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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 26TH JUNE, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
AW Wigg
WJ Kirkpatrick
KR Murphy
JC Star
JA Scott
IJ Richards
EE Brown

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr S Bell Director Engineering
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr R Montgomery .Executive Manager Strategic Community Planning
Mrs S Langmair Minute Secretary

APOLOGIES:

GALLERY: 0

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT’S REPORT:

Cr Denyse Needham extended thanks to Cr Ian Richards who came onto Council at the same time that she did. Cr Jan Star and Cr John Price have been on Council for a longer time. It is with regret that we accept Cr Richard’s resignation and we look forward to catching up with Cr Richards from time to time in the future.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

B Gleeson, S Bell, D Long and R Montgomery declared a financial interest in item OCM045.9 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER as it relates to them acting as Chief Executive Officer.

Cr Murphy and Cr Price declared in interest of impartiality in item OCM045.7 2006 ANNUAL STATE CONFERENCE – PLANNING IN THE RESOURCE BOOM – INNOVATION & HABITATION as it relates to Councillor training that they have registered for.

Cr Star declared an interest of impartiality in item OCM045.8 REGISTRATION OF VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING as it relates to her attendance at the 2006 Local Government Week Conference.

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

7.1 Ordinary Council Meeting – 22nd May, 2006

COUNCIL DECISION

Moved Cr Price seconded Cr Wigg
That the minutes of the Ordinary Council Meeting held on 22nd May, 2006 be confirmed.
CARRIED 9/0

7.2 Special Council Meeting – 6th June, 2006

COUNCIL DECISION

Moved Cr Wigg seconded Cr Scott
That the minutes of the Special Council Meeting held on 6th June, 2006 be confirmed.
CARRIED 9/0

REPORTS OF COMMITTEES:

SD141/06/06 DRAFT TIME TABLE FOR THE PREPARATION OF THE MUNDIJONG/WHITBY DISTRICT STRUCTURE PLAN (A0858)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse the proposed draft time table for the preparation of the District Structure Plan for Mundijong/Whitby.
Owner:	Not applicable	
Officer:	Jocelyn Ullman – Senior Strategic Planner	
Signatures Author:		
Senior Officer:		
Date of Report	24 May 2006	
Previously	SD123/04/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting on 24 April 2006 Council endorsed a Community Enquiry Workshop Process (CEWP) for the preparation of the District Structure Plan for the Mundijong/Whitby urban cell. Following the endorsement of the process a Workshop was held with the Councillors on 9 May 2006 where the finer details of the CEWP were discussed. From this Workshop it was requested that a draft time table be prepared for the project which is now presented to Council for consideration.

Sustainability Statement

The draft time table for the preparation of the draft District Structure Plan is as follows:

Date	Works
24 July 2006	Budget approval for project
July 2006 – January 2007	Preparation and collection of data for Briefing Papers and Charette
16 August 2006	Initial Community Information Session
Early September 2006	Set up of Technical and Community Consultation Group
27 September 2006	Community Focus Forum
5 February 2007	Distribution of Briefing Papers
19 – 23 February 2007	Briefing sessions
3 – 5 April 2007	Charette
28 May 2007	Council consideration of draft Plan for advertising
4 June to 13 July 2007	Advertising of draft Plan
27 August 2007	Council adoption of Plan
Early September 2007	Forward Plan to WAPC for consideration
Once the Technical and Community Consultation Groups have been formed there will be a need to meet with these Groups on a regular basis leading up to the Briefing Sessions.	

It should be noted that the draft time table has been prepared based on information and discussions that Council Officer's have had internally and externally and is considered achievable but ambitious. It should also be noted that there are issues and external influences that can significantly affect time tables that are out of the control of Council. There may need to be extensions made to the time table in the future to ensure that adequate information is provided and appropriate feedback obtained. Council will be advised of any changes to the time table.

Statutory Planning Process

There are a number of steps in the project which will also be progressing in tandem with the preparation of the draft District Structure Plan. These include:

Lifting Urban Deferment – At the time of writing this Report the Western Australian Planning Commission (WAPC) had not made a decision on the lifting of the Whitby land owned by Urban Pacific from Urban Deferred status under the Metropolitan Region Scheme (MRS).

As Council has been previously advised there is still land outside of the Urban Pacific proposal that will remain under Urban Deferred in the MRS (**refer Attachment SD141.1/06/06**). There will be a requirement for a request to be prepared and lodged with the WAPC to transfer this land to Urban following the same process as that undertaken by Urban Pacific. It is recommended that Council prepare and lodge this request on behalf of the landowners affected, due to the fragmented ownership and given that Council is preparing the District Structure Plan. It is proposed that the draft District Structure Plan be used as the basis for the request for the lifting of the deferment. This request would be lodged with the WAPC during the advertising of the draft District Structure Plan.

Bush Forever – A Negotiated Planning Solution (NPS) relating to the Bush Forever site located on the northern portion of Lots 22, 23 and 29 Norman Road/South Western Highway owned by Urban Pacific is currently underway. This involves discussions between Department for Planning Infrastructure's Bush Forever office, Department of Environment, CALM, Council Officers and Urban Pacific to determine the extent of the Bush Forever vegetation, management of this land and appropriate development interface. These negotiations are on going.

Town Planning Scheme Amendment – A number of amendments to Council's Town Planning Scheme No. 2 have been initiated in the past to introduce the 'Urban Development' zone to the Mundijong/Whitby urban cell (Amendment No. 69 and 119). These amendments did not rezone the whole cell largely due to the sand mining debate over the Whitby land. An amendment to bring Council's Scheme into line with the lifting of the Urban Deferment and the future urban development in the Mundijong/Whitby cell is still required and is proposed to be initiated prior to the preparation of the Structure Plan. As with the previous amendments this would introduce the 'Urban Development' zone to the Mundijong/Whitby urban cell and provide the requirement for a structure plan to be prepared and endorsed prior to any development occurring.

