, for example, through the use of locality funding and/or public art contributions. The Shire should also prioritise the finalisation of the 'streetscape policy' to ensure planting and retention of trees within the streetscape.

Deletion of modification 9 proposing to amend 6.3.4 to insert 'where possible'

Modification 9 within the officer's report and the Schedule of Modifications proposed to amend 6.3.4 to state that *locally significant natural areas shall be protected 'where possible'*. Whilst it is acknowledged that it may not be possible to retain all significant vegetation it is intended that all locally significant natural areas are protected. Strong justification would need to be provided by the proponent should any of these areas require removal.

It is therefore considered that this proposed modification should not include reference to 'where possible'. Accordingly, the revised Schedule of Modifications modification 9 states:

Modify clause 6.3.4 in part 1 of the District Structure Plan to state “potentially locally significant natural areas identified under the Shire of Serpentine Jarrahdale local bio-diversity strategy shall be protected from subdivision and development and may be included within the 10% public open space contribution.”

The Schedule of Submissions has also been amended and includes insertion of ‘potentially’ where locally significant natural areas is referenced in sections 6.3.4 and 10.2, to accord with Figure 20.

An amended list of modifications is with the attachments marked SD040.7/10/10.

Monitoring Provision for water quality

It should be noted that district level water quality and quantity monitoring for developments and wetland areas will need to be considered as a Developer Contribution Arrangement item.

Cr Lowry left the meeting at 9.23pm.

Modified Officer Recommended Resolution:

That Council:

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.6/10/10* and endorses the Shire staff responses to these submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.4/10/10* subject to the amended list of modifications outlined in *Attachment SD040.7/10/10* being made.
- C. Following compliance with part B of Council’s resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
 1. A summary of all submissions and comments received by the Shire in respect of the draft Mundijong-Whitby District Structure Plan, and Council’s decisions or comments in relation to these.
 2. Council’s recommendation to the Western Australian Planning Commission to adopt the draft Mundijong-Whitby District Structure Plan, with modifications.
 3. Any other information that may be relevant to the Western Australian Planning Commission’s consideration of the draft Mundijong-Whitby District Structure Plan.
- D. Advises all persons and parties who made a submission on the draft Mundijong-Whitby District Structure Plan of its resolution.

SD040/10/10 COUNCIL DECISION / Alternate Recommendation:

Moved Cr, Twine seconded Cr Harris

That Council:

- A. **For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.6/10/10* and endorses the Shire staff responses to these submissions.**

- B.** Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft Mundijong-Whitby District Structure Plan, as per *Attachment SD040.4/10/10* subject to the amended list of modifications outlined in *Attachment SD040.7/10/10* being made, with the following corrections:
1. That modification #5, in the table of modifications, be amended to read:
Modify the District Structure Plan clauses relating to provision of the third pipe system as follows:
 - (a) to require planning and design to make allowance for the future provision of a third pipe system should current investigations support installation of such a third pipe system and insert requirement for Precincts B, D and F.
 - (b) to require any Local Structure Plan progressed prior to the finalisation of the Shire's investigations into integrated water cycle management, to design and plan a third pipe system.
 - (c) include a statement that, "The Shire is committed to investigating alternate sources of water and not applying the 'business as usual' approach. Should investigations support the installation of a third pipe system, developments will be required to include a third pipe system".
 - (d) to require that any subdivision progressed prior to finalisation of the Shire's investigations into integrated water cycle management will be required to plan, design and implement a third pipe system.
 2. That the table of modifications be amended to include an additional modification #35:
The community values its rural character, environment and rural lifestyle and as such the Council require some minor modifications to the DSP map to increase the overall length of distributor roads that are immediately adjacent to Multiple Use Corridors. The Council acknowledges that this is not suitable for every distributor road but feels strongly that at least one distributor road should follow a multiple use corridor. This will provide residents and visitors an opportunity to follow our vision of 'Experience the Beauty'.
 3. Amend the Table of Modifications by removing the word 'potentially' from modification #9.
 4. Delete modification #16 of the table of modifications.
- C.** Following compliance with part B of Council's resolution, and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
1. A summary of all submissions and comments received by the Shire in respect of the draft Mundijong-Whitby District Structure Plan, and Council's decisions or comments in relation to these.
 2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Mundijong-Whitby District Structure Plan, with modifications.
 3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Mundijong-Whitby District Structure Plan.
- D.** Advises all persons and parties who made a submission on the draft Mundijong-Whitby District Structure Plan of its resolution.

CARRIED 6/2

Cr Lowry was not present and did not vote.

During debate Cr Ellis foreshadowed that he would move the Modified Officer Recommended Resolution if the motion under debate is defeated.

Cr Lowry returned to the meeting at 9.44pm.

SD034/10/10 PROPOSED DETAILED AREA PLAN – BYFORD BY THE SCARP – DETAILED AREA PLAN 6 (S138622)		
Proponent:	Taylor Burrell Barnett	In Brief Council is requested to approve a Detailed Area Plan setting out design requirements for the future development of the subject site.
Owner:	Aspen Group	
Author:	Peter Varelis – Project Officer	
Senior Officer	Brad Gleeson - Director Development Services	
Date of Report	22 Sept 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

L.A Zoning: Residential
MRS Zoning: Urban
Date of Inspection: Various

Background:

Council has received Detailed Area Plan 6 (DAP) for the Byford by the Scarp estate for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2).

A copy of the DAP is with the attachments marked SD034.1/10/10.

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

This report provides Council with the opportunity to approve the DAP.

Sustainability Statement

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

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

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

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

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2
Liveable Neighbourhoods

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

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

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

Community Consultation:

Pursuant to the provisions of TPS2 and relevant policies there is no statutory requirement to undertake community consultation with regard to DAPs.

Comment

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

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

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

Solar Passive Design

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

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

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

Rear Setbacks Laneway Lots

The appropriateness of the setback to the rear boundary needs to be carefully considered. The applicant has advised that the proposed setback is necessary to achieve the lot connections to the rear laneway drainage system. It is important that this setback is retained within the DAP to facilitate the functionality of the drainage connections within private property. It would not be appropriate to have the drainage connections contained within the laneway reserve itself as issues surrounding the liability of these connections will arise.

Fencing

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

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

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

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

Front Setbacks

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

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

Laneway Lots

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

Lots Abutting Public Open Space & Drainage

The integration of residential and significant land uses such as the proposed public open space and drainage have been taken into consideration in the preparation of the DAP. Setbacks, design, dwelling orientation and private open space provisions have been attuned to facilitate optimal design outcomes.

Lots 314 – 321 within the subject area all immediately abut public open space and drainage. To ensure the built form does not impose on the open space and that adequately sized outdoor living areas are provided, a 3.0m minimum front setback has been proposed.

Design Element G) also stipulates that:

“All dwellings abutting POS shall be suitably designed and orientated to ensure passive surveillance. Dwellings shall have one or more major openings to a habitable room and an outdoor living area facing the POS.”

On balance the proposed minimum setbacks are considered reasonable and consistent with the objectives of the R-Codes.

Private Open Space

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

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

The proposed DAP predominantly provides for R20 laneway lots with a private open space requirement of 40%. This requirement is consistent with the DAPs for other stages adopted at 40%. The slight reduction in private open space is compensated for because laneway lots as identified in the DAP are located in areas of high amenity and accessibility to public open space.

On balance, the proposed reduction in private open space is considered reasonable and consistent with previously approved DAPs for Byford by the Scarp.

Secondary Street

Due to their prominence in the neighbourhood, those buildings situated on a corner should address the secondary street in a manner consistent with the primary facade. The provisions outlined in the DAP require a suitable level of detail in a manner consistent with the primary street elevation.

Storage Area Laneway Lots

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

Policy Context

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

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

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

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

Options

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

- (1) approve the proposed DAP.
- (2) not approve the proposed DAP and provide reasons to the applicant.
- (3) approve the proposed DAP with modifications.

Option 1 is recommended.

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

Conclusion

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

Voting Requirements: Simple Majority

SD034/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Lowry

That Council:

- A. Approve the Detailed Area Plan 6 for the Byford by the Scarp estate as per Attachment [SD034.1/10/10](#) in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- B. Advise the Western Australian Planning Commission accordingly.**

CARRIED 9/0

SD035/10/10 PROPOSED DETAILED AREA PLANS - THE GLADES RESIDENTIAL ESTATE STAGES 2D & 7, BYFORD (S141341)		
Proponent:	Taylor Burrell Barnett	In Brief Council is requested to approve Detailed Area Plans lodged with Council, setting out design requirements for the future development of the subject site.
Owner:	LWP Byford Syndicate Pty Ltd	
Author:	Peter Varelis – Project Officer	
Senior Officer	Brad Gleeson - Director Development Services	
Date of Report	22 Sept 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 3 Aug 2010
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential
 Local Structure Plans: The Glades Draft Local Structure Plan
 Date of Inspection: Various

Background:

Council has received Detailed Area Plans (DAPs) for the Glades Residential Estate Stage 2D and 7, Byford for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2).

A copy of the DAP is with the attachments marked [SD035.1/10/10](#)

The DAPs set out design requirements for the development of lots associated with the respective Local Structure Plan (LSP) area. The requirements stipulated in the DAPs apply in addition to normal Scheme and State Planning Policy No. 3.1, Residential Design Codes (R-Codes) of Western Australia requirements and will permit particular variations related but

not limited to dwelling placement, fencing, storage areas, and service locations. Stipulating modified provisions under a DAP facilitates optimal design outcomes.

This report provides Council with the opportunity to approve the DAPs for the Glades Residential Estate Stage 2D and 7 in Byford.

Sustainability Statement

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

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

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

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

Statutory Environment: Planning and Development Act 2005
TPS No. 2
Liveable Neighbourhoods
R-Codes

Policy/Work Procedure

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

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Climate Change			
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		31		Reduce the liberation of carbon into the atmosphere.
		32		Develop community ownership of climate change mitigation strategies.
		33	Adaptation	Develop and implement climate change adaptation strategies.
	Energy			
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
	Land Use Planning			
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.

Community Consultation:

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

Comment

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

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

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

Solar Passive Design

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

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

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

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

Rear Setbacks Laneway Lots

The appropriateness of the setback to the rear boundary needs to be carefully considered. The applicant has advised that the proposed setback is necessary to achieve the lot connections to the rear laneway drainage system. It is important that this setback is retained within the DAPs to facilitate the functionality of the drainage connections within private property. It would not be appropriate to have the drainage connections contained within the laneway reserve itself as issues surrounding the liability of these connections will arise.

Fencing

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

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

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

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

Front Setbacks

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

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

Laneway Lots

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

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

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

Front Loaded Lots

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

Lots Abutting Public Open Space & Drainage

The integration of residential and significant land uses such as the proposed public open space (POS) and drainage have been taken into consideration in the preparation of the DAP. Setbacks, design, dwelling orientation and private open space provisions have been attuned to facilitate optimal design outcomes.

Lots 747-750, 793–797, 798–805 and 807 within the subject area all immediately abut POS and drainage. It is important to note that these specific lots will be in close proximity to the future Village Lake. To ensure the built form does not impose on the open space and that adequately sized outdoor living areas are provided, a 3.0m minimum front setback and 5.0m minimum upper storey setback has been proposed.

Design Element G) also stipulates that:

“All dwellings abutting POS shall be suitably designed and orientated to ensure passive surveillance of the POS. Dwellings shall have one or more major openings to a habitable room and an outdoor living area facing the POS.”

On balance the proposed minimum setbacks are considered reasonable and consistent with the objectives of the R-Codes.

Private Open Space

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

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

The proposed DAP predominantly provides for R25 front loaded and laneway lots with a private open space requirement of 35%. This requirement is consistent with the DAPs for the Glades Stage 1, 2, 2a, 3, 4 & 5 approved at 45% for R20 and 40% for R25 lots.

The applicant has provided the following justification for the variation:

“We note that previous DAPs that have been submitted to and approved by the Shire have required a minimum open space provision of 40%. We seek a further reduction to the minimum open space site coverage in order to maximise the development area for lot purchasers. As has been outlined and acknowledged by Council previously, the anticipated purchaser market at The Glades (first and second home-buyers) will ultimately result in predominantly single storey development, due to the additional cost of two-storey development. Varying the R-Codes to allow for a minimum 35% private open space will give

the landowner the option to construct a slightly larger dwelling without having to build a second storey. This is also particularly relevant for smaller, cottage-style lots. Furthermore, the proximity of these lots to expansive and high quality Public open space areas will serve to mitigate any reductions of onsite open space. It is for these reasons that the additional 5% private open space reduction is sought.”

The reduction in private open space is compensated because these laneway lots as identified on the LSP are located in areas of high amenity and accessibility to POS. On balance, the proposed 10% reduction in private open space (from 45% to 35% on R25 zoned lots) is considered reasonable given the justification provided and that lots in close proximity to POS.

Secondary Street

Due to their prominence in the neighbourhood, those buildings situated on a corner shall address the secondary street in a manner consistent with the primary facade. The provisions outlined in the DAP require a suitable level of detail in a manner consistent with the primary street elevation

Storage Area Laneway Lots

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

Policy Context

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

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

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

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

Options

There are three options available to Council, as follows:

- (1) approve the proposed DAPs.
- (2) not approve the proposed DAPs and provide reasons to the applicant.

(3) approve the proposed DAPs with modifications.

Option 1 is recommended.

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

Conclusion

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

Voting Requirements: Simple Majority

SD035/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Hoyer

That Council:

- A. Approve the Detailed Area Plan for the Glades Residential Estate Stage 2D & 7 as per the *Attachment* [SD035.1/10/10](#) in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- B. Advise the Western Australian Planning Commission accordingly.

CARRIED 8/1

Cr Harris voted against the motion

COUNCIL DECISION

Moved Cr Hoyer, seconded Cr Harris

That the meeting be closed to members of the public at 9.50pm to allow Council to discuss item SD046/10/10 as the matter concerns information of a confidential nature in accordance with Local Government Act 1995 s5.23(2)(d).

CARRIED 9/0

SD046/10/10 CONFIDENTIAL ITEM - RECONSIDERATION OF PROPOSED SHOWROOM DEVELOPMENT – LOT 3 (#821) SOUTH WESTERN HIGHWAY, BYFORD (P00404/02)		
Proponent:	Lenz Nominees Pty Ltd	<p>In Brief</p> <p>Through proceedings in the State Administrative Tribunal, Council has been invited to reconsider a revised application and conditions for a previously approved showroom development in Byford.</p> <p>It is recommended the revised site plan and revised conditions of development approval be supported.</p>
Owner:	Faye Lenz and Lenz Nominees Pty Ltd	
Author:	Colleen Murphy - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	Lenz Nominees Pty Ltd	
Previously	SD049/10/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Director Strategic Community Planning left the meeting at 9.50pm and returned at 9.53pm.

SD046/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

That Council:

- A. Note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to grant planning approval for seven showroom at Lot 3 (#821) South Western Highway, Byford.
- B. Note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.
- C. Approve the revised application for approval to commence development of seven showrooms on Lot 3 (#821) South Western Highway, Byford subject to the following conditions:

AMENITY

- 1. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise to the satisfaction of the Director Development Services.
- 2. All sewerage wastes and waterpipes to be concealed within the building.
- 3. With exception of during construction works, no goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.
- 4. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.

5. All deliveries are to take place within the boundaries of the premises after 6.00am and before 7.00pm on weekdays

LOADING BAY

6. All loading and unloading to take place within the boundaries of the lot.

VEHICLE ACCESS WAYS & CROSSOVERS

7. Prior to the commencement of works, the applicant shall pay a contribution of \$70,000 in the form of a bank guarantee towards the extension of George Street and associated car parking, landscaping and footpaths to service the approved development.
8. The vehicle parking access(s), accessway(s) and crossover(s) as shown on the approved plan shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained at all times to the satisfaction of the Director Engineering.
9. Any required 'No parking' signage and vehicular guide signs to the parking facilities to be installed at the applicant's cost to the specification and satisfaction of the Director Development Services and be maintained at all times.

EXTERNAL LIGHTING

10. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
11. All external lighting to be hooded and oriented so that the light source is not directing visible to the travelling public or abutting residences.

STORMWATER

12. An Urban Water Management Plan and detailed technical drawings and specifications for the approved development are to be submitted and approved by the Director Engineering prior to commencement of works, and thereafter implemented to the satisfaction of the Director Engineering.

SIGNAGE

13. All signage is to comply with the Signage Strategy forming part of this approval, and is to be maintained in good condition at all times to the Satisfaction of the Director Development Services.
14. No signs are to be displayed in the road reserve at any time.

LANDSCAPING

15. A landscape plan for the carparking and landscaping areas shown on the approved plan is to be submitted and approved by the Director Strategic Community Planning prior to the commencement of works, and thereafter implemented to the satisfaction of the Director Strategic

Community Planning. The plan shall be drawn to a scale of 1:100 and shall show the location, name, number and mature heights of proposed trees, shrubs, and groundcovers.

16. Landscaping in accordance with the approved landscape plan shall be established prior to occupation of the development and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

FENCING

17. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.
18. If, during construction, any fencing is removed that reduces the level of security to the adjoining land owner then a temporary fence is required to be provided to afford the same level of security that is currently afforded that adjoining land owner during the period of construction.

USE OF PREMISES

19. The uses shall be restricted to “Showroom” in accordance with the approved plans, unless otherwise approved by Council.