Statutory Environment: Planning and Development Act 2005

Policy/Work Procedure Implications:

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

Financial Implications:

Council will be considering the budget proposed for this project at its meeting in July. \$225,000 is proposed in 2006/2007 budget with a further \$75,000 in the 2007/2008 budget.

Strategic Implications:

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

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

The Community Enquiry Workshop Process (CEWP) endorsed by Council at its meeting on 24 April 2006 is based on extensive community involvement in the planning process and far exceeds the traditional community involvement in the preparation of a Structure Plan. The CEWP will also be followed by the traditional planning process which involves the advertising of the draft District Structure Plan providing further opportunity for the community to comment on the draft Plan. This report outlines the time table for the implementation of the CEWP. Further community consultation will be required during the advertising process of the Scheme Amendment.

Comment:

The main steps outlined in the draft time table presented in this Report are:

August 2006 – Initial information session with the Community

February 2007 – Briefing sessions

April 2007 – Charette

June 2007 – Advertising of draft Plan

August 2007 – Adoption of Plan

As outlined the draft time table has been prepared based on information and discussions that Council Officer's have had internally and externally and is considered achievable but ambitious. There may need to be extensions made to the time table in the future to ensure that adequate information is provided and appropriate feedback obtained. Council will be advised of any changes to the time table.

Voting Requirements: Normal

SD141/06/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Brown

The report on the draft time table for the preparation of the Draft District Structure Plan for Mundijong/Whitby be endorsed.

CARRIED 9/0

SD142/06/05 PROPOSED VARIATION TO PLANNING APPROVAL (COMMERCIAL VEHICLE PARKING) – LOT 42 (94) COMIC COURT CIRCUIT, DARLING DOWNS (P05355/02)		
Proponent:	M & S Dowell	In Brief The applicant seeks a variation to the conditions of planning approval for Commercial Vehicle Parking on the subject property. It is recommended that a variation be granted.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 June 2006	
Previously	SD133/05/06	
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: 2 June 2006
 Advertised: NA
 Submissions: NA
 Lot Area: 2.0 ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Residential & Stable
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: 4 May 2006

Background

On 22 May 2006, Council granted approval for Commercial Vehicle Parking on Lot 42 Comic Court Circuit, Darling Downs subject to the following conditions:

COUNCIL DECISION

The application for Commercial Vehicle Parking on Lot 42 (94) Comic Court Circuit, Darling Downs be approved subject to the following conditions:

1. *Approval is for the parking of one (1) commercial vehicle comprising one (1) prime mover and one (1) trailer only.*
2. *Only one (1) commercial vehicle is permitted on the property at any given time. No other prime movers or trailers are permitted on the property.*
3. *Approval is specific to the applicant only and does not run with the land.*
4. *No commercial activities are to be undertaken from the property.*
5. *No mechanical servicing or repairs of the commercial vehicle is permitted on the subject land.*
6. *The prime mover and trailer are to be parked on the property in the location as shown on the approved site plan attached to and forming part of this approval.*
7. *Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.*
8. *The proposed commercial vehicle is to comply at all times with the requirements of 'Commercial Vehicle Parking' as stipulated in Council's Town Planning Scheme No.2.*

9. *The commercial vehicle is not to enter or leave the property between 7.00pm and 6.00am Monday to Friday, there are to be no commercial vehicle movements in or out on a Saturday or Sunday or a public holiday.*

CARRIED 6/3

Council Note: The Committee/Officers Recommended Resolution was changed to clarify that the commercial vehicle could only enter or leave the property between Monday and Friday”.

The applicant has recently requested a variation to condition 9 to allow for commercial vehicle movements on Saturdays.

Sustainability Statement

Effect on Environment: Not Applicable.

Resource Implications: Not Applicable.

Use of Local, renewable or recycled Resources: Not Applicable.

Economic Viability & Benefits: Not Applicable.

Social – Quality of Life: The proposed variation to allow commercial vehicle movements on the property on Saturdays is unlikely to have a significant impact on the locality or adjoining properties.

Social and Environmental Responsibility & Social Diversity: Not Applicable.

Social Diversity: Not Applicable.

Statutory Environment: Town Planning Scheme No.2

Policy/Work Procedure Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue.

Strategic Implications:

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

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategy:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategy:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategy:

1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Consultation with surrounding landowners was undertaken as part of the original application. One objection was received. The proposed variation to the condition was not referred to neighbours as it is considered that such a variation will have minimal impacts on surrounding properties.

A copy of the previous report on this matter is with the attachments marked SD142.1/06/06.

Comment:

Current Approval

The applicant is seeking approval from Council to vary condition 9 on the planning approval dated 29 May 2006 for Commercial Vehicle Parking. As part of the request to Council, the applicant has stated the following:

“We would like to apply that the vehicle is able to move on and off the property on Saturdays between 6:00am and 2:00pm as being a sub-contractor there may be work on the occasional Saturday”.

In the original application to Council, the applicant stated that the commercial vehicle would move on and off the property on Monday to Friday only. However, since the approval has been granted the applicants have realised that they would not be able to undertake any jobs on Saturdays if approached for work.

Conclusion

The proposed variation to condition 9 on the planning approval dated 29 May 2006 to allow for movements on and off the property of Saturdays is considered reasonable. The variation is likely to have little impact on surrounding properties and will allow the applicant to undertake work on Saturdays if offered. As stated by the applicant, work on Saturday will only be occasionally and the commercial vehicle will leave and return to the property between 6:00am and 2:00pm.

It is therefore recommended that a variation to the planning approval be granted.

Voting Requirements: Normal

SD142/06/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

A. The application for Commercial Vehicle Parking on Lot 42 (94) Comic Court Circuit, Darling Downs be approved subject to the following conditions:

1. Approval is for the parking of one (1) commercial vehicle comprising one (1) prime mover and one (1) trailer only.
2. Only one (1) commercial vehicle is permitted on the property at any given time. No other prime movers or trailers are permitted on the property.
3. Approval is specific to the applicant only and does not run with the land.
4. No commercial activities are to be undertaken from the property.
5. No mechanical servicing or repairs of the commercial vehicle is permitted on the subject land.

6. The prime mover and trailer are to be parked on the property in the location as shown on the approved site plan attached to and forming part of this approval.
7. Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.
8. The proposed commercial vehicle is to comply at all times with the requirements of 'Commercial Vehicle Parking' as stipulated in Council's Town Planning Scheme No.2.
9. The commercial vehicle shall only enter or leave the property between 6.00am and 7.00pm Monday to Friday and 6.00am and 2.00pm Saturdays. There are to be no commercial vehicle movements in or out of the property on a Sunday or a public holiday.
10. This approval expires in 12 months time from the date of this approval. Renewal of approval is subject to no substantiated complaints being received during the preceding 12 month period.

B. The objectors who previously lodged a submission be advised of Council's decision.

CARRIED 9/0

SD144/06/06 DETAILED AREA PLAN NO. 2 FOR BYFORD BY THE SCARP - RATH CLOSE CORNER COULTERHAND CIRCLE, BYFORD (S123469)		
Proponent:	Taylor Burrell Barnett Planning	In Brief To consider a draft Detailed Area Plan setting out design requirements for the future development of 14 lots abutting an area of the main public open space within Stage 1 of the Byford by the Scarp estate as required by a condition of the subdivision approval. It is recommended that, subject to some minor modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Owner:	Caversham Property Pty Ltd	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 June 2006	
Previously	SD124/04/06	
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:	21 February 2006
Advertised:	N/A
Submissions:	N/A
Lot Area:	Exact land area not known
L.A Zoning:	Residential R40
MRS Zoning:	Urban
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	Various

Background:

A draft Detailed Area Plan (DAP) has been received for consideration under clause 5.18.5.1(a)(ii) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme"). The draft DAP sets out design requirements for fourteen lots that will back onto the large public open space at the entrance to Stage 1 of the Byford by the Scarp estate. Condition 8 of the subdivision approval required the following:

8. *Detailed Area Plans to be prepared for the development on the proposed residential lots adjoining the areas of Public Open Space, the pedestrian access way and residential lots in close proximity to the South Western Highway (as shown on the attached plan) to the satisfaction of the Western Australian Planning Commission.*

A copy of the approved subdivision plan containing the subject lots is with the attachments marked SD144.1/06/06.

A copy of the draft Detailed Area Plan is with the attachments marked SD144.2/06/06.

The DAP specifies those design elements that vary from the Western Australian Planning Commission's Residential Design Codes 2002.

The following development standards are proposed by the applicant:

1. *The dwellings (including patios and gazebos) must be located within the building envelopes where shown.*
2. *The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.*
3. *Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.*
4. *Sheds and outbuildings are to be constructed of similar materials and colours as the dwelling where they are visible from the street or public open space.*
5. *Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.*
6. *The minimum garage setback shall be 3.0 metres from the primary street.*
7. *Clothes lines and rubbish bins must be screened and not visible from public view.*
8. *A minimum open space of 40% is applicable.*
9. *Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:*
 - a) *the solar aspect of the design of the residence is not compromised;*
 - b) *access to the rear of the property is maintained from the outside.*
 - c) *A 2 metre solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.*
10. *Garages/carports may be located within the 2 metre solar setback.*
11. *Density Coding is R40.*
12. *Dwellings on lots abutting public open space must be designed to ensure passive surveillance of public open space.*
13. *Only one dwelling is permitted per lot.*

An assessment of the proposed provisions of the DAP is contained in the Comment section of this report.

Sustainability Statement

Effect on Environment: The draft DAP generally accords with the approved Development Strategy for the Byford by the Scarp estate, which focuses on environmental sustainability. The draft DAP incorporates design requirements which are intended to create an efficient, highly attractive form of cottage development across the lots. This promotion of energy

efficiency particularly will result in a positive effect on the environment through reduced energy consumption and dependency.

Use of Local, renewable or recycled Resources: Succinctly, the promotion of energy efficiency will result in reduced energy consumption and dependency upon resources.

Economic Viability: The draft DAP focuses on environmental and resource sustainability and appropriate design.

Social – Quality of Life: The draft DAP is considered to be socially responsible through a dedication to environmental sustainability and particularly to ensure an appropriate neighbourhood environment promoting passive surveillance of public open space.

Statutory Environment:

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme 1963
Western Australian Planning Commission Act 1985
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Statement of Planning Policy No. 1 (*State Planning Framework Policy - Variation 1*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Statement of Planning Policy No. 3.1 (*Residential Design Codes*)
Draft Statement of Planning Policy No. 1 (*Draft State Planning Framework Policy - Variation 2*)
Draft Statement of Planning Policy No. 3 (*Draft Urban Growth and Settlement*)

Financial Implications:

There are no Financial implications to Council related to this application/issue.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

4. Foster a strong sense of community, place and belonging.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Community consultation is not a statutory requirement of the Scheme for the advertising of DAP's.

Comment:

The design requirements contained in the DAP are intended to create a cottage style dwelling on each lot, with high quality external presentation, energy efficiency and casual surveillance of adjacent public areas.

Assessment of the draft DAP has determined that the following issues have not been adequately addressed given that the rear yards of the dwellings will be visible from the adjoining public open space:

1. *The method of screening bin storage and clotheslines.*
2. *Fencing of the lot boundaries abutting the public open space area.*
3. *The materials to be used for outbuildings, patios and gazebos.*
4. *The placement of air conditioning units and solar hot water systems.*
5. *Dwelling design to maximize passive surveillance of public open space.*

Accordingly, the following modifications are recommended to the provisions contained on the DAP:

1. Modifying provision 7 to require bin storage and clothes drying areas to be screened by masonry walls of a minimum height of 1.8 metres and materials and finish to match the walls of the dwelling.
2. Adding a new provision 14 to clarify the need for fencing to attain a minimum standard of visual permeability to allow passive surveillance of the adjoining public open space.
3. Requiring outbuildings to be constructed of materials that match the walls and roof of the dwelling (ie masonry walls and metal or tiled roofs). This would not apply to patios and gazebos.
4. Modifying provision 12 to clarify how the design of the dwelling must address the public open space.
5. Adding a new provision 15 requiring the roof of patios and gazebos and the like to match the colour of the roofing material on the dwelling.
6. Adding new provisions 16 and 17 controlling the location of air conditioning units and solar hot water systems.