ENGINEERING

20. The applicant is to provide a geotechnical report certifying that the land is physically capable of the approved development prior to the commencement of site works, and that any filling or back filling has been adequately compacted to the satisfaction of the Director Engineering.
21. Site works (including earthworks) are not to commence until the Director Engineering has approved detailed engineering plans and specifications, including earthworks, retaining walls, accessways, car parking, paths, drainage, calculations, clearing, and soil stabilisation measures.
22. The applicant shall erect signs on the site for the duration of construction works, visible from South Western Highway and George Street, that advise of the existence of heavy vehicle traffic, duration of works, and the name and phone contact details of the principal contractor and supervising engineer to the satisfaction of the Director Development Services.
23. No earthworks (including batters) shall intrude into any other land which abuts the site.
24. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments.

25. The perimeter of the area to be worked must be pegged and clearly marked to the satisfaction of the Director Engineering to ensure that all earthworks are contained within the approved area.
26. Prior to commencement of works, the development and thereafter implementation of a Construction Environmental Management Plan to address dust, erosion, sedimentation, and water management during construction to the satisfaction of the Director Development Services.

ENVIRONMENTAL HEALTH

27. The development to be connected to the Water Corporation's reticulated sewerage system.

VEGETATION

28. Trees as identified on the approved plans are to be retained and protected at all times.
29. Prior to the commencement of works, the application shall provide a bond in the form of a bank guarantee to the value of \$5,000 to the Shire to ensure the protection of trees identified for retention on the approved plan – this will be retained until such time that the construction works have been completed and after satisfactory inspection of the property to the satisfaction of the Director Strategic Community Planning.
30. Trees as identified on the approved plans are to be fenced off during the construction period.

CARRIED 9/0

COUNCIL DECISION

Moved Cr Randall, seconded Cr Ellis
The meeting was re-opened to the public at 9.59pm
CARRIED 9/0

COUNCIL DECISION

Moved Cr Randall , seconded Cr Peterson
That items SD041/10/10, SD042/10/10, SD043/10/10, SD044/10/10 AND SD045/10/10 be considered en bloc.
CARRIED 9/0

SD041/10/10 INITIATION OF SCHEME AMENDMENT NO. 158 - REZONING OF LOT 8 ARNOLD ROAD, SERPENTINE FROM 'RURAL' TO 'RURAL LIVING A' (A1909)		
Proponent:	Cardno (W) Pty Ltd	In Brief The proposal involves the rezoning of the land to 'Rural Living A' to permit the subdivision of the land. That Council resolves to initiate Scheme Amendment No. 158 subject to modifications to the subdivision guide plan.
Owner:	GH Hardey	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 September 2010	
Previously	P016/07/02	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 18 June 2010 (request for initiation)
 Lot Area: 20.04 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living 'A'
 Date of Inspection: August 2010

Background

Proposal

A proposed scheme amendment has been submitted to Council for initiation to rezone Lot 8 Arnold Road, Serpentine from 'Rural' to 'Rural Living A' under Town Planning Scheme No. 2 (TPS 2) in accordance with the recommendations of the Shire's Rural Strategy. The rezoning will enable future subdivision of the site into thirty-four (34) lots of 4000m².

A copy of the location plan and aerial photograph is with attachments marked [SD041.1/10/10](#).

The amendment also seeks to tidy up the zoning arrangements of some of the existing 4000m² lots to the east, which form part of the Serpentine Downs Estate (formerly L6 & 305). These lots are currently zoned 'Rural' under TPS 2.

Amendment 107

Former Lots 6 & 305 (to the west of Lot 8) were previously included in Amendment 107 to TPS 2. The amendment was not granted final approval by the Minister for Planning due to issues associated with the groundwater mound. The Minister for Planning's decision was based on advice from Minister for the Environment that rezoning of land within the proposed Karnup Dandalup Underground Water Pollution Control Area should not be supported if it will result in lots less than 1 hectare in area.

However, a subdivision approval over this land (stage 3 of the Serpentine Downs Estate) was issued by the Western Australian Planning Commission (WAPC) on 22 February 2005

allowing the creation of 4000m² lots over the eastern and southern portions of Lot 6 & 305. The proposed amendment also seeks to rectify this zoning anomaly.

The inclusion of these 4000m² lots into the proposed amendment will not result in the creation of any further lots as this land has already been subdivided into 4000m² lots which is the minimum lot size under the 'Rural Living A' zone, which is the zoning proposed.

A map showing the portion of land covered by the proposed amendment is with attachments marked [SD041.2/10/10](#).

A copy of the approved stage 3 subdivision plan is with attachments marked [SD041.3/10/10](#).

Sustainability Statement

Effect on Environment: Rezoning of the property to 'Rural Living A' may enable the rehabilitation and enhancement of the property as additional revegetation can be undertaken on the property. This will assist in protecting biodiversity values and enable the protection of existing animal habitats and provision of additional habitats.

The requirement for the preparation and implementation of a Local Water Management Strategy (LWMS) will enable the protection of the existing drainage line on property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse. The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

Economic Viability/Benefits: The proposal will preserve and enhance biodiversity (through revegetation and weed management) and reduce land and waterway pollution (through better drainage management, the use of ATUs for effluent disposal and the implementation of land use controls).

Statutory Environment:

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

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment that must be adhered to, as stipulated under sections 81 and 83 of the Act.

"81. Referral of scheme or Amendment to EPA

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA

- a) written notice of that resolution; and*
- b) such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EPA Act in relation to the local planning scheme or amendment.*

83. Consultation of persons likely to be affected.

A local government, before submitting a local planning scheme or amendment to the Minister under section 87, is to make reasonable endeavours to consult in respect of the local planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the local planning scheme or amendment.”

Policy/Work Procedure

Implications:

Local Planning Policy No.6 - *Water Sensitive Design* (LPP 6)
Local Planning Policy No.9 - *Multiple Use Trails* (LPP 9)
Local Planning Policy No.23 – *Serpentine Town site Planning Framework* (LPP 23)
State Planning Policy (SPP) 2.1 - *Peel-Harvey Coastal Plain Catchment*

Financial Implications:

Planning fees have been paid.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of “better urban

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				water management”.
BUILT ENVIRONMENT				
	Land Use Planning	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
	Infrastructure	40	Water Management	Promote, implement and celebrate best practice integrated water cycle management.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
PEOPLE AND COMMUNITY				
	Places	41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.

Community Consultation

If initiated, the proposed scheme amendment will require advertising for a period of not less than 42 days.

Proposal

The landowner has engaged a consultant to submit a request to amend Council’s TPS 2 as follows:

- 1) Rezoning Lot 8 Arnold Road, Serpentine from “Rural” to “Rural Living A”;
- 2) Rezoning Lots 85 and 87 to Lot 92 Lefroy Street, Lots 81 to 84 and Lot 86 Fairbairn Road and Lots 68 to 75 Rangeview Loop, Serpentine from “Rural” to “Rural Living A”;
- 3) Including a number of provisions within Appendix 4A – Rural Living A zone of TPS2.

Within the ‘Rural Living A’ policy area, land can be subdivided into lots with an area between 4000m² and 1.0 hectare. The draft Subdivision Guide Plan (SGP) depicts the creation of thirty-four (34) 4000m² ‘Rural Living A’ lots. The draft SGP is intended to demonstrate how the land may be developed in the future and provide a planning context for the proposed amendment. A formal determination on the SGP will be required when the amendment is presented to Council for final approval and forwarded to the WAPC for consideration.

In addition to the zoning provisions incorporated in TPS 2 (Clause 5.12) for the 'Rural Living A' zone, specific zoning provisions and land uses permitted will be included in the Scheme as part of the rezoning proposal.

A copy of the SGP is with attachments marked SD041.4/10/10.

Statutory Framework

Metropolitan Region Scheme (MRS) & TPS 2

Lot 8 Arnold Road is currently zoned 'Rural' under the MRS and 'Rural' under the provisions of TPS 2. The Shire's TPS 2 includes a range of general provisions guiding the development of 'Rural Living A' zoned land. The key provisions are as follows:

- The 'Rural Living A' zone is intended to cater for rural residential development on a range of lots between 4000m² to 1ha in accordance with the objectives and guidelines of the Rural Strategy;
- The provision of a reticulated water supply is required;
- The rezoning to be accompanied by a SGP that will include building envelopes.
- Building envelopes are not to have an area greater than 1000m² with a setback of 20m from primary street and 10m from all other boundaries;
- Subdivision to be in accordance with the endorsed SGP;
- Stormwater drainage is required to be designed to the satisfaction and specification of the Shire; and
- All land designated as public open space on the Subdivision Guide Plan shall be given up to the Crown, free of cost.

Insert comment on not within area under Amendment 162

Rural Strategy

The Serpentine Jarrahdale Shire Rural Strategy includes the subject site within the 'Rural Living A' policy area, which serves as a transitional zone between the urban and rural areas. The Rural Strategy stipulates that the intention of the 'Rural Living' policy area is to "allow for future development approvals in the lot size range of 0.4 to 1 hectare, as Rural Living A, in close proximity to towns of Byford, Mundijong and Serpentine". The proposed SGP complies with this requirement of the Rural Strategy.

LPP 23 – Serpentine Planning Framework

Although the proposed amendment is in line with the requirements of the Shire's Rural Strategy, consideration needs to be given to any relationship between the proposed amendment and Council's adopted LPP 23 Serpentine Planning Framework. LPP 23 requires that a District Structure Plan be prepared for Serpentine before any subdivision within Serpentine can occur. Further, the subject property is located within the area that is 'subject to future structure planning' under the Rural Strategy.

However, given that the subject lot is already located within the 'Rural Living A' policy area in the Rural Strategy as adopted by Council, it is considered that the proposed amendment can proceed without a District Structure Plan in place for Serpentine.

SPP 2.1 - Peel-Harvey Coastal Plain Catchment

The subject lot is situated within the Peel-Harvey Catchment and as such SPP 2.1 requires that any proposed intensification of agricultural activities requires consultation with the Department of Environment and Conservation (DEC) and the Department of Agriculture and Food to ensure that the use of the land does not involve excessive nutrient application. However, as proposed provision 1 within the officer recommendation stipulates that only residential and incidental development is permitted, no additional provisions are required to address the requirements of SPP 2.1.

Comment

Site Characteristics

Lot 8 is approximately 20.04 hectares in size and is located approximately 800 metres south of the centre of the Serpentine town site. It has an approximate frontage of 236 metres to Arnold Road and an approximate depth of 850 metres. Arnold Road extends between South Western Highway to the east and Lefroy Street to the west, although it is currently only constructed to a gravel standard.

The site has been almost completely cleared of vegetation due to past grazing activities. There are no improvements or structures on the property other than an existing drainage corridor which traverses the property and a portion of a drainage basin in the north-west corner of the site. The land directly to the north of the site is zoned 'Residential' under TPS 2 with land to the west comprises the balance of the Serpentine Downs Estate which is zoned 'Rural Living A' under TPS 2. This land is in the process of being subdivided in 4000m² lots. Land to the east and south is zoned 'Rural' under TPS 2.

Lot Layout

There is no provision in TPS 2 specifying minimum requirements for lot widths in the 'Rural Living A' zone. In this case, the majority of lots have regular shapes and lots widths. The extent of building exclusion areas shown on the SGP is generally consistent with the requirements in TPS 2 for building setbacks (i.e. 20m from the primary road and 10m from all other boundaries), although on a few lots (such as proposed Lot 93) this has been varied in order to provide a reasonable sized building exclusion area.

There are also a number of irregular shaped lots due mainly to the drainage line and associated reserve and as such it is necessary to vary in a minor way building setbacks, although they are consistent with the Shire's LPP 17 and do not impact on the future rural living amenity of the area.

The building exclusion area for each proposed lot also accommodates landscaping as proposed by the Serpentine Downs Revegetation Plan and the 30m effluent disposal buffer to the drainage line. Again some of the irregular shaped lots near the drainage line include building areas within the 30m setback, however there is a notification on the SGP requiring the location of effluent disposal units to be external to the setback.

Drainage

The proposed scheme amendment was originally lodged with the Shire in June 2007 for initiation. However, through an initial assessment of the proposal by staff a number of significant drainage issues were raised with the proponent. An extract of an email sent from the Shire to the proponent on 23 September 2008 which summarises these issues is included below:

“The Shire's Engineering Team met with applicant's engineers on the 5 September 2008. At that meeting the issue of storm water drainage was discussed at length, including the Shire's concerns that the land is incapable of development into 4000 m² lots as they are unable to adequately deal with storm water runoff. This is due to both the geotechnical nature of the site and the groundwater levels in the area, reported to be at or above natural surface level. In addition, the information provided by the engineers contained several critical errors, including errors in measurement of the land's gradient, which has a serious impact on the ability to convey storm water across the land to a proposed detention basin. The basin which is proposed to be used (which already exists) is already beyond its detention capacity levels”.

As a result of this discussion, the applicant's engineers undertook a number of additional tasks, including:

- Site visit to view evidence of flooding from recent winter rains;
- Further surveying of the land to establish the accurate cross fall of the area;
- Additional storm water modelling to determine the ability of the land to cope with expected storm water volumes; and
- Further discussions with the landowner (and applicant) to discuss options for the proposal.

As a result of these actions it was agreed at the time that the scheme amendment would not be further considered until the new information was available and the proponent had a chance to review their options for development.

In December 2009, the applicant lodged the Serpentine Downs Estate Drainage Strategy. The strategy identified areas of concerns and works that would be required in order to meet the concerns as previously expressed by the Shire. This strategy was approved and the required works were completed in June 2010.

As all the previously raised drainage issues have now been addressed, the amendment can be considered by Council for initiation.

Effluent Disposal

Issues surrounding effluent disposal is a significant consideration in respect to this proposed amendment given the low lying nature of the site and the previous issues that have been experienced for previous stages within the Serpentine Downs estate. If drainage is insufficient, perched water over this site will affect the installation of effluent disposal systems. The minimum required separation from the base of the disposal area to the highest water level is 500mm, higher with some systems.

The groundwater assessment included in the draft scheme amendment identifies that alternate effluent disposal systems will be require in this area, which is in line with the requirements of the balance of the Serpentine Downs estate. The assessment also highlights that areas for the effluent disposal systems should not be located close to the house pad. It is considered that, through the incorporation of appropriate provisions within the scheme, these issues can be suitably addressed and ameliorated.

It is recommended that appropriate provisions be incorporated into TPS 2 which addresses the following:

- The requirement for effluent disposal envelopes, separate to building envelopes, of a size of 300m² to be identified at the subdivision stage. This will be achieved through soil

testing to ascertain the most appropriate site on the property for the effluent disposal system; and

- The requirement for the subdivider to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to the groundwater level is maintained.

In line with this requirements, the draft SGP will also need to be amended to:

- Change the indicative 'building exclusion zones' to 'building envelopes; and
- Include a notation to state that the location of the envelopes are indicative only and that building envelopes and effluent disposal envelopes will be required to ensure adequate separation distance to groundwater is achieved. The exact location of these envelopes will be set at subdivision stage based on site assessment.

The above changes are incorporated into the officer recommendation.

Public Open Space

Due to the existence of the drainage line along the western boundary of the site, an area of POS is proposed along its course. There is no WAPC requirement for POS and as such the critical purpose of the POS is as a drainage function. The SGP provides a total of 3.82 hectares of POS to accommodate the developed drainage line and the existing drainage basin in the north-west corner of the subject site. In accordance with the approved Revegetation Plan for Serpentine Downs Estate, the POS will be revegetated with a combination of native trees and shrubs, including Marri, Sheoak and Tuart species.

It is noted that the documentation submitted in 2007 contains information relating to revegetation and landscaping that is partly out of date. Although the recommended scheme provisions include a requirement for a Landscape and Vegetation Management Plan to be prepared at subdivision stage, it is recommended that the revegetation and landscaping information within the scheme amendment documentation be updated prior to the amendment being advertised for comment.

Road Layout

The proposed SGP, as an extension of the Serpentine Downs Estate, is based on both the latest urban design techniques and traditional methods, allowing for sound traffic circulation and 'connectivity' via a legible road pattern. The proposed SGP continues the looped road pattern over Lot 8 from the three road connections from adjoining land to the west. This proposed road design also provides access to the east. The construction timeframe of this road is unknown given that no development is identified to the east of Lot 8 under the Shire's Rural Strategy.

Current access to Lot 8 is achieved via Arnold Road to the north of the site. This portion of Arnold Road is currently constructed to a gravel standard. As all of the proposed lots under the SGP will be accessed via new internal roads (as an extension of Tranby Avenue, Fairbairn Road and Rangeview Loop), the upgrading of Arnold Road is not required.

Fire & Emergency Management

The requirement for the preparation of a Fire Management Plan to address fire and emergency management issues has been included within the draft Special Provisions applicable to this rezoning.

It is noted that the documentation submitted in 2007 contains information relating to fire management that is partly out of date. Although the recommended scheme provisions include a requirement for a Fire and Risk Management Plan to be prepared at subdivision stage, it is recommended that the fire management information within the scheme amendment documentation be updated prior to the amendment being advertised for comment.

Multiple Use Trails

Under the Shire's LPP9 a potential trail is shown to run along the western boundary of the subject property, linking in with a future trail to the south of the site. The proposed POS reserve as shown on the SGP will accommodate a multiple use trail along the western side of the reserve in accordance with the LPP 9. The proposed trail that is shown on the SGP will double as a strategic firebreak network and will be placed into public ownership via dedication as pedestrian access ways.

Under LPP9, it states that the width of trails shall be between 6.0 and 10.0 metres. It is recommended that the draft SGP be modified to reflect a minimum width of 6.0 metres for the proposed multiple use trail.