The developers may argue with regard to point 2 above that a fencing condition is not necessary as a condition of the subdivision approval requires the developer to install uniform fencing to the rear of lots abutting the public open space. However, there still needs to be a provision on the DAP to bind subsequent occupants of the lots from replacing or modifying fencing with a solid screen in the future.

Subject to the modifications detailed above, it is recommended that the DAP be approved in accordance with clause 5.18.5.1(a)(ii) of the Scheme.

Voting Requirements: Normal

SD144/06/06 Officer Recommended Resolution

- A. Detailed Area Plan No. 2 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R40.

SCHEME & RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.
3. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.

DESIGN ELEMENTS

4. Only one dwelling is permitted per lot.
5. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
7. A minimum open space of 40% is applicable.
8. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside;
 - c) a 2m solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
9. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space. This is to be achieved by ensuring that major openings and living areas face towards the public open space.

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

10. The minimum garage setback shall be 3.0 metres from the primary street.
11. Garages/carports may be located within the 2 metre solar setback.

FENCING

12. Fencing on boundaries facing the public open space shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS, PATIOS & GAZEBOS

13. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street or public open space.
14. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

15. Clothes lines and rubbish bins must be screened from public view by masonry walls to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

16. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
17. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway (Lots 3-7 inclusive) may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.
- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

AMENDMENT

That condition 15 be modified so that clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire.

After debate the Presiding Member put the amendment which was

SD144/06/06 Committee Recommended Resolution

- A. Detailed Area Plan No. 2 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R40.

SCHEME & RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

3. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.

DESIGN ELEMENTS

4. Only one dwelling is permitted per lot.
5. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
7. A minimum open space of 40% is applicable.
8. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside;
 - c) a 2m solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
9. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space. This is to be achieved by ensuring that major openings and living areas face towards the public open space.

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

10. The minimum garage setback shall be 3.0 metres from the primary street.
11. Garages/carports may be located within the 2 metre solar setback.

FENCING

12. Fencing on boundaries facing the public open space shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS, PATIOS & GAZEBOS

13. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street or public open space.
14. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

15. Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

16. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
17. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway (Lots 3-7 inclusive) may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.
- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by amending condition 15 so that clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire.

SUPPLEMENTARY REPORT

As a result of discussion at Committee staff have reviewed Condition 8. The condition has been reworded as follows:

8. *Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:*
 - a) *The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and*
 - b) *access to the rear of the property is maintained from outside the dwelling.*

SD144/06/06 REVISED OFFICER RECOMMENDATION:

- A. Detailed Area Plan No. 2 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R40.

SCHEME & RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.
3. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.

DESIGN ELEMENTS

4. Only one dwelling is permitted per lot.

5. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
7. A minimum open space of 40% is applicable.
8. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and
 - b) access to the rear of the property is maintained from outside the dwelling.
9. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space. This is to be achieved by ensuring that major openings and living areas face towards the public open space.

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

10. The minimum garage setback shall be 3.0 metres from the primary street.
11. Garages/carports may be located within the 2 metre solar setback.

FENCING

12. Fencing on boundaries facing the public open space shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS, PATIOS & GAZEBOS

13. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street or public open space.
14. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

15. Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

16. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
17. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway (Lots 3-7 inclusive) may be affected by traffic noise. Future dwellings on these lots shall be designed and

constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.
- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

NEW MOTION

Moved Cr Murphy seconded Cr Richards

- A. Detailed Area Plan No. 2 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:**

SCHEME & RESIDENTIAL DESIGN CODE VARIATIONS

- 1. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.**
- 2. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.**

DESIGN ELEMENTS

- 3. Only one dwelling is permitted per lot.**
- 4. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.**
- 5. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.**
- 6. A minimum open space of 40% is applicable.**
- 7. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and**
 - b) access to the rear of the property is maintained from outside the dwelling.****
- 8. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space. This is to be achieved by ensuring that major openings and living areas face towards the public open space.**

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

- 9. The minimum garage setback shall be 3.0 metres from the primary street.**
- 10. Garages/carports may be located within the 2 metre solar setback.**

FENCING

11. Fencing on boundaries facing the public open space shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS, PATIOS & GAZEBOS

12. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street or public open space.
13. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

14. Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

15. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
16. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOISE ATTENUATION

17. Lots adjacent to South Western Highway (Lots 3-7 inclusive) may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION TO PROSPECTIVE PURCHASERS

18. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

B Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2.

C. Take the necessary action to change the density coding to R20.

LOST 4/5

FORESHADOWED MOTION

During debate Cr Needham foreshadowed that she would move the Officers Revised Recommendation if the motion under debate was lost.

SD144/06/06 COUNCIL DECISION:

Moved Cr Needham seconded Cr Star

- A. Detailed Area Plan No. 2 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:**

R CODING

- 1. Density Coding is R40.**

SCHEME & RESIDENTIAL DESIGN CODE VARIATIONS

- 2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.**
- 3. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.**

DESIGN ELEMENTS

- 4. Only one dwelling is permitted per lot.**
- 5. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.**
- 6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.**
- 7. A minimum open space of 40% is applicable.**
- 8. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and**
 - b) access to the rear of the property is maintained from outside the dwelling.****
- 9. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space. This is to be achieved by ensuring that major openings and living areas face towards the public open space.**

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

- 10. The minimum garage setback shall be 3.0 metres from the primary street.**
- 11. Garages/carports may be located within the 2 metre solar setback.**

FENCING

- 12. Fencing on boundaries facing the public open space shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).**

OUTBUILDINGS, PATIOS & GAZEBOS

- 13. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street or public open space.**

14. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

15. Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

16. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
17. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway (Lots 3-7 inclusive) may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

CARRIED 6/3

SD145/06/06 DETAILED AREA PLANS NO. 3 & 4 FOR BYFORD BY THE SCARP – HOWITZER TURN AND KARANGI CIRCLE, BYFORD (S127104)		
Proponent:	Taylor Burrell Barnett Planning	In Brief To consider draft Detailed Area Plan setting out design requirements for the future development of lots adjacent to South Western Highway within Stage 3 of the Byford by the Scarp estate as required by a condition of the subdivision approval. It is recommended that, subject to some minor modifications, the draft Detailed Area Plans be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Owner:	Caversham Property Pty Ltd	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 June 2006	
Previously	SD124/04/06	
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 May 2006
 Advertised: N/A
 Submissions: N/A
 Lot Area: Exact land area not known
 L.A Zoning: Residential R20
 MRS Zoning: Urban
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: Various

Background:

Draft Detailed Area Plans (DAPs) have been received for consideration under clause 5.18.5.1(a)(ii) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“Scheme”). The draft DAP sets out design requirements for four lots approved as part of Stage 3 that will face South Western Highway. Condition 8 of the subdivision approval required the DAP's as follows:

8. *Detailed Area Plans to be prepared for the development on the proposed residential lots adjoining the areas of Public Open Space, the pedestrian access way and residential lots in close proximity to the South Western Highway (as shown on the attached plan) to the satisfaction of the Western Australian Planning Commission.*

A copy of the approved subdivision plan containing the subject lots is with the attachments marked SD145.1/06/06.

The draft Detailed Area Plans are with the attachments marked SD145.2/06/06.

The DAP's specify those design elements that vary from the Western Australian Planning Commission's Residential Design Codes 2002.

The following development standards are proposed for the three lots along Howitzer Turn:

1. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
2. The dwellings fronting public roads shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage.
3. An alternative garage location to that shown on the plan may be approved by the Principal Planner subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.
4. The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.
5. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
6. Sheds and outbuildings are to be constructed of similar materials and colours as the dwelling where they are visible from the street or public open space.
7. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.
8. Clothes lines and rubbish bins must be screened and not visible from public view.
9. A minimum open space of 40% is applicable.
10. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside.
 - c) A 2 metre solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
11. Density Coding is R20.
12. A nil setback along a side boundary to a maximum 2/3 length of the side boundary is permitted.

The following development standards are proposed for one lot on Karangi Circle:

1. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
2. The dwellings fronting public roads shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage.
3. An alternative garage location to that shown on the plan may be approved by the Principal Planner subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.
4. The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.
5. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
6. Sheds and outbuildings are to be constructed of similar materials and colours as the dwelling where they are visible from the street or public open space.
7. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.
8. The minimum garage setback shall be a minimum of 5.0m from the primary street.
9. Clothes lines and rubbish bins must be screened and not visible from public view.
10. A minimum open space of 40% is applicable.
11. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside.
 - c) A 2 metre solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
12. Density Coding is R20.

The differences between the provisions contained on the DAP for Howitzer Turn and the DAP for Karangi Circle are:

1. The Howitzer Turn DAP has a provision allowing building to the boundary for 2/3 of the side boundary; and
2. The Karangi Circle DAP has a provision requiring garages to be setback a minimum of 5.0 metres from the primary street frontage.

An assessment of the proposed provisions of the DAP's is contained in the Comment section of this report.

Sustainability Statement

Effect on Environment: The draft DAP's generally accords with the approved Development Strategy for the Byford by the Scarp estate, which focuses on environmental sustainability. The draft DAP's incorporate design requirements (setbacks and building envelope) which are intended to enable retention of the existing trees. However, it is considered that there should be a specific provision requiring retention and protection of these existing trees on the DAP's.

The DAP's also contain provisions that promote energy efficient dwelling design, which may result in a positive effect on the environment through reduced energy consumption and dependency.

Use of Local, renewable or recycled Resources: Succinctly, the promotion of energy efficiency will result in reduced energy consumption and dependency upon resources.

Economic Viability: The draft DAP's focus on environmental and resource sustainability and appropriate design.

Social – Quality of Life: The draft DAP's are considered to be socially responsible through a dedication to environmental sustainability. The DAP's also aim to achieve as great as possible separation between dwellings and the noise producing South Western Highway.

Statutory Environment: Planning and Development Act 2005
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

Policy/Work Procedure Implications: Statement of Planning Policy No. 1 (*State Planning Framework Policy - Variation 1*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Statement of Planning Policy No. 3.1 (*Residential Design Codes*)
Draft Statement of Planning Policy No. 1 (*Draft State Planning Framework Policy - Variation 2*)
Draft Statement of Planning Policy No. 3 (*Draft Urban Growth and Settlement*)

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents
Strategies:
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Given that the draft DAPs refine further details relating to the development of the lots adjacent to South Western Highway as required by Condition 8 of the subdivision approval, the Scheme does not require any formal advertising processes for the DAP's.

Comment:

The design requirements contained in these DAPs mainly need to address the following elements:

1. Maximum separation of dwellings from South Western Highway;
2. Retention of the existing mature trees (including pink flowering marri *Corymbia calophylla rosea*) that form a significant existing feature along the South Western Highway frontage of the Byford by the Scarp estate; and
3. An appropriate level of visual amenity for the estate when viewed from South Western Highway.