Proposed Karnup-Dandalup Underground Water Pollution Control Area

As previously mentioned, Amendment 107 was not finalised due to issues relating to the proposed Kamup-Dandalup Public Drinking Water Source Area and location of the site within the Priority 3 area. Even though the Amendment was supported for final approval by the Shire and the WAPC, it was resolved by the Minister for Planning that where land was still zoned Rural under the Shire's TPS 2 the minimum lot size would be restricted to 1 ha as opposed to 4000m². Amendment 107 was not supported by the Minister for Planning (in consultation with the Minister for Environment) as it was considered to be inconsistent with the proposed P3 classification under the Karnup-Dandalup Public Drinking Water Source Area and lot sizes less than 1 hectare would not be allowed over land still zoned 'Rural'. Eventually the issue was resolved through the subdivision approval that allowed the land to be subdivided into 4000m² lots.

In addition, via letter dated 22 April 2009, the Department of Water (DoW) advised of the following:

"Our studies demonstrated that natural and present land development constraints in the area would make it technically difficult to establish a viable drinking water source drawing on either the superficial or Leederville aquifers. As a result this department has decided to rescind its previous advice that land development in the area should be constrained with a view to protecting groundwater as a future scheme water source. Present management controls relating to water allocation will remain unchanged".

As the previous issues in relation to the proposed Kamup-Dandalup Public Drinking Water Source Area have since been resolved, there is no impediment to Council in initiating the proposed amendment over Lot 8 Arnold Road.

Scheme Provisions

As mentioned in the background to this report, this proposed amendment also seeks to tidy up the zoning arrangements over the existing 4000m² lots within the Serpentine Downs Estate that are zoned 'Rural' under TPS 2. These lots include:

- Lots 85 and 87 to Lot 92 Lefroy Street;

- Lots 81 to 84 and Lot 86 Fairbairn Road; and
- Lots 68 to 75 Rangeview Loop, Serpentine.

These lots were subject to Amendment 107 which was not granted final approval by the Minister but were subsequently created as a result of subdivision approved by the WAPC. As such, there are currently no land use controls over these 4000m² lots. As the remainder of the Serpentine Downs Estate is identified as RLA1 under TPS 2, it is considered prudent to impose the same scheme provisions over the existing 4000m² 'Rural' lots that are in place over the remainder of the estate.

It is therefore recommended that the above lots be rezoned to 'Rural Living A' and identified as RLA1 on the scheme map.

With respect to Lot 8, it is considered appropriate to include new provisions over this parcel of land. This is reflected in the officer recommendation.

Options Available to Council

There are three options that are available to Council in considering the Amendment, they are as follows:

- (1) Resolve to initiate the Amendment, without modification;
- (2) Resolve to initiate the Amendment, with modification/s; and
- (3) Resolve not to initiate the Amendment.

Conclusion

The rezoning of Lot 8 Arnold Road, Serpentine from 'Rural' to 'Rural Living A' is in keeping with the intention of the Rural Strategy and is within the 'Rural Living A' policy area. The draft SGP indicates the creation of thirty-four (34) rural living lots, each a minimum of 4000m² in size. It is considered that the proposed SGP will produce a 'Rural Lifestyle' development in keeping with the existing stages of the Serpentine Downs estate to the west of the site. Council will be given the opportunity to formally consider the endorsement of the SGP when the Amendment is presented back to Council for final approval.

Future development of the subject site will be required to conform to the requirements of TPS 2 and the Rural Strategy, as well as the requirements of regulatory agencies such as the Department of Health, the DEC and the WAPC. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies.

It is recommended that the Council initiate an amendment to TPS 2 to change the zoning of Lot 8 Arnold Road, Serpentine from 'Rural' to 'Rural Living A'.

Voting Requirements: Simple Majority

SD041/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Peterson

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

1. Inserting in Appendix 4A Rural Living A Zone the following:

a) Rezoning Lot 8 Arnold Road, Serpentine from "Rural" to "Rural Living A".

- b) Rezoning Lots 85 and 87 to Lot 92 Lefroy Street, Lots 81 to 84 and Lot 86 Fairbairn Road and Lots 68 to 75 Rangeview Loop, Serpentine from “Rural” to “Rural Living A”;
- c) Amending the Scheme Map by delineating Lot 8 Arnold Road, Serpentine within the Rural Living A zone and identifying it as RLA27.
- d) Amending the scheme map by delineating Lots 85 and 87 to Lot 92 Lefroy Street, Lots 81 to 84 and Lot 86 Fairbairn Road and Lots 68 to 75 Rangeview Loop, Serpentine within the Rural Living A zone and identifying it as RLA1;
- e) Including Lot 8 Arnold Road, Serpentine in Appendix 4A – Rural Living A zone and including the appropriate details in Appendix 4A of the Scheme as follows:

27.	Lot 8 Arnold Road, Serpentine	<p>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p style="margin-left: 40px;"> Use classes permitted (P) Single House Public Recreation Public Utility Discretionary Uses (AA) Ancillary Accommodation Home Occupation Home Business </p> <p style="margin-left: 40px;">All other uses are prohibited.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation.</p> <p>3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</p> <p>4. Prior to the clearance of the subdivision, the subdivider shall prepare a Building Envelope and Effluent Disposal Envelope Plan to the satisfaction of Council, with the locations of the envelopes being determined based on geotechnical investigations undertaken by the subdivider. The effluent disposal</p>
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		<p>envelopes are to be separate from the building envelopes and are to be 300m² in size. All buildings and effluent disposal systems to be located within the respective building envelopes and effluent disposal envelopes defined on the approved Building Envelope and Effluent Disposal Envelope Plan unless otherwise approved in writing by the Council.</p> <p>5. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan for the amendment area, including the portion of road reserve which abuts the subject site, including the planting of indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the council, prior to the transfer of a lot(s) to a new owner.</p> <p>6. The subdivider shall either maintain the trees and shrubs planted in accordance with the approved Landscape and Vegetation Management Plan until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>7. The subdivider shall prepare and implement a Fire and Risk Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use trail network depicted on the endorsed Subdivision Guide Plan, water supplies and equipment and other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>8. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.</p>
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		<p>The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:</p> <ol style="list-style-type: none"> a. A Geotechnical Report b. Site characteristics, constraints and opportunities; c. Capacity of land to support proposed land use; d. Fit-for-purpose water use strategy; Issues to be determined at time of subdivision; e. Recommended monitoring and implementation framework. f. Building and effluent disposal envelopes and minimum pad heights. g. Any reserves or easements required. <p>9. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, approved revegetation areas, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>10. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>11. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p> <p>12. The Subdivision Guide Plan referred to in Clause 10 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost</p>
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		<p>sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>13. Multiple Use Trails within property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</p> <p>14. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>15. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire’s roadside drainage system is not permitted.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to groundwater is maintained. The minimum pad heights are to be determined through geotechnical investigations undertaken by the subdivider.</p>
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B. The applicant be advised that they are required to undertake the following to the satisfaction of the Director Development Services:

1. Include the text provisions within the Scheme amendment documents as adopted by Council.
2. Update the fire management information within the draft scheme amendment documentation to the satisfaction of the Director Strategic Community Planning.

3. Update the Fire Management information within the draft scheme amendment documentation to the satisfaction of the Director Engineering.
4. Modify the draft Subdivision Guide Plan to:
 - a) Reflect a minimum width of 6.0 metres for the proposed Multiple Use Trail;
 - b) Replace the indicative ‘building exclusion zones’ with ‘building envelopes’;
 - c) Remove all notations which refer to land outside of the proposed scheme amendment area; and
 - d) Include a notation to state as follows:

“The location of the building envelopes are indicative only. Building envelopes and effluent disposal envelopes will be required to ensure adequate separation distance to groundwater is achieved. The exact location of these envelopes will be determined at subdivision stage based on site assessments of individual lots”.

- C. The Amendment documentation be prepared in accordance with the standard format prescribed by the Town Planning Regulations 1967.
- D. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.
- E. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act, that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of not less than 42 days.

CARRIED 9/0 EN BLOC

SD042/10/10 REVOCATION OF SCHEME AMENDMENT NO. 150 TO THE SHIRE OF SERPENTINE JARRAHDAL TOWN PLANNING SCHEME NO. 2 (A1294)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To recommend to Council that they resolve not to proceed with Scheme Amendment No. 150 to Town Planning Scheme No. 2.
Owner:	N/A	
Officer:	Peter Varelis – Project Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 Sept 2010	
Previously	P131/04/01, P253/07/00, SD037/09/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Purpose

Resolve not to proceed with Scheme Amendment No.150 as this has now been replaced with Scheme Amendment No. 168 which was initiated by Council on 28 September 2010.

Background

Previous Scheme Amendments

In parallel with preparing and progressing the Byford District Structure Plan (DSP), the Shire in 2000 initiated Amendment No. 113 to TPS 2. The purpose of Amendment No. 113 was to establish a Developer Contribution Arrangement (DCA) for the Byford DSP area, as well as to rezone most of the Byford DSP area to Urban Development and insert appropriate provisions into the TPS 2 for a Byford Development Area.

In 2004, the Shire commissioned consultants Worley Parsons to prepare a Developer Contribution Plan (DCP) for the Byford DSP area, including costs for the provision of infrastructure. The DCP was endorsed by Council and forwarded to the WAPC for review.

Following the work undertaken by Worley Parsons with regard to Amendment No. 113, a number of concerns were raised by the Western Australian Planning Commission (WAPC) regarding Amendment No. 113:

In response to the various feedback received from the Department of Planning, WAPC and Minister for Planning, the Shire prepared Amendment No. 150 to TPS 2 to establish a DCA for the Byford DSP area.

Amendment No. 150 was initiated by Council in April 2006, but was not progressed due to the subsequent detailed review of the Byford DSP. As the proposals of the DSP are fundamental in determining the infrastructure and costs required, it was considered prudent to defer progression of Amendment No. 150 and the DCA more generally.

Given the progression of the State's policy position, Council at its Ordinary Meeting held on 28 September 2010 initiated Amendment No. 168 to TPS 2 which establishes a DCA for

Byford and generally sets out the infrastructure, cost, other items included, contribution methodology and various other operational matters.

Sustainability Statement

Effect on Environment: DCAs are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, DCAs have no impact on the environment, as they are principally ‘administrative’ and ‘financial’ arrangements. Indirectly, however, DCAs can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment. Equally, the infrastructure that may be funded from a DCA may have a significant impact on the environment; for example the construction of drainage infrastructure, the upgrading of regional road networks and the provision of public open space/drainage.

Resource Implications: DCAs can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire’s natural, human and financial resources to be efficiently and effectively used.

Economic Viability: DCAs have the potential to have a very significant impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to DCAs have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development. The financial implications (and risks) for Council are very significant. Local Governments are required to effectively ‘underwrite’ contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a DCA.

Economic Benefits: DCAs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCAs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Social – Quality of Life: The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

Statutory Environment: Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme No. 2
Statement of Planning Policy 3.6
Byford District Structure Plan

Policy/Work Procedure Implications:

Ensure correspondence regarding Council's resolution is actioned upon.

Financial Implications:

There are no financial implications relating to this issue.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Infrastructure			
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
	Strategy and Planning			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

Community Consultation

Pursuant to the provisions of TPS 2 and relevant statutory processes there is no requirement to undertake community consultation with regard to the revocation of a scheme amendment.

Comment / Conclusion

The statutory framework since the initiation of Amendment No. 150 has evolved over time with the adoption of Amendment No. 168. On this basis it is requested that Council revoke Amendment No. 150.

Voting Requirements: Simple Majority

SD042/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Peterson

That Council:

A. Resolve not to proceed with Amendment No. 150 to Town Planning Scheme No. 2 for the following reasons:

1. The review of the Byford District Structure Plan has now been completed and approved by the Western Australian Planning Commission in August 2009;
2. The release of the Statement Planning Policy 3.6 which provides much needed clarity and certainty in preparing a Development Contribution Arrangements; and

3. All other reasons detailed within this report including adoption of Amendment No. 168 to Town Planning Scheme No. 2.

B. Forward this resolution to the Western Australian Planning Commission with a recommendation not to approve Amendment No. 150 for the above reasons.

CARRIED 9/0 EN BLOC

SD043/10/10 FINAL KORRIBINJAL BROOK RESERVE MANAGEMENT PLAN (RS0083)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To consider submissions on the draft and adopt the final version of the Korribinjal Brook Reserve Management Plan.
Officer:	Chris Portlock - Manager Environmental and Sustainability Services	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	September 2010	
Previously	SD096/01/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Korribinjal Brook Reserve (also referred to as KBR or 'the reserve'), located in the Millbrook area of Jarrahdale, is a highly disturbed local natural area reserve with an understorey almost entirely dominated by weeds under a mainly natural overstorey. The reserve is currently vested with the Shire of Serpentine Jarrahdale for the purpose of public recreation, but due to its conservation value and community interest, it is recommended that the purpose be changed to include conservation. Interested local residents and the Shire of Serpentine Jarrahdale have been working since 1987 to improve the condition of the reserve via weed control and planting of local native plants. The community group (known as the Korribinjal Brook Residents Group or KBRG) and Shire are keen to restore the stream reserve closer to its original state and condition enhancing the already important conservation values of the reserve through the establishment of two major walk trails through the reserve. This draft management plan will guide the continuing restoration of this important natural ecological corridor and consolidate ongoing partnerships for cost effective reserve protection enhancement and management.

A copy of the Korribinjal Brook Reserve Management Plan with attachments marked [SD043.1/10/10 \(E10/5215\)](#).

Sustainability Statement

Effect on Environment: The proposal enhances the environment and minimises environmental damage through best practice.

Biodiversity:

- protection and enhancement of indigenous flora and fauna will be achieved.

- site disturbance will be minimized.

Energy Use/Greenhouse Gas Emissions:

- Carbon sequestration with vegetation protection and enhancement will occur through minimising disturbance to vegetation and providing more vegetation through planting.

Water Quality: stormwater management, waterways management.

- water management with revegetation within the reserve.
- water sensitive design in stormwater management in nearby sites.
- minimise use of fertilisers and other contaminants in nearby sites.
- maximum infiltration of water on site through planting.

Air Quality: The proposal will not result in emissions to the environment.

Heritage and Culture: Heritage and cultural issues have been addressed in the context of the management plan.

Resource Implications:

Energy Use: The reserve provides vegetation for carbon emissions reduction and includes no energy usage.

Water Use: Streamlining, swales, increased infiltration and gradual reduced areas of pasture in the reserve once used for grazing.

Land: The management plan proposes strategies which minimise use of vegetated land to protect biodiversity and reinstate vegetation to conserve soil export.

Non renewable Resources: Ways the management plan minimises the use of non renewable resources includes water quality management strategies through use of vegetation for filtration.

Waste: No bins are provided with encouragement for removal of all waste and weed removal mechanically ends up as waste to landfill or composting.

Use of Local, renewable or recycled Resources: Local labour forces are used in this reserve's restoration with a preference for use of local renewable or recycled materials wherever possible.

Renewable Resources: Water and its quality management along with Biodiversity are renewable resources which will be replenished by the restoration of this habitat corridor.

Economic Viability: The ongoing management of the reserve includes a high level of public community and local participation in its management plan strategy implementation and fund sourcing for implementation of these strategies lifting the load off the Shire.

Economic Benefits: Employment creation, tourism generation and giving a local community resource direction otherwise not available are all part of the benefits over costs of the proposal.

Social – Quality of Life: This proposal improves the quality of life for the community by providing well managed passive recreation opportunities in particular for healthy nature walks.

Assets: Quality vegetated nature walk trails, fences and walk bridges are all part of the facilities being provided at this reserve.

Council activities include the provision of walking events and, support of public interest groups/committees.

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in the implementation of the management plan.

The proposal creates opportunities for the community to participate. The proposal fosters a number of important partnerships with State government agencies in particular.

Social Diversity: The proposal does not disadvantage any social groups and does provide for diversity in our community. The proposal caters for all sectors of society.

Statutory Environment: Statutory procedures are not required but the document has been:
a) Advertised in accordance with scheme or policy provisions as would be any other statutory document.

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

Financial Implications: Commencing in 2011/2012 a budget allocation of \$8,000 per annum over the next five years is expected, with the first year expense of \$9,500 with \$5,000 costs attributed to staff time and \$4,500 being for materials and contractors. With this management plan, continued community involvement and the possibility of external funding, this cost could well likely be less.

Strategic Implications: Management Plans include social, economic and environmental goals. Good management of the reserve, park cover a range of sustainability result areas including heritage walk events that occur or be included at this reserve.

Strategic Implications:

This proposal relates to the following Focus Areas:-

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

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		6		Establish increased levels of natural vegetation in urban and rural environments.
		8		Ensure responsible animal care, control and management within the Shire.
		9		Control and manage weeds and plant diseases.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
		11		Develop active partnerships with stakeholders.
	Biodiversity	12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Integrated Water Cycle Management			
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		55		Partner with educational institutions to undertake appropriate and related research.
		56		Continue to work with funding agencies to secure grants for projects.
		57		Develop and support key sponsorship programs for community and Council projects.
		7	Tourism	Encourage the development of tourist attractions and accommodation.
		8		Maximise the tourism and recreation potential of our natural environment.
		9		Develop and maintain our heritage assets to encourage visitors.
		10	Timber	Strive for sustainable use of timber resources.
		11	Green Industries	Encourage the establishment of innovative industries involved in "reusing and recycling".
		9		Invest in the development of future community leaders.
	Relationships			
		15	Encourage	Foster positive working relationships with and between volunteers.
		16		Encourage intergenerational interactions and activities.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places			
		31		Build the community's capacity to create vibrant

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		32		places through activities and events. Ensure community spaces and places are accessible and inviting.

Community Consultation:

Community consultation has occurred for a period of 90 days inviting public submissions with one community workshop contracted with Lotterywest funds facilitated by Landcare and the usual advertising for public submissions through local newspaper advertisement and the Shire website. The workshop proceedings:

Korribinjal Brook Reserve Management Plan Community Workshop Summary held 19 July 2010 at the SJ Landcare Centre.

Vision For Korribinjal Brook Reserve

“A natural environment restored back to a stable state to be used for conservation, recreation and education.”

Stakeholders

Adjacent landholders
 SJ Landcare Centre (coordination of restoration activities)
 SJ Shire Reserves’ support (governance)
 WWOOFers / Karnet Prison Team (labour)
 Lotterywest (funding)
 Alcoa (funding)
 Volunteer Fire Brigade (fire management)
 Jarrahdale Heritage Society walking group (occasional activities)

Strengths In Order Of Priority

1. Habitat values e.g. black cockatoos, bandicoots.
2. Passive recreation e.g. walking tracks, picnicking.
3. Aesthetic and landscape values i.e. nature appreciation.
4. Community involvement e.g. revegetation and weed control.

Weaknesses In Order Of Priority

1. Some parts of the reserve have been fenced out to be incorporated into adjacent private land (need for consolidation of the reserve to clearly define boundaries).
2. Lack of resident awareness and engagement.
3. Financial/resource limitations (small, low profile reserve).
4. Lack of connectivity of the reserve.

Opportunities

1. Promotion of uniqueness of the reserve, its vegetation and geomorphology (through brochure).
2. Use of local groups and volunteers – Jarrahdale Heritage Society as conduit.
3. Reintroduction of unique vegetation e.g. *Eucalyptus rudis*, *Allocasuarina huegeliana* in keeping with original unique species likely to have occurred.

Threats in Order of Priority

1. Weeds.
2. Fire – in particular, lack of access in the West reserve.
3. Rabbits (Note: this is a seasonal problem, with 2010 being a particularly bad year).
4. Rapid turnover of residents/changing demographics.

Issues/Resolutions in Order of Priority

1. Lack of fire management
 - a) Integration of fire and weed control actions e.g. low fuel areas.
 - b) Fire management plans for surrounding properties.
2. Signage and safety barriers for walking infrastructure e.g. at the intersection of West track and Medulla Rd.
3. Popularity and profile of the reserve. We need to acknowledge that this will always be on a local scale i.e. adjacent landholders, with occasional wider-scale engagement e.g. Jarrahdale Heritage Society walking calendar, planting days.
 - a) Locally distributed brochure to engage Millbrook landholders in being involved in looking after the reserve.
4. Past grazing practices have increased weeds and reduced native species.
5. Olive trees – mature trees achieve a purpose, but they must be prevented from spreading.
 - a) Removal of young seedlings as they germinate.

Affected Property/ Agency	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
State Strategic Policy Department of Planning	Although not located in a Bush Forever area, with implementation of the conservation intentions it is likely to become a site of equal importance. Purpose inclusion of conservation commended.	Support	Support Acknowledged for Conservation purpose included for the reserve and its management accordingly	Noted

Comment:

The management plan for Korribinjal Brook Reserve engaged the community in the preparation as well as the implementation of this management plan. Continuing support by the community, agencies and increased sources for additional funding opportunities is likely to occur with a good comprehensive management plan in place such as this.

Voting Requirements: Simple Majority

SD043/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:

**Moved Cr Randall, seconded Cr Peterson
That Council considers the public submission received and endorses the final Korribinjal Brook Reserve Management Plan as per Attachment [SD043.1/10/10](#).
CARRIED 9/0 EN BLOC**

SD044/10/10 BIODIVERSITY INCENTIVES STRATEGY FOR CONSERVATION ON PRIVATE PROPERTY (A0397)		
Officer:	Chris Portlock - Manager Environmental and Sustainability Services	In Brief Council is requested to adopt the Biodiversity Incentives Strategy for Conservation on Private Property as a guide for future land use planning. Following the advertising period, submissions were considered in drafting a final Biodiversity Incentive Strategy for Conservation on Private Property and the revised document is presented for Council consideration.
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	22 September 2010	
Previously	SD015/08/07, SD098/04/07, SD037/10/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council at its December October 2008 considered the Local Biodiversity Strategy, in passing the following resolution:

SD037/10/08 'That Council adopts the final Stage 1 Local Biodiversity Strategy, its retention protection targets and identified management actions as per the Attachments marked SD037.1/10/08, SD037.2/10/08 & SD037.3/10/08'

The report to Council, and workshops with elected members, have confirmed the need for a Local Planning Policy and a Biodiversity Incentives Strategy for Conservation on Private Property to achieve the effective integration of biodiversity planning into statutory decision making processes and community off estate conservation. This report provides Council with the opportunity to consider for adoption a final Biodiversity Incentives Strategy for Conservation on Private Property following the three month public submission period.

Sustainability Statement

Effect on Environment: The Local Biodiversity Incentives Strategy will see significant advancement towards protecting biodiversity within the Shire. This will be achieved through both the maintenance and continued development of a database / decision support system and progress towards implementing the Strategy, Local Planning Policy and Biodiversity Incentives Strategy for Conservation on Private Property.

Resource Implications: The Local Biodiversity Incentives Strategy seeks to strategically protect biodiversity assets on private property in the Shire.

Use of Local, renewable or recycled Resources: Local renewable biodiversity resources will be protected and enhanced and seed potentially collected for further resource enhancement.

Economic Viability: The proposal is designed to strategically protect vegetation within the Shire. The Shire has already experienced significant loss of biodiversity assets. This proposal seeks to identify what biodiversity assets should be protected or reinstated and

how that should be achieved. Environmental management has an ongoing cost. However, there is also a significant cost if environmental assets are not responsibly managed.

Economic Benefits: The proposal will work towards protecting that image of “beauty” that attracts residents and tourists to the Shire.

Social – Quality of Life: Biodiversity is an essential component of our heritage and identity. In addition to providing social values such as recreational opportunities and spiritual renewal, biodiversity also provides essential ecosystem services.

Social and Environmental Responsibility: The four phase Biodiversity Project approach includes community and other stakeholder participation.

Social Diversity: The proposal does not impact or disadvantage any social group.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		3		Maximise the preservation of existing trees and vegetation.	
		4		Incorporate environmental protection in land use planning.	
		5	Restore	Establish and enhance waterways and bush corridors.	
		6		Establish increased levels of natural vegetation in urban and rural environments.	
		8		Ensure responsible animal care, control and management within the Shire.	
		9		Control and manage weeds and plant diseases.	
		10		Promote and develop appropriate tourism, recreation and educational opportunities.	
		11		Develop active partnerships with stakeholders.	
		Biodiversity	12	Protect	Prevent the further loss of “local natural areas”.
			13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
	14		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.	
	15		Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.	
	Integrated Water Cycle Management	52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire’s vision and innovative concepts.	
		56		Continue to work with funding agencies to secure grants for projects.	
57			Develop and support key sponsorship programs for community and Council projects.		

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		7	Tourism	Encourage the development of tourist attractions and accommodation.
		8		Maximise the tourism and recreation potential of our natural environment.
		9		Develop and maintain our heritage assets to encourage visitors.
	Relationships			
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		22		Achieve a sense of belonging through active networks and community groups.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		28		Engage existing and new residents in sharing neighbourly and community values.

Statutory Environment

The implementation of the Local Biodiversity Incentives Strategy will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- Environment Protection and Biodiversity Conservation Act 1999
- Wildlife Conservation Act 1950
- Environmental Protection Act 1986
- Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)
- Planning and Development Act 2005

State Government environmental policies addressed in a Local Biodiversity Strategy include:

- Bush Forever (Government of Western Australia 2000a, 2000b & 2000c) and related bushland policies (e.g. Urban Bushland Strategy)
- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- EPA Guidance Statement No. 33 (Draft): Policies, Guidelines and Criteria for Environmental Impact Assessment - Guidelines for Environment and Planning (Environmental Protection Authority 1997)
- Forest Management Plan 2004 – 2013 (Conservation Commission 2003)
- System 6 report (Department of Conservation & Environment 1983) and the System 6 Update program (Department of Environmental Protection unpublished (1996)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);

- Draft Policy Statement No. 9 Conserving Threatened Species and Ecological Communities (Department of Conservation and Land Management 2003a)
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (Western Australian Planning Commission in preparation)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)
- Jandakot Groundwater Protection Policy Statement of Planning Policy No. 2.3 (Government of Western Australia 1998b)
- Development Control Policy No. 2.3 Public Open Space in Residential Areas (Western Australian Planning Commission 2002)
- Position Statement: Wetlands. (Water and Rivers Commission 2001)
- Wildlife Conservation (Rare Flora) Notice 2001 (Government of Western Australia 2001b)
- Wildlife Conservation (Specially Protected Fauna) Notice 2001 (Government of Western Australia 2001c)

Policy/Work Procedure

Implications:

The proposal is for a Biodiversity Incentives Strategy for conservation on private property, to achieve the effective integration of the Local Biodiversity Strategy into statutory decision making processes and community off estate conservation.

It is not envisaged that any new work procedures will be required, nor existing procedures reviewed, as a result of the ultimate adoption of this Incentives Strategy. The strategy along with the local planning policy seeks to incorporate biodiversity planning into existing statutory decision making processes and to provide incentives for private property conservation.

Financial Implications:

The costs associated with advertising were met from existing operational budgets.

Community Consultation

The approach to participate in the South West Biodiversity Project (SWBP) toward the development of a Strategy for biodiversity conservation recognises the need for broad consultation. Formal community consultation was carried out with the release of the Draft Local Biodiversity Strategy, Draft Biodiversity Planning Policy and the current final Biodiversity Incentives Strategy for Conservation on Private Property. The community's existing involvement in management of local bushland and other natural areas is hoped to be strengthened by the initial strategy, policy and incentives strategy.

Council adopted the final Local Biodiversity Strategy, the final Biodiversity Planning Local Planning Policy following advertisement and is now being asked to adopt the final Biodiversity Incentives Strategy with an identical public participation process having been carried out:

- (i) notification being placed in a newspaper for two consecutive weeks in a local newspaper circulating;
- (ii) a notice being placed on the Shire's Website; and
- (iii) letters being sent to relevant government agencies

Affected Property/ Agency	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/Dismiss)
Western Australian Local Government Association	Development incentives are not detailed. Priority areas for investment have not been spatially identified which could satisfy Biodiversity Strategy representational targets. Monitoring, key performance indicators, criteria assessment and promotion of the implementation of the proposed actions have not been detailed.	Support plus constructive suggestions for more detail	Development incentives are through case by case negotiation using the strong policy position. Detail has been and will continue to be developed as to spatial priorities and assessment criteria in the strategy's guidelines. There will be website promotion for the project, two strategies and policy.	Noted

Comment

Council officers are currently finalising a number of other measures identified in the Local Biodiversity Strategy, including:

- Further survey and management plan preparation work on Council land; and
- A Healthy Habitats Program run in conjunction with SJ Landcare for Conservation on Private Property.

Voting Requirements: Simple Majority

SD044/10/10 COUNCIL DECISION Committee / Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Peterson

That Council adopt the Biodiversity Incentives Strategy for Conservation on Private Property as per *Attachment [SD044.1/10/10](#) (E10/5216)* as a guide for future land use planning.

CARRIED 9/0 EN BLOC

SD045/10/10 DEVELOPMENT SERVICES INFORMATION REPORT	
Proponent:	N/A
Owner:	N/A
Author:	Various
Senior Officer:	Brad Gleeson - Director Development Services
Date of Report	20 September 2010
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief
To receive the Information Report to 20 September 2010.

BUILDING

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

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of August 2010 were numbers 10/125, 10/229, 10/246, 10/281, 10/309, 10/312, 10/314, 10/332, 10/335, 10/340, 10/347, 10/352, 10/355, 10/360, 10/364, 10/369, 10/387, 10/390 – 10/392, 10/402, 10/416, 10/423, 10/433, 10/437, 10/444, 10/452, 10/461, 10/465, 10/467, 10/468, 10/473, 10/476, 10/489 – 10/491, 10/499, 10/501, 10/510 – 10/514, 10/517, 10/518, 10/520, 10/523, 10/525 – 10/529, 10/532, 10/533, 10/535, 10/537, 10/538, 10/540, 10/544, 10/546 – 10/550, 10/554, 10/555, 10/557 – 10/559, 10/565, 10/567 – 10/569, 10/571, 10/572, 10/574, 10/578 – 10/580, 10/582 – 10/586, 10/588, 10/590, 10/592 – 10/594, 10/597, 10/598, 10/600, 10/601, 10/604, 10/605, 10/620 – 10/622 (98 approvals).

Month of August	2010/2011	2009/2010
Value of permits issued	\$13,001,919	\$5,974,116
Cumulative total for period	\$23,255,072	\$13,811,070
Number of permits issued	98	74
Number of dwellings approved	56	23
Number of applications received	92	103
Number of fast track applications	N/A	9

On 6 September 2010, 97 applications were pending

HEALTH

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

DS21 – Effluent Disposal Applications

L31 Comic Court Circuit, Darling Downs
L316 Fielder Road, Serpentine
L74 Karbro Drive, Cardup
L85 Yoorda Close, Cardup

L7 Cockram Street, Mundijong
L86 Fairbairn Road, Serpentine
L3 Orton Road, Oakford
L803 Dalray Court, Darling Downs

DS21 – Permit to Use Apparatus

L20 Tuart Road, Oakford
L217 Learmouth Turn, Byford
L201 Learmouth Turn, Byford
L123 McNeil Grove, Jarrahdale
L102 King Road, Oakford
L150 Coral Vine Loop, Jarrahdale

RANGERS & DEVELOPMENT COMPLIANCE

Prosecutions

Date Used	Delegated Authority Reference Number	Address	Matter	Officer's Signature
Sept 2010	CG04	A154400 A56800	Failing to comply with a Notices and Directions issued in accordance with provisions of the Planning & Development Act.	CEO
Sept 2010	CG04	A173308	Second Prosecution - Failing to comply with a Notices and Directions issued in accordance with provisions of the Planning & Development Act.	CEO
Sept 2010	CG04	A179600	Local Government Act – Legal process to recover outstanding Court imposed fines and costs	CEO
Sept 2010	CG04	A155000	Dog Attack	Senior Ranger

Enforcement

Notices issued CG05	10 x Dog, 2 x Sign, 2 x Livestock, 1 Off road vehicles, 15 x Compliance	
Fines issued CG05	2 x litter, 9 x Dog, 1 x livestock, 3 x parking, 1 x Development Regulations	\$2,180
Other (LG Act activities) CG02	Registration and impound fees (dog, livestock and off road vehicle) Recovery of costs	\$2,615
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Parking Local Government Act Development Compliance	11 1 15 2 19 43 (in process/action pending)
Matters completed and /or resolved in consultation or mediation	Dog Act Local Government Act Development Compliance	7 9 21

	Other	32
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PLANNING

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

SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is contained in the attachments marked [SD045.1/10/10](#).