Assessment of the draft DAP has determined that while 1. has been adequately addressed through building envelopes and setbacks, 2. and 3. have not been adequately addressed as follows:

1. DAP 3 should be extended to cover all of the lots in Howitzer Turn facing South Western Highway being Lots 16 to 24, Lot 27 and Lot 30 Howitzer Turn as these lots were all included in the subdivision approval for Stage 3 and have the same issues of the need to separate the dwelling from the highway and retention of existing trees.
2. DAP 4. should be extended to cover Lot 31 Karangi Circle as well as Lot 36.
3. The location of crossovers needs to be fixed to ensure that the existing trees are not impacted. Accordingly a specific provision is required in this regard and the provision allowing the relocation of garages needs to be deleted.
4. A specific provision is required that ensures the retention and protection of existing mature trees adjacent to the lot frontages facing South Western Highway. This is not practical to apply to Lot 27 Howitzer Turn due to the small size of the lot and Lot 16 does not contain any existing trees, but should apply to all the other lots.
5. The placement of air conditioning units and solar hot water systems.
6. The reduced requirement for open space of only 40% should only be applied to Lots 27 and 16 Howitzer Turn (which are small in size) but the other lots which are larger

- should be required to comply with the minimum open space requirement contained in the Residential Design Codes being 50%.
7. Provisions on DAP 3 (Howitzer Turn) relating to building to the boundary being permitted to a maximum length of 2/3 should only be applied to the eastern side boundaries of Lots 27 and 16 Howitzer Turn as all the other lots are large enough to not require this concession.
 8. The building envelope on Lot 27 Howitzer Turn should be deleted given that it has been determined that it would be impractical to require the retention of the existing trees on this lots. However, it is considered that an additional provision should be included for both Lots 27 and 16 Howitzer turn requiring a minimum 3 metre setback from the secondary street boundaries and an average 6 metre setback from the primary street boundaries.

In addition, it is considered that there a several provisions that do not appear particularly relevant to the particular lots covered by DAP's 3 and 4 as follows:

1. The provision on DAP 4. requiring a 5 metre setback to the garage/carport appears extraneous given minimum front setbacks of 15 metres and building envelopes are depicted on the DAP.
2. Provision 3. on both DAP's relating to the ability to gain approval for an alternative garage location should only apply to Lots 16 and 27 Howitzer Turn as it will not be possible to relocate garages on the other lots if the crossover location are fixed to avoid impact on existing trees.

Accordingly, the provisions of DAP's 3. and 4. have been modified in the recommendation to address the above issues.

Subject to the modifications detailed above, it is recommended that the DAP be approved in accordance with clause 5.18.5.1(a)(ii) of the Scheme.

Voting Requirements: Normal

Officer Recommended Resolution

- A. Detailed Area Plan No. 3 for Byford by the Scarp Estate being modified as follows:
 1. The plan depicted being modified to include Lots 16 to 24 (inclusive), 27 and 30 Howitzer Turn;
 2. The building envelope on Lot 27 being deleted;
 3. Building Envelope's being shown on Lots 17 to 24 and set back a minimum of 15 metres from the road frontage;
 4. Crossover locations being depicted on the plan for Lots 17 to 24 and Lot 30; and
 5. The provisions detailed on the plan being modified as set out in B. below.
- B. Subject to A above, Detailed Area Plan No. 3 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. Dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
5. Council has discretion to vary the provisions of the Detailed Area Plan to improve solar penetration.
6. A minimum open space of 40% is applicable to Lots 16 and 27 Howitzer Turn only. All other lots must achieve the minimum open space set out in Table 1 of the Residential Design Codes.
7. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside;
 - c) a 2m solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
8. A nil setback along the eastern side boundary on Lots 16 and 27 to a maximum 2/3 length of the side boundary is permitted.

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

9. An alternative garage location to that shown on the plan may be approved by the Shire on Lots 16 and 27 Howitzer Turn only subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.
10. Garages/carports may be located in the 2 metre solar setback.
11. The crossover locations for lots 17 to 24 are to be as depicted on this plan.

OUTBUILDINGS, PATIOS & GAZEBOS

12. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street.
13. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

14. Clothes lines and rubbish bins must be screened from public view.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

15. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
16. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

VEGETATION PROTECTION

17. All existing trees adjacent to the western boundaries of the lots are to be retained and are to be protected prior to and during construction to the satisfaction of the Shire. Removal of any of these trees is not permitted unless with the prior written approval of the Shire.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION OF PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.
- C. Detailed Area Plan No. 4 for Byford by the Scarp Estate being modified as follows:
1. The plan depicted being modified to include Lot 31 Karangi Circle as well as Lot 36;
 2. Crossover locations being depicted on the plan to the satisfaction of the Director Engineering; and
 3. The provisions detailed on the plan being modified as set out in D. below.
- D. Subject to C above, Detailed Area Plan No. 4 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. Dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
5. Council has discretion to vary the provisions of the Detailed Area Plan to improve solar penetration.
6. All lots must achieve the minimum open space set out in Table 1 of the residential Design Codes.
7. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside;
 - c) a 2m solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

8. The crossover locations are to be as depicted on this plan.
9. Garages/carports may be located in the 2 metre solar setback.

OUTBUILDINGS, PATIOS & GAZEBOS

10. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street.
11. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

CLOTHES LINES & RUBBISH BINS

12. Clothes lines and rubbish bins must be screened from public view.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

13. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
14. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

VEGETATION PROTECTION

15. All existing trees adjacent to the western boundaries of the lots are to be retained and are to be protected prior to and during construction to the satisfaction of the Shire. Removal of any of these trees is not permitted unless with the prior written approval of the Shire.

NOISE ATTENUATION

16. Lots adjacent to South Western Highway may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION OF PROSPECTIVE PURCHASERS

17. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

SD145/06/06 Committee Recommended Resolution

That item SD145/06/06 be deferred to the June Ordinary Council Meeting.
CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed in order to seek clarification prior to the June Ordinary Council Meeting regarding the interpretation of Condition 7 relating to solar setbacks.

SUPPLEMENTARY INFORMATION:

As a result of discussion at Committee relating to the wording of the condition relating to the solar setbacks, staff have reviewed the condition. The condition has been reworded as follows:

Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:

- a) *The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and*
- b) *access to the rear of the property is maintained from outside the dwelling.*

SD145/06/06 COUNCIL DECISION/REVISED OFFICER RECOMMENDATION:

Moved Cr Star seconded Cr Price

A. Detailed Area Plan No. 3 for Byford by the Scarp Estate being modified as follows:

1. The plan depicted being modified to include Lots 16 to 24 (inclusive), 27 and 30 Howitzer Turn;
2. The building envelope on Lot 27 being deleted;
3. Building Envelope's being shown on Lots 17 to 24 and set back a minimum of 15 metres from the road frontage;
4. Crossover locations being depicted on the plan for Lots 17 to 24 and Lot 30; and
5. The provisions detailed on the plan being modified as set out in B. below.

B. Subject to A above, Detailed Area Plan No. 3 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. Dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
5. Council has discretion to vary the provisions of the Detailed Area Plan to improve solar penetration.
6. A minimum open space of 40% is applicable to Lots 16 and 27 Howitzer Turn only. All other lots must achieve the minimum open space set out in Table 1 of the Residential Design Codes.
7. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum

- of 70% of the north elevation of the dwelling including solar penetration of living areas; and
- c) access to the rear of the property is maintained from outside the dwelling.

8. A nil setback along the eastern side boundary on Lots 16 and 27 to a maximum 2/3 length of the side boundary is permitted.

GARAGES, VEHICULAR ACCESS AND DRIVEWAYS

9. An alternative garage location to that shown on the plan may be approved by the Shire on Lots 16 and 27 Howitzer Turn only subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.
10. Garages/carports may be located in the 2 metre solar setback.
11. The crossover locations for lots 17 to 24 are to be as depicted on this plan.

OUTBUILDINGS, PATIOS & GAZEBOS

12. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street.
13. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

WASHING LINES & RUBBISH BINS

14. Clothes lines and rubbish bins must be screened from public view.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

15. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
16. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

VEGETATION PROTECTION

17. All existing trees adjacent to the western boundaries of the lots are to be retained and are to be protected prior to and during construction to the satisfaction of the Shire. Removal of any of these trees is not permitted unless with the prior written approval of the Shire.

NOISE ATTENUATION

18. Lots adjacent to South Western Highway may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION OF PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

C. Detailed Area Plan No. 4 for Byford by the Scarp Estate being modified as follows:

1. The plan depicted being modified to include Lot 31 Karangi Circle as well as Lot 36;
2. Crossover locations being depicted on the plan to the satisfaction of the Director Engineering; and
3. The provisions detailed on the plan being modified as set out in D. below.

D. Subject to C above, Detailed Area Plan No. 4 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirements to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. Dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
5. Council has discretion to vary the provisions of the Detailed Area Plan to improve solar penetration.
6. All lots must achieve the minimum open space set out in Table 1 of the residential Design Codes.
7. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and
 - d) access to the rear of the property is maintained from outside the dwelling.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

8. The crossover locations are to be as depicted on this plan.
9. Garages/carports may be located in the 2 metre solar setback.

OUTBUILDINGS, PATIOS & GAZEBOS

10. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street.
11. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

CLOTHES LINES & RUBBISH BINS

12. Clothes lines and rubbish bins must be screened from public view.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

13. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
14. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

VEGETATION PROTECTION

15. All existing trees adjacent to the western boundaries of the lots are to be retained and are to be protected prior to and during construction to the satisfaction of the Shire. Removal of any of these trees is not permitted unless with the prior written approval of the Shire.

NOISE ATTENUATION

16. Lots adjacent to South Western Highway may be affected by traffic noise. Future dwellings on these lots shall be designed and constructed to ameliorate traffic noise and emissions to the satisfaction of the Shire. Construction and mitigation methods shall be in accordance with the Building Code of Australia and relevant Australian Standards.

NOTIFICATION OF PROSPECTIVE PURCHASERS

17. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

CARRIED 9/0

SD146/06/06 DETAILED AREA PLAN NO. 5 FOR BYFORD BY THE SCARP – SHELL VISTA, BYFORD (S127104)		
Proponent:	Taylor Burrell Barnett Planning	In Brief To consider a draft Detailed Area Plan setting out design requirements for the future development of lots which front a pedestrian access way within Stage 3 of the Byford by the Scarp estate as required by a condition of the subdivision approval. It is recommended that, subject to some minor modifications, the draft Detailed Area Plans be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Owner:	Caversham Property Pty Ltd	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 June 2006	
Previously	SD124/04/06	
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 May 2006
 Advertised: N/A
 Submissions: N/A
 Lot Area: Exact land area not known
 L.A Zoning: Residential R20
 MRS Zoning: Urban
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: Various

Background:

A Draft Detailed Area Plan (DAP) has been received for consideration under clause 5.18.5.1(a)(ii) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“Scheme”). The draft DAP sets out design requirements for five lots approved as part of Stage 3 that will front a pedestrian access way (PAW). Condition 8 of the subdivision approval requires the following:

8. *Detailed Area Plans to be prepared for the development on the proposed residential lots adjoining the areas of Public Open Space, the pedestrian access way and residential lots in close proximity to the South Western Highway (as shown on the attached plan) to the satisfaction of the Western Australian Planning Commission.*

A copy of the approved subdivision plan containing the subject lots is with the attachments marked SD146.1/06/06.

A copy of the draft Detailed Area Plan is with the attachments marked SD146.2/06/06.

Vehicle access to all of the lots will be from adjacent public roads.

The DAP specifies those design elements that vary from the Western Australian Planning Commission's Residential Design Codes 2002 in order to adequately address the specific

constraints and desired amenity of their particular location – in this case a pedestrian access way which links two streets within the subdivision.

The following development standards are proposed by the applicant:

1. *The dwellings (including patios and gazebos) must be located within the building envelopes where shown.*
2. *The dwellings fronting public roads shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage.*
3. *An alternative garage location to that shown on the plan may be approved by the Principal Planner subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.*
4. *All major openings to habitable rooms fronting the public access way (Shell Vista) must overlook the Public Access Way to ensure passive surveillance.*
5. *The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.*
6. *Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.*
7. *Sheds and outbuildings are to be constructed of similar materials and colours as the dwelling where they are visible from the street or public open space.*
8. *Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.*
9. *The minimum garage setback shall be 3.0 metres from the primary street and in the case of lots 42, 43 and 46 located to provide sufficient vehicle movement for a safe egress of vehicles from the subject site.*
10. *Clothes lines and rubbish bins must be screened and not visible from public view.*
11. *A minimum open space requirement of 40% is applicable.*
12. *Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:*
 - a) *the solar aspect of the design of the residence is not compromised;*
 - b) *access to the rear of the property is maintained from the outside.*
 - c) *A 2 metre solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.*
13. *Density Coding is R20.*
14. *Proposed dwelling for Lot 44 shall be designed with major openings (public access way and public open space) to habitable rooms fronting both.*

An assessment of the proposed provisions of the DAP is contained in the Comment section of this report.