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

Date Issued	Authority Ref.	Property & Development	Decision
12/08/10	DS-05	L135 Evans Way, Byford – Single Dwelling	Approved
12/08/10	DS-08	L434 Enfield Elbow, Byford – Single Dwelling	Approved
12/08/10	DS-06	L106 Racy Prince Court, Byford - Shed	Approved
12/08/10	DS-15	L16 Egerton Drive, Serpentine – Shed Extension	Approved
12/08/10	DS-06	L136 Foxton Drive, Oakford – Water Tank	Approved
17/08/10	DS-15	L316 Fielder Road, Serpentine – Single Dwelling	Approved
17/08/10	DS-08	L140 Howitzer Turn, Byford – Single Dwelling	Approved
19/08/10	DS-08	L614 Kardan Boulevard, Byford – Single Dwelling	Approved
20/08/10	DS-08	L475 Peppies Crescent, Byford – Single Dwelling	Approved
20/08/10	DS-08	L11 Jones Court, Serpentine – Additions to Existing Dwelling	Approved
20/08/10	DS-08	L92 Knoop Drive, Byford – Shed	Approved
20/08/10	DS-08	L520 Bruns Drive, Darling Downs – Patio	Approved
20/08/10	DS-08	L148 Karangi Circle, Byford - Patio	Approved
20/08/10	DS-08	L249 Quiberon Link, Byford – Patio	Approved
25/08/10	DS-12	L353 Karnup Road, Hopeland – Clearance of Conditions	Approved
26/08/10	DS-08	L426 Howitzer Turn, Byford – Single Dwelling	Approved
27/08/10	DS-05	L3 Pamera Drive, Byford – Shed	Approved
27/08/10	DS-15	L220 Brixton Close, Byford – Retaining Wall	Approved
30/08/10	DS-08	L441 Clondyke Drive, Byford – Single Dwelling	Approved
30/08/10	DS-15	L11 Holstein Court, Oakford – Single Dwelling	Approved
30/08/10	DS-15	L703 Eurythmic Road, Byford – Shed	Approved
30/08/10	DS-08	L6 South Western Highway, Serpentine – Single Dwelling	Approved
31/08/10	DS-08	L187 Wanliss Street, Jarrahdale – Lean To	Approved
31/08/10	DS-15	L58 Cavanagh Close, Cardup – Water Tank	Approved
31/08/10	DS-15	L16 Egerton Drive, Serpentine – Retaining Wall / Entry Statement	Approved
31/08/10	DS-05	L371 George Street, Byford – Patio	Approved
01/09/10	DS-08	L228 Bren Close, Byford – Single Dwelling	Approved
01/09/10	DS-08	L164 Evening Peel Court, Darling Downs – Home Business	Approved
02/09/10	DS-08	L240 Quiberon Link, Byford – Single Dwelling	Approved
03/09/10	DS-08	L316 Kandimak Boulevard, Byford – Home Business	Approved
03/09/10	DS-05	L228 Culham Vista, Byford – Shed / Water Tank	Refused
08/09/10	DS-09	L3 South Western Highway, Byford – Change of Use	Approved

Date Issued	Authority Ref.	Property & Development	Decision
08/09/10	DS-08	L203 Salmon Bark Road, Serpentine – Keeping of Horses	Approved
08/09/10	DS-08	L562 Firns Road, Serpentine – Garage	Approved
09/09/10	DS-08	L73 Jackson Road, Oldbury - Shed	Approved
09/09/10	DS-05	L281 Walja Bend, Byford – Single Dwelling	Approved
09/09/10	DS-15	L64 Billabong Court, Serpentine – Shed	Approved
09/09/10	DS-08	L804 Northerly Lane, Oakford – Home Occupation	Approved
09/09/10	DS-08	L216 South Western Highway, Serpentine – Park Home / Carport / Shed	Approved
09/09/10	DS-15	L231 Thatcher Road, Byford - Shed	Approved
10/09/10	DS-15	L236 Cardup Siding Road, Byford	Approved
13/09/10	DS-15	L101 Cumming Road, Oakford – Shed / Water Tank	Approved
13/09/10	DS-08	L850 Tuart Road, Oakford – Patio	Approved
13/09/10	DS-08	L18 Rose Road, Mundijong – Single Dwelling	Approved
13/09/10	DS-08	L59 Coral Vine Loop, Jarrahdale – Removal of Tree	Approved
14/09/10	DS-08	L249 Quiberon Link, Byford – Shed	Approved
15/09/10	DS-09	L201 Blytheswood Avenue, Byford – Shed / Patio	Approved
15/09/10	DS-05	L535 Colesbrook Drive, Byford – Single Dwelling	Approved
16/09/10	DS-15	L245 Cardup Siding Road, Byford – Gazebo	Approved
16/09/10	DS-05	L112 Calneggia Drive, Byford – Single Dwelling	Approved

APPLICATION TYPE	AUTHORITY	NUMBER
Development Applications Received	N/A	40
Development Applications Approved	Delegated Authority Committee/Council	48 4
	Total	52
Development Applications Refused	Delegated Authority Committee/Council	1 0
	Total	1
Subdivision Referrals (Applications) Received	N/A	2
Subdivision Approval Recommendation to WAPC	Delegated Authority	0
Subdivision Refusal Recommendation to WAPC	Delegated Authority	0
Subdivision Deferral Recommendation to WAPC	Delegated Authority	0
Subdivision Condition Clearances issued	Delegated Authority	1

On 20 September 2010, 88 applications were pending

SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
S141153	L3 Elliott Road, Keysbrook	2	Rural	Approval	Approval
S138169	L129 Old Brickworks Road, Byford	4	Rural Living B	Refusal	Approval
S142424	L8 Keirnan Street, Mundijong	2	Residential-Green Title	Refusal	Approval

			Lots		
S142196	L102 Keenan Street, Darling Downs	39	Rural Living A	Refusal	Approval
S142195	L9003 Wungong South Road, Darling Downs	39	Rural Living A	Refusal	Approval
S142331	L549 Evelyn Street, Whitby		Adverse Possession Claim	Approval	Approval

DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

Nil

SUBDIVISION CLEARANCES ISSUED

WAPC Ref	Property	Type	No. of Lots
S135937	L353 Karnup Road, Hopeland	Rural Industry / Agricultural Pursuits	2

DECISIONS OF THE STATE ADMINISTRATIVE TRIBUNAL

Nil

Voting Requirements: Simple Majority

SD045/10/10 COUNCIL DECISION / Committee/Officer Recommended Resolution

**Moved Cr Randall, seconded Cr Peterson
That Council accept the Information Report.
CARRIED 9/0 EN BLOC**

CGAM014/10/10		SMALL VEHICLE FLEET POLICY (A1048)	
Proponent:	Not Applicable	In Brief Council is requested to review Council Policy G702 – Small Vehicle Fleet. The policy has been reviewed to ensure that it is relevant in the modern workplace and allows the Shire to remain competitive in attracting and retaining high quality people as well as managing its assets.	
Owner:	Not Applicable		
Officer:	Alan Hart - Director Corporate Services		
Senior Officer:	Joanne Abbiss - Chief Executive Officer		
Date of Report	15 September 2010		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The business of attracting and retaining high quality employees is becoming more difficult with other industry sectors aiming to entice people to work for them with more lucrative salary packages. It is necessary to ensure that the Shire remains an attractive employer where people want to work and will continue to work on an ongoing basis.

To address this, the Shire has to continually review the market place and the enticements being offered to prospective employees.

The supply of a motor vehicle is an integral part of negotiating salary packages with staff (new or existing) and there needs to be a clear set of guidelines so the employees are fully informed as to the conditions in which the vehicles are being offered.

A copy of the Draft Small Vehicle Policy is with attachments marked [CGAM014.1/10/10 \(E10/4196\)](#).

Sustainability Statement

Economic Viability: The proposed policy will allow the Shire to adopt a philosophy of ‘total employment costs’ for employees so all costs of employment can be measured, valued and documented.

Social – Quality of Life: The proposed policy allows individual employees a choice of salary to better suit their lifestyles. This is another demonstration, though the implementation of various Council policies in relation to employees, that the Shire is an attractive employer.

Statutory Environment: Local Government Industry Award 2010 and the National Employment Standards.
Division 4 of the Local Government Act (1995) as amended.

Policy/Work Procedure Implications: The proposed policy clearly articulates the responsibilities of the Chief Executive Officer in implementing and managing the proposed policy

Financial Implications: The provision of a small vehicle fleet is an essential part of the business of the shire and are in integral part of being an employer of choice. The Shire budgets for the management of the small vehicle fleet each year.

Strategic Implications:

This proposal relates to the following Focus Areas:-

OUR COUNCIL AT WORK				
	Leadership			
		6		The Council and Leadership Team drive Strategy and Policy development.
		8		Elected members provide a clear and consistent strategic direction.
		9		All decisions by staff and elected members

				are evidence based, open and transparent.
		11		The Shire will further establish itself as an innovative leader.
	People			
		64	A Great Place to Work	Invest in HR.
		65		Recognise our people are our most important asset.
		66		The shire will strive to create a unique employment environment.
		67		Recognise our position in the employment market place and develop a niche/point of difference.
		68		Develop recruitment and HR policies that make SJ an exclusive - by invitation only employer of choice.
		69		Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
		71		Continue to build a multicultural and intergenerational workforce.
		72		Individual skills and contributions are acknowledged.
		73		The Shire values corporate knowledge and stability and is focused on staff retention.
		74	Building Organisational Capability through People	Invest in HR.
		76		Staff are equipped to fulfil their role.
		78		Provide real growth and development opportunities for staff.
BUILT ENVIRONMENT				
	Infrastructure			
		32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.

Community Consultation:

Not required.

Comment:

The intent of the policy has not changed significantly. The proposed policy has been updated to reflect current industry trends in relation to the management and conditions of use of the Shire's small fleet.

The proposed policy is a document that is made up of 3 components;

1. The council Policy
2. Work procedure – Acquisition and Disposal Guidelines
3. Work procedure – Conditions of Use

The work procedures are very clear in detailing the minimum standards that are applicable to vehicle acquisition with the intent of minimising the ‘total cost of ownership’ to the Shire and also maintaining safety standards to comply with the Shire’s Occupational Health and Safety requirements. The policy is also very clear in detailing the types of uses that is applicable to staff to be used as a management tool and a method of attracting and retaining staff in a difficult employment market.

It is therefore recommended that the Council adopt this proposed policy.

Voting Requirements: ABSOLUTE MAJORITY

CGAM014/10/10 COUNCIL DECISION / Committee / Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Harris
That Council adopt policy G907 as included with attachments.
CARRIED 9/0**

CGAM015/10/10		FEES AND CHARGES – AMENDMENT TO HEALTH FEES (A1659)	
Proponent:	Shire of Serpentine Jarrahdale	In Brief To amend the Health fees in the Schedule of Fees and Charges for the 2010/2011 financial year.	
Owner:	Not Applicable		
Author:	Bonnie Robertson - Developer Contribution Officer		
Senior Officer:	Casey Mihovilovich – Executive Manager Finance Services		
Date of Report	30 July 2010		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

Council at the Special Council Meeting held on 9 July 2010 adopted the Statutory Budget for 2010/2011 including the adoption of the Schedule of Fees and Charges. At the time of the adoption of the Schedule of Fees and Charges, some of the health fees were inadvertently left out of the Schedule. These fees are outlined below:

The following changes are required in the Schedule Fees and Charges for Health;

	Program		Fee/Charge	Price Excluding GST	GST	10/11 Fee
1	Health	Public Building/Events	Noise monitoring fee (+ equipment hire at cost) p/hr	89.09	8.91	98.00^
2	Health	Health and Amenity Administration	Response to non-compliance with Health Act, Environmental	89.09	8.91	98.00

			Protection Act and related legislation			
3	Health	Food Related Fees/Annual Assessment Charges for Food Businesses	Notice of seizure and/or destruction	84.55	8.45	93.00
4	Health	Food Related Fees/Annual Assessment Charges for Food Businesses	Annual Assessment charge for pet meat premises	310.00	-	310.00*

^This amount has increased from \$95 and is a result of the State Health Department increasing their fees for other site inspections.

*Amount exempt from GST

Statutory Environment:

Section 6.16, Imposition of fees and charges, of the Local Government Act 1995, states:

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed* during a financial year; and

(b) amended* from time to time during a financial year.

** Absolute majority required.*

Section 6.19, Local government to give notice of fees and charges, of the Local Government Act 1995, states:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Policy/Work Procedure Implications:

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

Financial Implications:

The fees included in this report were used to calculate the health budget income for the 2010/2011 budget.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
SUSTAINABLE ECONOMIC GROWTH					
	Industry Development				

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.	1.10 Develop clear guidelines for customers that enable a seamless, prompt and pleasant application and approval process.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.	2.12 Support the development and improvement of relevant industry Codes of Practice.
OUR COUNCIL AT WORK					
	Leadership				
		4		We are realistic about our capacity to deliver.	4.2 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.3 Ensure we are recovering our costs?
	Success and Sustainability				
		38		Projects and goals are realistic and resourced.	38.1 All services are reviewed against statutory requirements, financial constraints and community need.
	Knowledge and Information				
		46		Understand current and future costs of service delivery.	46.1 Know your cost and understand cost drivers

Community Consultation:

Not required

Comment:

The fees themselves were due to legislated changes (Food Act), amending some fees to be in line with hourly rates and the addition of a fee to cover costs of repeated inspections.

The amendment to the schedule of fees and charges for 2010/11 for Health fees is recommended.

Voting Requirements:**ABSOLUTE MAJORITY**

CGAM015/10/10 COUNCIL DECISION / Committee / Officer Recommended Resolution:**Moved Cr Buttfeld, seconded Cr Harris****1. Council amends the following fees for the 2010/2011 financial year;**

	Program		Fee/Charge	Price Excluding GST	GST	10/11 Fee
1	Health	Public Building/Events	Noise monitoring fee (+ equipment hire at cost) p/hr	89.09	8.91	98.00^
2	Health	Health and Amenity Administration	Response to non-compliance with Health Act, Environmental Protection Act and related legislation	89.09	8.91	98.00
3	Health	Food Related Fees/Annual Assessment Charges for Food Businesses	Notice of seizure and/or destruction	84.55	8.45	93.00
4	Health	Food Related Fees/Annual Assessment Charges for Food Businesses	Annual Assessment charge for pet meat premises	310.00	-	310.00*

2. Council gives local public notice of the revised by intention to impose the fee effective from 9 November 2010.**CARRIED 9/0**

CGAM017/10/10 WEST AUSTRALIAN CLUBMAN CUP RALLY – PROPOSAL TO USE JARRAHDAL E HERITAGE PARK AS A SERVICE PARK (P05576/44)		In Brief Council is requested to give consent to Light Car Club of WA for use of part of Jarrahdale Heritage Park for a service park for the final round of the West Australian Clubman Cup Rally.
Proponent:	Light Car Club of WA (Inc)	
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Louisa Loder – PA to Director Corporate Services	
Signatures Author:	Not applicable	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	17 September 2010	
Previously	CGAM027/10/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Light Car Club of WA (Inc) seeks Council consent to utilise a section of the Jarrahdale Heritage Park as a service park for one day over the period of the West Australian Clubman Cup Rally.

A copy of the Environmental Management Plan to be used for the competition is included in the attachments and marked [CGAM017.1/10/10 \(IN10/14912\)](#).

The Light Car Club of WA is proposing to conduct a car rally in the area to the east of Jarrahdale on Saturday 13th November 2010 as the final round of the West Australian Clubman Cup Rally Championship (Darling 200 Rally). They held the same event at the Jarrahdale Heritage Park last year and the event was a success with no negative feedback from the community and no incidents recorded.

Given the geographic location and the resources available for the race, the event organisers have identified an area of Jarrahdale Heritage Park as being suitable for a service park. The service park would entail a headquarters management centre at Bruno Gianatti hall (separate hire agreement), servicing of vehicles, and a refuelling station.

Last year the license fee of \$200 was given to the Serpentine Jarrahdale Landcare Centre for their verge tree planting program to offset carbon emissions. The West Australian Clubman Cup Rally organisers have requested that last years bond of \$2,000 to remain at this amount as a result of their good record from past events.

Sustainability Statement

Effect on Environment: Servicing of any of the vehicles will be carried out on tarpaulins within the Jarrahdale Heritage Park.

Resource Implications: Infrastructure such as roads under the care and control of the Shire being made to be reinstated satisfactorily following the event.

Use of Local, renewable or recycled Resources: The proposal would provide the use of local stores by event organisers, participants and spectators.

Economic Viability: There will not be ongoing costs or funding required for the Shire in the future.

Economic Benefits: The proposal will provide economic benefits to the community such as employment creation and tourism, where event organisers, participants and spectators would utilise businesses such as the general store.

Social – Quality of Life: All servicing and refuelling of vehicles will be in a central controlled area. The quality of life would not be hindered from this proposal.

Social and Environmental Responsibility: The applicant is required to obtain necessary approvals from relevant state government agencies including the WA Police service, Department of Conservation and Land Management, Water and Rivers Commission and Water Corporation of WA.

Social Diversity: The proposal does not disadvantage any social groups within the community. It aims to cater for all sectors of the community.

Statutory Environment: Town Planning and Development Act 1928 (as amended)

Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2.
Metropolitan Region Scheme

**Policy/Work Procedure
Implications:**

Rural Strategy

Financial Implications:

The proposal does not have an impact on budgeted income or expenditure in the current year. The event will have indirect benefits to the Shire through tourism and media exposure.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
BUILT ENVIRONMENT					
	Infrastructure				
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.	
		57		Develop and support key sponsorship programs for community and Council projects.	
SUSTAINABLE ECONOMIC GROWTH					
	Industry Development				
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.	
		3		Encourage value adding opportunities for local industries and resources.	
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries	
	Industry Assistance				
		17	Promotion	Maximise promotion, marketing and networking opportunities for local businesses.	

Community Consultation:

Required: No

The applicant would however be required to notify effected land property owners.

Comment:

The endorsement of this application for road closures has been undertaken by the Chief Executive Officer under delegated authority ENG07.

A copy of the License is included with the attachments and marked [CGAM017.2/10/10 \(IN10/14913\)](#).

Voting Requirements: ABSOLUTE MAJORITY

CGAM017/10/10 COUNCIL DECISION/Committee / Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Geurds

- 1. Council gives its consent to enter into a license agreement for the use of Lot 814 Jarrahdale Road (Jarrahdale Heritage Park) as a service park on the 13th November 2010 for the final round of the West Australian Clubman Cup Rally.**
- 2. A license fee of \$220 (GST inclusive) be charged and provided to Serpentine Jarrahdale Landcare to use in the verge tree planting program to offset carbon emissions.**
- 3. A bond of \$2,000 to be lodged by the organisers of the West Australian Clubman Cup Rally.**
- 4. The Chief Executive Officer and Shire President be authorised to sign the license attached with this report.**

CARRIED 9/0

COUNCIL DECISION

Moved Cr Buttfeld, seconded Cr Hoyer

That the meeting be closed to members of the public at 10.04pm to allow Council to discuss item CGAM016/10/10 as the matter concerns information of a confidential nature in accordance with Local Government Act 1995 s5.23(2)(c).

CARRIED 9/0

CGAM016/10/10	CONFIDENTIAL ITEM - PROPOSED LEASE STEPHEN KARGOTICH AND SERPENTINE JARRAHDAL SHIRE (OAKFORD VOLUNTEER FIRE BRIGADE) (A0190)	
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to consider entering into a lease between Stephen Kargotich and the Shire for part of Lot 197 in Peel Estate for the express purpose of allowing the Oakford Volunteer Fire Brigade use of the leased premises.
Owner:	Not Applicable	
Officer:	Louisa Loder – PA to Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	23 September 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM016/10/10 COUNCIL DECISION / Committee / Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Ellis

1. Council endorse the terms and conditions of the proposed retrospective lease agreement between Stephen Kargotich and the Shire of Serpentine Jarrahdale for the use of part Lot 197 Peel Estate for the purpose housing the Oakford Volunteer Fire Brigade for a period of 8 years and 7 months commencing on 30 May 2006.

CARRIED 9/0

COUNCIL DECISION

Moved Cr Butfield, seconded Cr Hoyer

The meeting was re-opened to the public at 10.05pm

CARRIED 9/0

COUNCIL DECISION

Moved Cr Petersen, seconded Cr Butfield

That the meeting be closed to members of the public at 10.07pm to allow Council to discuss item CGAM018/10/10 as the matter concerns information of a confidential nature in accordance with Local Government Act 1995 s5.23(2)(b).

CARRIED 9/0

CGAM018/10/10 CONFIDENTIAL ITEM - REQUEST TO GRANT THE FARMLAND RATES CONCESSION TO ASSESSMENT A398226 (P06031)		
Proponent:	Mr W J Marron	In Brief That Council consider granting the farmland rates concession to Assessment A398226, Lot 5076 Thomas Road, Oakford.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Alan Hart-Director Corporate Services	
Signatures Author:	Not applicable	
Senior Officer:	Joanne Abbiss- Chief Executive Officer	
Date of Report	28/09/10	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

CGAM018/10/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Lowry, seconded Cr Buttfield

That;

- 1. Council grants Mr W J Marron the farmland concession on assessment A398226 as there is a demonstrated history of the ratepayer continually farming the property since purchased by Mr WJ Marron in the early 1980's.**
- 2. This variation to the residential requirement is only valid whilst the property remains in its current form and ownership remains unchanged.**
- 3. Application forms for farmland concession must still be submitted when Council undertakes a review of the farmland concession scheme.**
- 4. Council advise Mr WJ Marron accordingly.**

CARRIED 9/0

COUNCIL DECISION

Moved Cr Harris seconded Cr Hoyer

The meeting was re-opened to the public at 10.08pm

CARRIED 9/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM017/10/10 BYFORD TO ARMADALE – TRAIL LINK (A0494)		
Proponent	Councillor Christine Randall	In Brief It is recommended that Council supports the project in principle.
Officer	Richard Gorbunow – Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	6 October 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

The aim of the Councillor recommendation is to seek in principle support from Council to try and get a multi-use trail from Armadale to Byford.

The City of Armadale with a population of 55,000 will grow to 120,000 in 20 years with the residential development growth south of the city in Brookdale and Hilbert.

The Wungong Master Plan is a unique and visionary residential development which will house up to 40,000 people over the next 15 years. The Master Plan has been gazetted, and a number of structure plans and subdivisions have now been approved with an expectation of commencing works early in 2010. Further Structure Plan submissions and subdivision applications have been lodged for approval.

The town of Byford is bounded in the north by Thomas Road, the Darling Range in the east, Cardup Siding Road in the south and Hopkinson Road in the west. The largest Display Home Village in the south-eastern suburbs is now open. Byford has a population between 4,000 to 5,000 people in the district and the shire projects that will increase to over 20,000 in the next few years.

With both Armadale and Byford having such an increase in population, a multi-use trail to get to and from each suburb would provide an alternative to motorized transport.

The towns are connected by the South Western Highway and the Tonkin Highway. Tonkin Highway has a separated cycle path next to it but the cycle path is not connected to the town centres. It is important to recognise that people will choose the quickest, most direct route to get to their destination.

The City of Armadale has a path network already in place from the town centre to Coolibberra Drive on the east side of the South Western Highway. Once you cross Coolibberra Drive there is a natural trail that people have been using to reach their destination. As this is a number of meters from the Highway it is a safer route.

The proposed trail linking Byford to Armadale is approximately 4km long. This multi-use trail could be used by walkers, cyclists, the disabled, and horse riders. This project could be done in stages for easier identification and financial commitment.

Stage 1: There is already a footpath network coming from Armadale that runs along South Western Highway. This ends when it reaches Cooliabberra Drive and Mount Richon. It is from the other side of Cooliabberra Drive where the proposed trail would start approximately 0.4km. The trail would continue until it reaches Rails Crescent.

Stage 2: From Rails Crescent, the trail would continue through to the other side of Rails Crescent passing Moore Street, Mitchell Street and Eleventh Road. The length is approximately 1.4km.

Stage 3: From Rails Crescent, the trail will travel through Wungong Regional Park. Rails Crescent to Wungong Brook is a distance of approximately 2.2km. People going for a walk through the Park enter it at the edge of South Western Highway. This is where the public are parking their cars on South Western Highway currently. This presents an opportunity to take into consideration that there could be a car park on the corner of South Western Highway and Rails Crescent created for people to park their cars safely and not having to worry about parking along the Highway. Building this trail will also connect in the existing walk trails in the Wungong Dam.

Stage 4: From the Wungong Brook through to Thomas Road will involve crossing the brook and the bridge which is quite steep. There are a number of ways the crossing could be approached which may give the opportunity to go underneath the South Western Highway, along the Wungong Brook and connect to the Darling Downs trails network. The trail would continue through to Thomas Road and that terrain is reasonably flat apart from the few minor winter creeks along that section that could easily be resolved by applying engineering technology. When the trail reaches the traffic lights, there could be a cross walk over Thomas Road. The Shire has already developed a path going through Byford that could connect to the Byford to Armadale trail.

Stage 5: From Thomas Road through to Stanley Street the trail can continue along the back of the Information Bay again connecting up to another walk trail. In this section there is another minor creek crossing that will require an engineering solution.

There are a few challenges to be overcome with this proposed trail link such as winter drains and creeks, the overall path distance and the whole of life costing which is still unknown. There will need to be support from stakeholders for this project to succeed. Stakeholders include the City of Armadale, Serpentine Jarrahdale Shire, Main Roads Department, Department of Environment and Conservation and the Department of Sport and Recreation. It would seem that there is some community support for the trail and the project has been largely community driven to date. To proceed further with this project requires Council's endorsement.

The proposed trail is not on the City of Armadale or Serpentine Jarrahdale Shire's 'Plan for the Future' however it links 3 significant trails as well as connects Armadale to Byford as an alternative to vehicle transport. It also supports our Physical Activity and Healthy Choices Policy. The majority of stakeholders are on board although Main Roads will require further dialogue.

Funding possibilities

- The Regional Bicycle Network
- The Department of Sport and Recreation
- City of Armadale
- Serpentine Jarrahdale Shire

OCM017/10/10 COUNCIL DECISION / Councillor Recommendation:

**Moved Cr Randall, seconded Cr Hoyer
Council supports, in principle, a trail from Byford to Armadale.
CARRIED 8/1**

OCM018/10/10 ADJUSTMENTS TO THE 2010/2011 STATUTORY BUDGET (A1659)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
	Not applicable	
Author:	Executive Manager Finance Services/ Director Corporate Services	For Council; 1. To adopt the 2009/2010 year end surplus. 2. To allocate funds from the opening surplus to the 2010/2011 budget. 3. To reallocate funds in the 2010/11 Budget to fund to business cases specified in this report.
Senior Officer:	Chief Executive Officer	
Date of Report	15 October 2010	
Previously	SCM001/07/10 9 TH July 2010	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

When Council adopted the 2010/2011 budget, there was an allocation of \$688,000 to be used to fund the most urgent business cases that were presented to Council in a series of budget workshops.

A copy of the complete list of business cases is with attachment marked [OCM018.1/10/10 \(E10/3462\)](#).

To assist Council in determining which business cases should be funded, each business case was individually assessed using a weighted ranking system, against its alignment to the Plan for the Future (2009-2014).

A copy of the ranked business cases is with attachment marked [OCM018.2/10/10 \(E10/5294\)](#).

In addition to the \$688,000 allocated in the 2010/2011 budget, there is an additional \$147,590 available from the 2009/2010 financial year which can be allocated to fund the business cases.

Sustainability Statement***Economic Viability:***

There will be ongoing costs for all salary positions as the following will be employed as permanent employees;

1. Environmental Health Officer (1.0FTE*)
2. Emergency Services Support Officer (0.2FTE*)

3. Engineering Support Officer (1.0FTE)
4. Community Development/Environment Support Officer (increase of 0.25FTE*)
5. Building Services Support Officer (0.5FTE*)
6. Two General Hands Parks and Gardens (2.0 FTE)
7. Human Resources Officer (1.0 FTE)

*FTE is an abbreviation of 'full time equivalent'

Social – Quality of Life:

Planning/Subdivisions: Enables the Mundijong Whitby Structure Plan and Byford Town Centre Implementation Plans, as well as the local planning and rural strategies to continue.

Assets: Provides for a consulting engineer to assist in road funding projects, and will assist the Shire in maintaining the new reserves that have been acquired from developers.

Statutory Environment:

Local Government Act 1995 Section 6.8. Expenditure from municipal fund not included in annual budget;
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(a) is incurred in a financial year before the adoption of the annual budget by the local government;
(b) is authorised in advance by resolution*; or
(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy/Work Procedure Implications:

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

Financial Implications:

There are no financial implications to Council related to this issue. The officers recommendation is a reallocation of municipal funds as a result of Council prioritizing and selecting the successful business cases that were presented to them to be funded in the 2010/2011 budget. The result of the officers recommendation will increase the estimated surplus at the 30th June 2011 to \$3,690

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
OUR COUNCIL AT WORK					
	Leadership				
		4	Leadership throughout the organisation	We are realistic about our capacity to deliver.	4.1 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.2 Always question do we have to provide this, can someone else do it? 4.3 Ensure we are recovering our costs? 4.4 Actively utilise WALGA contracts that produce cost savings for the Shire.
		6		The Council and Leadership Team drive Strategy and Policy development.	6.1 Prioritise and adequately fund strategic projects and policy development.
		8		Elected members provide a clear and consistent strategic direction.	8.4 Elected members will determine and fund the level of service provided to the community. 8.5 Develop and implement a prioritisation process including reference to the Plan for the Future
	Strategy and Planning				
		27	Strategic Direction	Prepare effectively for future development.	27.4 Implement the fully costed Plan for the Future process.
	Success and Sustainability				
		39	Achieving Sustainability	Projects and goals are realistic and resourced.	39.1 Staff will observe strict cost control and accurately budget. 39.6 Develop a fully costed Plan for the Future.

Community Consultation:

Required: No

Comment:

There is \$688,000 in the Governance program budget, awaiting Council’s resolution to allocate this amount to the successful business cases.

The audit for the 2009/10 financial year is currently in its final stages and the year end result has now been finalised. The final position at the 30 June 2010 is \$1,311,335. This is an increase of \$790,475 from the 2010/2011 adopted budget.

There are reasons for this variance and these are identified and summarized below;

1. Incomplete Projects

There were a 14 projects totalling \$522,885 that were scheduled to be completed in the 2009/2010 financial year. The following projects were not completed by the end of the year; however the projects were committed and therefore are required to be carried forward into 2010/2011;

Project Description	Budget
Byford Hall	\$60,348
Hall Official Opening Expenses	\$26,537
Graffiti Removal Equipment	\$22,000
Protection & enhancement of priority four species project	\$17,000
Space Planning Consultancy (Office Layout)	\$10,000
Henderson Road Construction	\$45,000
Sand Mining Legal and Professional advice	\$64,000
Reserve Management Planning	\$15,000
Community survey	\$30,000
Human Resource Consultancy	\$23,000
IT Software Licencing	\$60,000
Modifications to Airconditioning in Office	\$70,000
Works required under the Health Act	\$10,000
Alignment Strategy Consultancy	\$70,000
Sub-total	\$522,885

2. Additional Funding Requirements 2010/2011

During the preparation of the 2010/2011 Annual Budget, the estimate for waste collection was based on data that was not current. Since adopting the budget, this cost has been revised and based on the current number of services, the waste budget has been under-estimated by \$120,000. The budget therefore needs to increase fund this additional cost.

It must be noted that the estimated income was based on the current number of services, therefore the shortfall cannot be funded through additional income from new waste services.

3. Business Case Allocation

The total of the high priority business cases that needed to be funded in 2010/2011 totals \$835,590. It is therefore recommended that \$143,900 be allocated towards funding the business cases in 2010/2011. The increased funding will allow the Shire to recruit two new staff to the parks and gardens team, a vehicle for the operations

team and a Human Resource Officer. The total funding available for business cases would therefore increase to this amount.

4. Closing Balance 30 June 2011

When preparing an Annual Budget, it is prudent financial management to allow for a small surplus each year. It is proposed that the balance of the surplus be allocated to the closing balance at 30 June 2011. This amount being \$3,690.

Voting Requirements: ABSOLUTE MAJORITY

OCM018/10/10 COUNCIL DECISION / Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield
That Council;

1. Adopts the 2009/2010 Closing Surplus at 30 June 2010 of \$1,311,335.

2. Approves the reallocation from account CEO502 of \$688,000 to the following;

	Amount	Account	Business Case
a)	\$90,000	MSP525	Mundijong Whitby District Structure Plan Implementation
b)	\$70,000	LPS525	Local Planning Strategy
c)	\$50,000	RUS525	Rural Strategy
d)	\$40,000	EDT525	Consulting Engineer
e)	\$100,000	BCP525	Byford Town Centre Implementation
f)	\$32,500	HIA500	Environmental Health Officer
g)	\$4,450	ESD500	Emergency Services Support Officer
h)	\$58,000	EXE600	Marketing & Communications Strategy Implementation
i)	\$25,000	EST500	Engineering Services Support Officer
j)	\$6,450	CDO500/ ENV500	Community Development/Environment Support Officer
k)	\$28,500	ENV525	Environmental Awareness Raising
l)	\$15,000	BUI500	Building Services Administration Officer
m)	\$162,000	ITS500/ITS502 /EDA525	IT Systems Administrator
n)	\$6,100	RPP905/ WOH500	Leading Hand Parks & Garden and Parks and Gardens Truck

3. Approves the allocation of the surplus at 30 June 2010 to the following;

	Amount	Account	Business Case
a)	\$93,900	RPP905/ WOH500	Leading Hand Parks & Garden and Parks and Gardens Truck
b)	\$50,000	DCS500	Human Resources Officer

	Amount	Account	Carried Forward Projects
c)	\$60,348	BYH900	Byford Hall
d)	\$26,537	HAL625	Hall opening expenses
e)	\$22,000	GRA900	Graffiti equipment
f)	\$17,000	NNW730	Protection & enhancement of priority four species project
g)	\$10,000	ADM627	Space planner consultants

h)	\$45,000	DSC032	Henderson Road – delay due to weather
i)	\$64,000	TPL502	Sand mining legal and professional advice
j)	\$15,000	ENV702	Reserve management planning
k)	\$30,000	EXE502	Community survey
l)	\$23,000	DCS502	Human resource consultant
m)	\$60,000	ITS525	Computer licenses
n)	\$70,000	ADM900	Air conditioner implementation
o)	\$10,000	HIA664	Works required under the Health Act
p)	\$70,000	CEO502	Alignment strategy consultants
Amount			
q)	\$120,000	WAS675	Perth Waste Tender Contract Price

4. Adopts an amount of \$3,690 as the estimated budget surplus at 30 June 2011.
CARRIED 9/0

OCM019/10/10 OFFICER ATTENDANCE AT INTERSTATE CONFERENCE (A0032)		
Proponent:	N/A	In Brief For Council to approve the attendance of the Manager Information Services at the Digital Information Management Summit to be held in Sydney on 9 and 10 November 2010.
Owner:	N/A	
Author:	Alan Hart- Director Corporate Services	
Senior Officer:	Joanne Abbiss- Chief Executive Officer	
Date of Report	20 October 2010	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council is about to embark on a major change program involving the electronic lodgement and assessment of development and building applications (EDA). To prepare for this change the Shire must learn from other organisations who have proceeded down the path of fully electronic information management and this conference is focused on this issue.

Sustainability Statement

Effect on Environment: Electronic storage of documents reduces the amount of paper consumed by the Shire and contributes to reductions in our carbon footprint.

Economic Benefits: The outcomes of the conference will provide the officer with the latest best practice techniques in the storage and management of digital information and will have the opportunity to be exposed to new and emerging technologies in this area. This can pay dividends in the form of better social, environmental and economic outcomes for the Shire as an organisation and the community as a whole.

Statutory Environment: Policy/Work Procedure

Not Applicable

Implications:

Approval of attendance by officers at conferences which involve interstate travel, where not specifically identified

in the budget, is required from Council in accordance with Council work procedure CSWP25 – Council Training, Development and Conference Attendance.

Financial Implications:

Registration, accommodation and flight costs will amount to approximately \$3,000.00. This will be funded from the Electronic Development Assessment Project funding allocation.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	Leadership			
		11		The Shire will further establish itself as an innovative leader.
	Strategy and Planning			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
	Success and Sustainability			
		39		Projects and goals are realistic and resourced.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	Knowledge and Information			
		48		Develop systems for data capture and analysis.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
	Customer and Market Focus			
		52	Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
		53		Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.
		55		Improve the accessibility of Shire services.
		60	Customer perception of value	Address the barriers to doing business in a positive way.
		63		Strive to continually improve customer satisfaction and stakeholder relationships.
		74	Building Organisational Capability through People	Invest in HR.
		76		Staff are equipped to fulfil their role.
	Process Management, Improvement and Innovation			
		82	Identification and Management of Processes	Undertake a systems and processes review and educate and train staff and elected members accordingly
		83		Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		84		Invest and upgrade our technology to enable us to automate processes
		85		Ensure appropriate staff are trained in project management and are confident and effective in utilising contractors.
		86		Develop dynamic cross functional teams providing

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				exposure to a range of job prospects
		87		Improve ownership, co-ordination and co-operation on cross functional projects
		88		Implement a carbon accounting system
		89	Process Improvement and Innovation	Build staff confidence and give them the licence to drive change
		90		Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
		91		Fully utilise the skills and knowledge of elected members and staff
		92		Achieve outcomes whilst minimising use of Council resources.
		93		Capitalise on IT through enabling technology to assist staff in doing their job
		94	Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.
		95		Actively pursue the learning experiences of other high and hyper growth Councils.

Community Consultation:

Required: No

Comment:

The conference has a number of high profile guest speakers. These organisations have transformed from being a paper based organisation to an electronic base. As an organisation, it is imperative that the shire learn how to better utilise the technology that we have to achieve this goal.

In the context of the eDA project, it is appropriate for the Manager of Information Services attend this conference as it will be her responsibility to ensure that the Shire's Electronic Document Management System (TRIM) is ready to accept applications lodged electronically and staff are educated in how to work with, manage and retrieve electronic documents and use system to process applications in a paperless environment.

The Conference addresses topical issues such as;

- Change management in relation to moving to a digital environment,
- Open government and community engagement,
- Managing electronic workflow,
- Ownership of electronic information,
- Governance issues associated with electronic information management,

- New and emerging technology,
- Various Case Studies.

Voting Requirements: Simple Majority

OCM019/10/10 COUNCIL DECISION / Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

That Council approves the attendance of the Manager Information Services at the Digital Information Management Summit to be held in Sydney from 9 to 10 November 2010.

CARRIED 9/0

OCM020/10/10		PEEL REGIONAL LEADERS FORUM (A0109-02)	
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to approve the creation of the Peel Regional Leaders Forum with a role of determining regional priorities.	
Owner:	Not applicable		
Author:	Joanne Abbiss – Chief Executive Officer		
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	22 October 2010		
Previously	Nil		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Executive Summary

This year, the Shire of Serpentine Jarrahdale’s population will exceed 18,000, and the Peel Region’s collective population now exceeds 100,000. The Peel is one of Australia’s fastest growing regions, and yet also faces major challenges such as high unemployment, poor educational outcomes, under-resourced environmental management and lack of adequate public transport and community infrastructure.

To deal with these issues and to assist in ensuring the sustainable future of the Peel Region, strong and strategically focussed regional leadership is required. Together with the five Local Governments of the Peel Region – City of Mandurah, Shire of Murray, Shire of Serpentine-Jarrahdale, Shire of Waroona and Shire of Boddington – the Western Australian Government’s Peel Development Commission (PDC) and the Australian Government’s Regional Development Australia (RDA) Peel are the primary organisations responsible for ensuring the sustainable development of the Peel Region.

Other prominent groups, such as the Peel Community Development Group (PCDG) and the Peel-Harvey Catchment Council (PHCC) are focussed respectively on ensuring the social and environmental sustainability of the region. The Peel Regional Leaders Forum was established in 2006, to utilise the combined resources of the Region’s peak bodies in economic development, community and environment.

However, it has become increasingly apparent that existing leadership models are not achieving sustainable outcomes for the Peel Region. During a meeting of Peel Region Council Mayors/Presidents and Chief Executive Officers in September 2010, it was agreed

that a revised regional leadership model was needed to prioritise regional needs and to drive the Peel Region's future growth. Council leaders concurred that the Peel Regional Leaders Forum offered the best model for ensuring the long-term triple-bottom-line sustainability of the Peel Region, but that its current structure should be altered.

Council is requested to approve a revised Peel Regional Leaders Forum model for adoption as the new regional leadership model tasked with determining regional priorities, and also for allocating 35 per cent of the WA Government's *Royalties for Regions - Country Local Government Fund* funding. The revised Regional Leaders Forum will preclude the Peel Chamber of Commerce and Industry and the Small Business Centre Peel; will include the Regional Development Australia (RDA) Peel Chair and Executive Officer; and will become an incorporated association.

Disclosure of Interest

N/A

Background

In May 1999 the five Local Governments of the Peel Region signed and committed to a *Regional Cooperation Agreement* which read:

'By this Regional Cooperation Agreement the undersigned Peel Region Councils shall seek to further encourage support and cooperation between their communities by emphasising mutual interests, fostering individual concepts, and recognising and supporting aspirations and goals of the individual communities, to the benefit of all and to the enhancement of the Peel Region'.

This agreement culminated in the formation of the Peel Economic Development Unit in July 1999, and the subsequent release of the *Peel 2020 Sustainability Strategy* in October 2006. The Sustainability Strategy outlined a future vision for the Peel Region, and listed a number of strategies to achieve long-term sustainability.

Following the release of the Strategy, stakeholders agreed to form a leadership forum. The Peel Regional Leaders Forum (RLF) in its current form comprises:

- 5 Peel Council Mayor/Presidents and CEOs
- Peel Development Commission (PDC) Chair and CEO
- Peel Community Development Group (PCDG) Chair
- Peel Harvey Catchment Council (PHCC) Chair
- Peel Chamber of Commerce and Industry (CCI) President
- Small Business Centre Peel Executive Officer

The Peel Harvey Catchment Council (PHCC) was formed in March 2000 as an incorporated body comprising government, industry and community members, that focuses on the health of the Peel-Harvey Catchment environment. It is the Peel Region's peak body on environmental issues.

The Peel Community Development Group (PCDG) was formed in 2003/04 as an independent not-for profit incorporated body. It operates as a peak strategic advisory body on community service needs and priorities in the Peel Region.

In an endeavour to improve the Peel Region's economic outlook, a number of regional initiatives have been undertaken. These include:

- Formation of the Peel Economic Development Unit (PEDU) in July 1999, as the region's peak economic development body
- Launch of the *Peel 2020 Sustainability Strategy* in October 2006
- Creation of the *Peel 2020 Partnership in 2006/07*
- Launch of the *Peel Workforce Development Strategy* by the PDC in November 2006; the Strategy is currently being reviewed
- Development of the *Peel Region Priority Plan 2008-2010* and the *Peel Region Priority Plan 2010-2012*; compiled by the PDC, the plan identifies existing and emerging infrastructure and service pressures on the region, and endeavours to recommend and prioritise projects on a regional basis
- Implementation of the *Peel Economic Development Initiative (PEDI)* in 2009; the PDC engaged a Manager Policy and Planning to develop a regional economic development strategy that addresses and utilises the Peel Region's ongoing rapid growth.

Whilst these initiatives have been generally well received, a view exists among Council representatives of the Regional Leaders Forum that economic development within the Peel Region has to date been only marginally effective, and that both the PEDU and the RLF itself are lacking focus and momentum.

The region has experienced difficulties determining regional infrastructure priorities, and the *Peel Region Priority Plan* - with 36 'Highest Priorities' projects listed – does not necessarily have the full support of all stakeholders. Further, the *Peel 2020 Sustainability Strategy*, released in October 2006, is considered only a 'high-end' strategy document. It requires review, and needs to be supported by all regional stakeholders.

It has become increasingly apparent that existing leadership models are not achieving sustainable outcomes for the Peel Region. During a meeting of Peel Region Council Mayors/Presidents and Chief Executive Officers in September, it was agreed that a revised regional leadership model was needed to prioritise regional needs and to drive the Peel Region's future growth. Council leaders concurred that the Peel Regional Leaders Forum offered the best model for ensuring the long-term triple-bottom-line sustainability of the Peel Region, but that its current structure should be altered.

The Regional Leaders Forum is also the preferred model for allocating 35 per cent of the State Government's *Royalties for Regions - Country Local Government Fund (CLGF)* funding. The CLGF, which commenced in 2008/09, has allocated \$543 million to address infrastructure backlogs across the country local government sector by 2013/14.

In May 2009, the Department of Local Government advised that 35 per cent of Round 2 funding would be allocated through Regional Council groupings. The remaining 65 per cent would be distributed directly to individual Local Governments for local infrastructure projects, as had been the case for the 2008/09 allocation. Local governments were asked by the Department to specify their preferred regional grouping for the 2009/10 CLGF allocation.

In September 2010, a meeting of all five Peel Region Council Mayors/Presidents and Chief Executive Officers agreed to explore reform options using the Peel Regional Leaders Forum as the primary vehicle to determine regional priorities, and also to receive regional funding under the *Country Local Government Fund*. All Councils must submit their CLGF 2010/11 capital works plans to the Department by 31 December.

Also, the Western Australian Minister for Local Government announced in September that he will be pursuing key recommendations of a Local Government Steering Committee report into Local Government reform, released on 16th September. The report recommended that the WA Government considers options for targeted Government intervention, including through proposals to the Local Government Advisory Board for major boundary adjustments, and/or legislation to trigger reform activity in critical areas for reform.

This highlights the imperative to achieve regional collaboration in delivering major economic initiatives and infrastructure priorities across the Peel Region, without the need for forced amalgamation, which is the preferred position of the majority of Peel Region Councils. With the likelihood of mandatory Local Government structural reform becoming increasingly possible, it is prudent for Peel Region Councils to take the reform initiative, rather than having it imposed upon them by State Government.

Comment

A brief summary of some the Peel Region's major organisations, strategies and grant funding opportunities, as well as the Australian Government's 'new regional agenda' is provided below:

Regional Development Australia

Regional Development Australia Peel Inc. is part of the Regional Development Australia (RDA) network. RDA is an Australian Government initiative that aims to bring together all levels of government to enhance the growth and development of regional Australia.

The RDA network is being established throughout Australia to provide a strategic framework for economic growth in each region. There are currently 55 defined RDA regions within regional Australia.

RDA is a partnership between governments, regional development organisations, local businesses, community groups and key regional stakeholders. RDA committees work to identify the economic, social and environmental issues affecting their local communities. Their roles include:

- Advice, consultation and community engagement
- Contribution to regional planning
- Whole-of-government activities
- Promotion of Government programs
- Community and economic development.

Formerly the Peel Area Consultative Committee, the Peel RDA was officially launched in August 2010. All appointments to the RDA Peel Committee are made by the Federal Minister for Infrastructure, Transport, Regional Development and Local Government.

Committee appointments are usually made for a fixed term, with Committee Members drawn from the community, business, and Local and State Government agencies. The inaugural Peel RDA Committee has 12 members.

Peel Development Commission

The Peel Development Commission was established by the State Government on 1st January 1993, and operates under the *Regional Development Commissions Act 1993*. It is one of nine Regional Development Commissions in Western Australia. The PDC is responsible to the Minister for Regional Development.

The Peel Development Commission *Strategic Plan 2009-2014* outlines its Vision:

'For Peel to be recognised as a uniquely beautiful and sustainable place to live, work and visit'

It's Mission:

'Develop and enhance the opportunities for the Peel people, economy and environment by providing strong leadership and engaging in effective and innovative partnerships to achieve the vision'

And its objectives:

- *Government decision making takes account of Peel issues* - Peel region's needs will be effectively represented in Government decision making.
- *The Peel has an evolving, adaptive and diverse economy with increased job opportunities for all members of the community* - Peel's economy is strong, prosperous and diverse now and into the future.
- *Community and economic infrastructure is planned and delivered to meet the needs of current and future generations of Peel* - The Peel's future population will be provided for by applying a
- Coordinated approach to planning and the delivery of infrastructure.
- *Peel communities are educated, productive, healthy, safe and supportive* - All communities in the Peel will have healthy, safe, enjoyable and supportive environments to live and work, with access to high quality education and local services. The community will be strengthened through providing the conditions that allow all to participate in the life of the region.
- *The Peel environment is better understood and managed* - The Peel's natural environment will be responsibly managed to protect its diversity for current and future generations.

The Peel Development Commission has a Board of Management, and members are appointed by the Minister. One-third of Board members are nominated by Local Government, one-third are community representatives, and one-third are appointed at the Minister's discretion.

Peel Economic Development Unit

Following a Peel Region Economic Development and Investment Attraction Workshop, held in May 1999 at Fairbridge Village, a working group of Peel Region Councils, the PDC, the Peel Business Enterprise Centre and the (then) Mandurah Chamber of Commerce explored the formulation of a structure that would support sustainable economic development on a regional basis. The Peel Economic Development Unit (PEDU) was subsequently established, and held its first meeting on 6th July 1999 at the PDC Chambers. PEDU's mission statement was:

'To work cooperatively with other relevant partners and agencies to advance regional cooperation and economic development in the Peel Region'.

PEDU's role was to become the peak partnership body for economic development within the Peel Region. PEDU's initial membership consisted of an Executive Group comprised of Peel Local Government and PDC representatives, and a Working Group comprised of Local Government CEOs, the PDC CEO, and technical advisors as required. PEDU's membership subsequently evolved to include the Peel Chamber of Commerce and Industry, and the Small Business Centre (SBC) Peel.

Regional issues to be addressed by PEDU included high unemployment, lack of regional competitiveness, and limited political influence. Its initial role included linking new investors to

the local business community, and encouraging the use of local suppliers, as well as seeking traineeships and apprenticeships to retain young people. PEDU's status as an incorporated body enables it to receive government funding.

Peel Regional Leaders Forum

The Peel Regional Leaders Forum (RLF) was formed out of PEDU and the *Peel 2020 Sustainability Strategy* in late 2006, and is currently facilitated and chaired by the Peel Development Commission. It comprises all Peel LGA Shire Presidents/Mayor and CEOs, the PDC Chair and CEO, the Peel Community Development Group (PCDG) Chair, the Peel Harvey Catchment Council (PHCC) Chair, the Peel Chamber of Commerce and Industry President, and the Small Business Centre Peel Executive Officer. Currently, it does not include Regional Development Australia (RDA) Peel.

The Forum brings together the leaders of the Region's peak bodies in the economic development, community and environment sectors. The Forum was to meet regularly to set strategic leadership direction, and to ensure stakeholder involvement in issues such as infrastructure prioritisation. However, in reality, this Forum has met only sporadically, and has been ineffective.

Peel Economic Development Initiative

The Peel Economic Development Initiative (PEDI) was instigated by the PDC in 2009, using *Royalties for Regions* program funding to engage a Manager Policy and Planning to develop a regional economic development strategy that addresses and utilises the Peel Region's ongoing rapid growth.

The PEDI was designed as a short term program of strategic activities to facilitate investment-led growth, and to create the conditions and opportunities for new investment in the Peel Region. PEDI's main objective is the delivery of key anchor sector investment projects and related infrastructure projects that:

- Bring about sustainable economic growth
- Contribute to job creation
- Create diversification of the region's economy
- Influence the size and composition of the region's exports
- Contribute to the development of a strong business and investment environment
- Contribute to the development of new policy.

The PEDI has recently developed a shortlist of regional economic development projects, with the Nambeelup Industrial Estate and Peel Pipeline Project listed as the two priorities.

Other projects identified under PEDI include Murrayfield Airport, Old Mandurah Bridge replacement, eco-tourism development, the Hamel packaging and processing facility, aquaculture development, Mandurah Urban University Campus, the Peel Waterways Institute and preparing the region for a carbon economy.

However, whilst these projects are supported by Councils, under the current structure, PEDI priorities are not necessarily the Councils' priorities.

Peel Community Development Group

The Peel Community Development Group (PCDG) is an independent not-for profit incorporated body, operating since 2003/04, and comprised of more than 200 individuals and agencies from the region's community services sector. The PCDG operates as a peak strategic advisory body on community service needs and priorities in the Peel Region. The PDC currently hosts the PCDG's Coordinator, and is represented on its Board of Management.

Peel-Harvey Catchment Council

The Peel Harvey Catchment Council (PHCC), formed in March 2000, is an incorporated body comprising government, industry and community members that focuses on the health of the Peel-Harvey Catchment environment. The PHCC manages Natural Resource Management (NRM) projects as part of the South West Catchment Council, and is the Peel Region's peak body on environmental issues.

The PHCC Board membership is comprised of 10 community members, 2 Local Government representatives and representatives of the Departments of Agriculture and Food, Environment and Conservation, Water and the Peel Development Commission.

Small Business Centre Peel

The Small Business Centre (SBC) Peel, also known as the Mandurah Business Development Centre, is a community based organisation affiliated with the Western Australian Small Business Development Corporation (SBDC). The SBC Peel commenced services in Mandurah in 1992, and is currently operating from the Mandurah Business Incubator facility located on Reserve Drive.

The core function of the SBC Peel is to provide advice to existing and potential business operators. It is governed by a management committee, with representatives from local business, government and private sector organisations.

Peel Chamber of Commerce and Industry

The Peel Chamber of Commerce and Industry (CCI) was established in July 1960, and represents the Peel business community on a range of business-related issues. The Peel CCI's role is to support businesses and professional organisations by providing support services, promoting members and lobbying on behalf of business interests. The Chamber is currently governed by an Executive Committee of 10 members.

Peel 2020 Sustainability Strategy

The need for an integrated sustainable development model for the Peel Region was highlighted in the 2001 *Peel Away the Mask* study of the Peel Region. The study emphasised the need for the development of collaborative regional partnerships to support better regional planning and resource sharing. It also reinforced the benefits of integration of approaches across economic, social and environmental sectors to support the ongoing development of the region.

Peel 2020 stakeholders included the Peel Development Commission (PDC), the Peel Economic Development Unit (PEDU), the Peel Community Development Group (PCDG), the Peel-Harvey Catchment Council (PHCC), Peel Area Consultative Committee (PACC), the five Peel Region Councils, State Government agencies, private sector industries, and education and community sector organisations. Stakeholders agreed that the overall purpose of the Peel 2020 visioning and sustainability planning process was:

- To develop a long-term regional vision for Peel towards 2020
- To build on the work already done through *Peel Away the Mask* and the *Peel Sustainable Development Strategy 2020*
- To establish the process for ongoing planning and review
- To explore the notion and makeup of a Peel Regional identity.

The *Peel 2020 Sustainability Strategy* was released in October 2006, and produced the following vision:

'In 2020... We live in a vibrant and thriving Peel Region offering an exceptional quality of life shaped by our unique setting of coast, bushland and waterways with a rich urban and rural character. Our community spirit is strong as we care for and respect each other and work together to ensure that our precious Region remains a great place to live, work and play.'

The Strategy document did not contain specific recommendations; it instead listed the following seven Peel 2020 Sustainability Strategies:

- Regional land use planning needs to protect landscape and community diversity
- Build neighbourhoods; build community connectivity, places to meet and come together
- Improve access to training and education
- Build a sense of caring for the land or stewardship over it
- Value-add to the existing economy, community and environment
- Service partnerships between community, industry, business and government
- Regional partnerships developed for community facilities and resources such as healthcare and recreational facilities.

Peel 2020 Partnership

Following the release of the *Peel 2020 Sustainability Strategy*, stakeholders agreed to continue as a leadership forum, and created the *Peel 2020 Partnership*. The Peel 2020 Partnership was formed as an unincorporated alliance of regional leaders, that would meet twice yearly as a 'leadership think tank' to ensure that the *Peel 2020 Sustainability Strategy* vision was aligned with the visions and strategies of partner organisations and the broader community.

The Partnership elected a community-based Chairperson, and retained a flexible membership structure that would facilitate inclusion of additional members according to changing regional needs. Partnership members included senior representation from more than 30 organisations across the Peel Region.

Peel Region Priority Plan

Compiled by the Peel Development Commission with input from the Peel Region's five Local Governments, State and Federal Members of Parliament, the Peel Economic Development Unit, Peel-Harvey Catchment Council, Peel Community Development Group, Peel Chamber of Commerce and Industry, Peel Chamber of Minerals and Energy, Regional Development Australia, and the Peel State Government Agency Leaders' Group, the *Peel Region Priority Plan 2010-2012* identifies existing and emerging infrastructure and service pressures on the region, and endeavours to recommend and prioritise projects on a regional basis.

The *Peel Region Priority Plan 2010-2012* is a 38-page document that places projects in 11 categories:

- Peel Region – Highest Priorities
- Economic Infrastructure
- Improving our Environment and Waterways
- Land Use Planning
- Education and Training
- Community Infrastructure and Services
- Crisis Services
- Affordable Living
- Tourism
- Recreation
- Policy

The 'Peel Region – Highest Priorities' category listed 36 projects, including the Peel Pipeline Project, Yunderup and Peel Inlet Channel Dredging, Peel Water Quality Improvement Plan, Old Mandurah Traffic Bridge Replacement, Beach Erosion Modelling, Tonkin Highway Extension, and the Mandurah Aquatic and Recreation Centre (MARC) Redevelopment.

To be listed, priorities must be supported by evidence of need; able to be implemented as soon as funding is made available; broadly supported by all regional stakeholders; and consistent with the aspirations of the *Peel 2020 Sustainability Strategy*.

The *Peel Region Priority Plan* is designed to allow the Peel Region to ‘speak with one voice’ when advocating priorities. Its goals are to minimise unnecessary competition for resources, duplication and gaps; and to make it easier for government and industry to make decisions about where to allocate resources with a reasonable degree of confidence that decisions made in one area will be supported by all other areas so long as they are consistent with the priorities. The current Peel Region Priority Plan was preceded by the *Peel Region Priority Plan 2008-2010*.

However, the process for engagement of Councils in the Peel Region Priority Plan is limited, as only the CEOs have input, and have no ability to seek Council direction.

Country Local Government Fund

The WA Government’s *Royalties for Regions* program provides the equivalent of 25 per cent of the State’s mining and onshore petroleum royalties each year, to be utilised for regional projects, infrastructure and community services. The *Royalties for Regions* program comprises the *Country Local Government Fund (CLGF)*, the *Regional Community Services Fund*, and the *Regional Infrastructure and Headwork’s Fund* (including the *Regional Grants Scheme*).

In December 2008, the WA Minister for Regional Development announced the allocation of \$400 million to 110 regional WA Councils over four years commencing in 2008/09, under the *Country Local Government Fund*. The primary objective of the CLGF is to address infrastructure backlogs across the country local government sector.

Allocation of CLGF funds is tied to expenditure against local government asset classes according to the *Local Government Accounting Manual*. It includes buildings and infrastructure such as roads, bridges, drainage, parks, gardens and reserves, footpaths and cycle ways, airports and sewerage.

However, the Department subsequently advised all Councils that the 2009/10 CLGF allocation had been deferred until the 2010/11 financial year. Further, the Department was at the time unable to confirm the final allocation amount. The Department advised that the changes to the CLGF were in response to the WA Government’s 2009 Mid-Year Review, which deferred \$90 million from the CLGF until 2010/11.

This was apparently in response to the State’s total royalty revenue for the 2009/10 year being significantly downgraded due to the strong Australian dollar and other economic factors.

In September 2010, the Minister announced that the WA Government had budgeted \$101 million under the CLGF 2010/11 round, with a total of \$543 million to be allocated under CLGF by 2013/14.

Regional Grants Scheme

The *Regional Grants Scheme* is an initiative of the WA Government’s *Royalties for Regions* program that aims to improve economic and community infrastructure and services in regional Western Australia. The scheme commenced in 2009, and is administered by the State’s nine Regional Development Commissions, with support from the Department of Regional Development and Lands.

In September 2010, the Minister for Regional Development announced 233 successful projects under the 2009/10 *Regional Grants Scheme* round, providing funding of more than \$27 million state-wide. Of this, \$2.45 million was allocated to the *Peel Regional Grants Scheme* pool.

'The New Regional Agenda'

Regional Development Australia Peel Inc is part of the Regional Development Australia (RDA) network. RDA is an Australian Government initiative that aims to bring together all levels of government to enhance the growth and development of regional Australia.

In July, RDA Peel provided a submission to the Senate Select Committee on the Reform of the Australian Federation. The submission advised that the original vision for the RDA national network had been for it to become a 'one-stop shop for all Australian Government programs and services'. However, for various reasons, this vision never eventuated, and – particularly in Western Australia – RDAs have subsequently been left under-resourced and unable to achieve their objectives.

Peel RDA advised in its submission that, between 2010 and 2015, its three priority areas are:

- To work in partnership with the Peel Development Commission, Local Governments and other agencies in enabling projects identified in the Peel Region Priorities 2010-2012 and subsequent years
- To work with not-for-profit organisations across the Peel Region to improve sustainability in the community sector
- To work in partnership with other agencies in addressing issues identified in the 'Peel Away the Mask' study of the social condition of the Peel Region.

In September 2010, the newly appointed Australian Government Minister for Regional Australia, Regional Development and Local Government, and the Arts, Hon. Simon Crean MP outlined his vision for regional Australia, or what he referred to as 'entrenching the New Regional Agenda'. He asserted that, rather than creating wish-lists, Local Governments should be pursuing triple-bottom-line development on a regional scale:

'We don't want wish lists. We want communities to be able to take responsibility for charting their economic, social and environmental wellbeing, and devise a way forward that stacks up against sound socio-economic principles'.

In addition to the upcoming National Broadband Network (NBN) rollout in regional areas - including Mandurah - Minister Crean announced a new \$800 million *Priority Regional Infrastructure Program* that will fund projects identified by local communities. This program will replace the existing *Regional and Local Community Infrastructure Program* (RLCIP), which commenced in 2008/09. The Minister also announced that:

- Up to \$500 million from the *Education Investment Fund* will be allocated to a dedicated Regional Priorities Round for regional universities and TAFEs
- \$1.8 billion from the *Health and Hospitals Fund* will be allocated to a Regional Priority Round to upgrade regional health infrastructure and support regional clinical training capacity
- The *Building Better Regional Cities* program will provide \$200 million to provide supporting infrastructure for up to 15,000 affordable homes in regional cities (Mandurah is one of 46 eligible Councils).

Minister Crean advised that, under the new Australian Government, the 55 RDA networks across Australia will have their roles and capabilities strengthened, allowing them to take an active role in determining and delivering regional infrastructure priorities. They will also complement the work of Local Government in a partnership between governments, regional development organisations, local businesses, community groups and key regional stakeholders. The Minister confirmed that RDAs' key role will be to identify the economic, social and environmental issues affecting their local communities, and the action priorities to address them.

The Way Forward - Regional Leaders Forum

It has become increasingly apparent that existing leadership models are not achieving sustainable outcomes for the Peel Region. From an economic perspective, the Peel Economic Development Unit (PEDU) has become less effective, while the *Peel 2020 Strategy* has also proved largely ineffectual due to a lack of direction by the Peel 2020 Partnership group.

The PDC's Peel Region Priority Plan lacks a collaborative regional approach, and has instead become an overloaded – and often competitive - 'wish list' of individual Council and community group projects.

During a recent meeting of Peel Region Council Mayor/Presidents and Chief Executive Officers in September 2010, it was agreed that a revised regional leadership model was needed to prioritise regional needs and to drive the Peel Region's future growth. Council leaders concurred that the Peel Regional Leaders Forum offered the best model for ensuring the long-term triple-bottom-line sustainability of the Peel Region, but that its current structure should be reviewed and altered.

Council leaders agreed that the Peel Regional Leaders Forum should become an incorporated association. Incorporation would enable the installation of a public officer and a committee, allow perpetual succession of members, and enable the Peel RLF to receive government funding.

It was also agreed that the revised Forum should include in its membership the Regional Development Australia Peel Chair and Executive Officer. Given the Australian Government's new and welcome focus on regional Australia, it is anticipated that the RDA network will play an increasingly important role in delivering regional outcomes, and that RDA Peel will become the key that unlocks the Federal funding vault.

It was also agreed that the Peel CCI and SBC Peel should not be represented on the revised Peel Regional Leaders Forum.

Council leaders also concurred that the Regional Leaders Forum should become the primary vehicle to determine regional planning and infrastructure priorities, and that it should also determine regional funding priorities for the State Government's *Royalties for Regions - Country Local Government Fund*. Further, it was also agreed that a revised and strengthened Regional Leaders Forum would ensure that the Peel Region's tourism product development, branding and marketing is undertaken in a consistent and coordinated manner, with a regional focus.

Regional Council leaders have outlined a number of assumptions for the implementation of the new Peel Regional Leaders Forum. They are:

- Winding-up of the PEDU, and redirecting funding to the Regional Leaders Forum
- Winding-up of the Peel 2020 Partnership
- PEDI regional economic development priorities to be determined by the RLF
- Aim for an equitable distribution of *Country Local Government Fund* funding over 10-year period
- RLF membership to be comprised of Chairs/Mayor/Presidents and CEOs/Executive Officers
- Regional priorities to be linked to the *Peel 2020 Sustainability Strategy*.

Consultation

Consultation has been undertaken with each of the Peel Region Councils, the Peel Development Commission, Regional Development Australia Peel, the Peel Community Development Group, and the Peel-Harvey Catchment Council.

Statutory Environment

The Peel Region Leaders Forum will need to be an incorporated body and the constitution lodged with the relevant Government Department for ratification.

Policy Implications

Nil

Economic Implications

Administrative support would be required to support the RLF, but would not be significantly more than that currently provided to PEDU and other existing forums.

Conclusion

Serpentine Jarrahdale - and the wider Peel Region – is experiencing unprecedented population growth; however this growth is not being matched by economic outcomes, nor is it being matched by State and Federal Government infrastructure and service provision funding. Regional Councils have – individually for the most part - done their best to mitigate the socio-economic impacts of the region's rapid growth, but have to date been mostly unsuccessful.

The use of the Peel Economic Development Unit since 1999 as the primary tool for delivering economic outcomes to the region has also achieved only limited success. Council leaders have recently acknowledged this fact, and have agreed to develop a modified version of the existing Peel Regional Leaders Forum as a means of providing effective leadership, and ensuring the long-term triple-bottom-line sustainability of the Peel Region.

OCM020/10/10 COUNCIL DECISION / Officer Recommended Resolution

Moved Cr Lowry, seconded Cr Harris

That Council supports:

- 1. The creation of the Peel Regional Leaders Forum with incorporated association status**
- 2. Membership of the revised Peel Regional Leaders Forum consisting of:**
 - a. City of Mandurah Mayor and CEO**
 - b. Shire of Murray President and CEO**
 - c. Shire of Serpentine Jarrahdale President and CEO**
 - d. Shire of Waroona President and CEO**
 - e. Shire of Boddington President and CEO**
 - f. Peel Development Commission Chair and CEO**
 - g. Peel Community Development Group Chair**
 - h. Peel-Harvey Catchment Council Chair**
 - i. Regional Development Australia Peel Chair and Executive Officer**
- 3. The role of the Peel Regional Leaders Forum as a means of determining regional priorities**
- 4. The Peel Regional Leaders Forum being the mechanism for determining regional funding priorities under the Western Australian Government's *Royalties for Regions - Country Local Government Fund***

5. The Peel Regional Leaders Forum being the mechanism for determining regional funding priorities under the Australian Government’s ‘New Regional Agenda’
 6. The Peel Regional Leaders Forum assuming the previous roles and responsibilities of the Peel Economic Development Unit, and thus the appropriateness of winding up the PEDU and the Peel 2020 Partnership
 7. The redirection of Council funding previously allocated to PEDU, to the Peel Regional Leaders Forum
 8. The Peel Regional Leaders Forum assuming the role of regional leadership body for pursuing implementation of the *Peel 2020 Sustainability Strategy*
 9. The Peel Regional Leaders Forum assuming the role of regional leadership body for determining PEDI regional economic development priorities
 10. The Peel Regional Leaders Forum assuming the role of regional leadership body for determining *Peel Region Priority Plan* infrastructure and service priorities
 11. A meeting of the revised Peel Regional Leaders Forum to be held promptly to pursue establishment of a Constitution, and agreed processes for the determination of regional priorities and government funding.
- CARRIED 9/0**

10. CHIEF EXECUTIVE OFFICER’S REPORT

OCM022/10/10		INFORMATION REPORT	
Proponent	Joanne Abbiss – Chief Executive Officer	In Brief Information Report.	
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	22 October 2010		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

OCM022.1/10/10 COMMON SEAL REGISTER REPORT – SEPTEMBER 2010

The Common Seal Register Report for the month of September 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM022.1/10/10](#)**

OCM022.2/10/10 POLICY FORUM – 5 OCTOBER 2010

The following items were discussed at the 5 October 2010 Policy Forum:

Community Group Insurance
Database/Directory & web based enewsletter
Update on a variety of Community Development projects including Council's role with Thank a Volunteer Day
<ol style="list-style-type: none"> 1. Discover Peel Project (erection of bill boards on Forrest Highway to advertise tourist activities in SJ) 2. Small Business Centre South East Metro Inc
Directions 2031 presentation
New Council policy proceedings before the State Administrative Tribunal
Upcoming planning projects for community consultation
Update on appeal proceedings before the State Administrative Tribunal
Electronic Development Assessment (eDA) Solution for Western Australia - Update and Shire resources
Presentation on the Glades Village Centre draft Local Planning Policy from Taylor Burrell Barnett

OCM022.3/10/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 29 SEPTEMBER 2010 (A1164-02)

In the attachments marked [OCM022.3/10/10 \(IN10/15263\)](#) is the minutes of the South East Metropolitan Zone Meeting held on 29 September 2010.

OCM022.4/10/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 30 SEPTEMBER 2010 (A1164-02)

In the attachments marked [OCM022.4/10/10 \(IN10/16005\)](#) is the minutes of the Peel Zone Meeting held on 30 September 2010.

OCM022.5/10/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL SUMMARY MINUTES – 12 OCTOBER 2010 (A1164-02)

In the electronic attachments marked [OCM022.5/10/10 \(IN10/16037\)](#) is the summary minutes of the WALGA State Council meeting held on 12 October 2010.

OCM022/10/10 COUNCIL DECISION / Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield
The Information Report to 22 October 2010 is received.
CARRIED 9/0

11. URGENT BUSINESS:

Nil

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

There being no further business, the meeting closed at 10.25pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 November 2010.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD037/10/10 PROPOSED SINGLE DWELLING (PARTIALLY OUTSIDE THE BUILDING ENVELOPE) – LOT 108 (#470) HOPKINSON ROAD, OAKFORD (P05116/05)		
Proponent:	Scott Park Homes	In Brief Application for the construction of a single dwelling partially outside the building envelope. Approval subject to conditions is recommended.
Owner:	H and J Pitlo	
Officer:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	20 September 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD037/10/10 Committee Decision/Officer Recommended Resolution:

Moved Cr Ellis seconded Cr Hoyer

That the proposed single dwelling partially outside the building envelope on Lot 108 Hopkinson Road, Oakford be approved subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. The dwelling is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
3. 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.
4. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.

CARRIED 7/0

CGAM012/10/10		MONTHLY FINANCIAL REPORT – AUGUST 2010 (A0924/07)
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the August 2010 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Financial Accountant	
Senior Officer:	Director Corporate Services	
Date of Report	August 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

CGAM012/10/10 Committee Decision / Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

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

CARRIED 7/0

CGAM013/10/10		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period 21 August 2010 to 20 September 2010
Owner:	Not Applicable	
Author:	Joanne Egitto - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 September 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM013/10/10 Committee Decision / Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Twine

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

CARRIED 7/0

CGAM019/10/10		INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report to 28 September 2010.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	27 August 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM019/10/10 Committee Decision / Officer Recommended Resolution:

Moved Cr Guerds, seconded Cr Twine
That the Information Report to 28 September be received.
CARRIED 7/0

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