Sustainability Statement

Effect on Environment: The draft DAP generally accords with the approved Development Strategy for the Byford by the Scarp estate, which focuses on environmental sustainability. The draft DAP incorporates design requirements which are intended to create an efficient, highly attractive form of development across the lots. This promotion of energy efficiency particularly will result in a positive effect on the environment through reduced energy consumption and dependency.

Use of Local, renewable or recycled Resources: Succinctly, the promotion of energy efficiency will result in reduced energy consumption and dependency upon resources.

Economic Viability: The draft DAP focuses on environmental and resource sustainability and appropriate design.

Social – Quality of Life: The draft DAP is considered to be socially responsible through a dedication to environmental sustainability and particularly to ensure an appropriate

neighbourhood environment promoting passive surveillance of public open space and the public accessway.

Statutory Environment:

Planning and Development Act 2005
Metropolitan Region Town Planning Scheme Act 1959
Metropolitan Region Scheme 1963
Western Australian Planning Commission Act 1985
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Statement of Planning Policy No. 1 (*State Planning Framework Policy - Variation 1*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Statement of Planning Policy No. 3.1 (*Residential Design Codes*)
Draft Statement of Planning Policy No. 1 (*Draft State Planning Framework Policy - Variation 2*)
Draft Statement of Planning Policy No. 3 (*Draft Urban Growth and Settlement*)

Financial Implications:

There are no Financial implications to Council related to this application/issue.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Given that the draft DAP refines further details relating to the development of the lots abutting the public open space area as required by Condition 8 of the subdivision approval, the Scheme does not require any formal advertising processes. The requirement for landowners of these lots to comply with the detailed area plan forms a condition of sale and

a notification with regard to the requirement will be placed on the Certificates of Title for the lots.

Comment:

The design requirements contained in the DAPs are intended to apply to dwellings and development on each lot, with high quality external presentation, energy efficiency and casual surveillance of adjacent public areas.

Assessment of the draft DAP has determined that the following issues have not been adequately addressed given that the rear yards of the dwellings will be visible from the adjoining public open space and public roads:

1. *The method of screening bin storage and clotheslines.*
2. *Fencing of the lot boundaries abutting the public open space area.*
3. *The materials to be used for outbuildings, patios and gazebos.*
4. *The placement of air conditioning units and solar hot water systems.*
5. *Dwelling design to maximize passive surveillance of public open space and pedestrian access way.*

Accordingly, the following modifications are recommended to the provisions contained on the DAP:

1. Modifying the provisions to require bin storage and clothes drying areas to be screened by masonry walls of a minimum height of 1.8 metres and materials and finish to match the walls of the dwelling.
2. Adding a new provision to clarify the need for fencing to attain a minimum standard of visual permeability to allow passive surveillance of the adjoining public open space.
3. Requiring outbuildings to be constructed of materials that match the walls and roof of the dwelling (ie masonry walls and metal or tiled roofs). This would not apply to patios and gazebos.
4. Modifying provisions to clarify how the design of the dwellings must address the public open space and/or pedestrian access way (Shell Vista).
5. Adding a new provision requiring the roof of patios and gazebos and the like to match the colour of the roofing material on the dwelling.
6. Adding new provision 18 controlling the location of air conditioning units and solar hot water systems as well as notifying prospective purchasers of the DAP.

The developers may argue with regard to point 2 above that a fencing condition is not necessary as a condition of the subdivision approval requires the developer to install uniform fencing to the rear of lots abutting the public open space. However, there still needs to be a provision on the DAP to bind subsequent occupants of the lots from replacing or modifying fencing with a solid screen in the future.

Subject to the modifications detailed above, it is recommended that the DAP be approved in accordance with clause 5.18.5.1(a)(ii) of the Scheme.

Voting Requirements: Normal

Officer Recommended Resolution

- A. Detailed Area Plan No. 5 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. The dwellings on Lots 42, 44, 45 and 46 fronting public roads (Shell Vista) shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage. The dwelling on Lot 43 shall be designed to address the public road (Shell Vista) with major openings and the main entry to the building accessible via this frontage.
5. Major openings shall be provided to habitable rooms fronting the public road (Shell Vista) to ensure passive surveillance.
6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
7. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.
8. A minimum open space of 40% is applicable.
9. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) the solar aspect of the design of the residence is not compromised;
 - b) access to the rear of the property is maintained from the outside;
 - c) a 2m solar setback to the northern boundary (with minor incursions, such as a chimney) to a maximum of 70% of north elevation provided solar penetration of living areas is achieved.
10. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space and the public road (Shell Vista). This is to be achieved by ensuring that major openings and living areas face towards the public open space and/or pedestrian access way.
11. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

12. An alternative garage location to that shown on the plan may be approved by the Executive Manager Planning and Regulatory Services subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.
13. The minimum garage setback shall be 3.0 metres from the primary street and in the case of Lots 42, 43 and 46 located to provide sufficient vehicle movement for safe egress of vehicles from the subject site.

FENCING

14. Fencing on boundaries facing the public open space or the public road (Shell Vista) shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS

15. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street, public open space or public road (Shell Vista).

WASHING LINES & RUBBISH BINS

16. Clothes lines and rubbish bins must be screened from public view by masonry walls to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

17. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication.
18. Solar hot water systems must be integrated with the design of the roof and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.
- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

SD146/06/06 Committee Recommended Resolution:

That item SD146/06/06 be deferred to the June Ordinary Council Meeting.
CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed in order to seek clarification prior to the June Ordinary Council Meeting regarding the interpretation of Condition 9 relating to solar setbacks.

SUPPLEMENTARY INFORMATION:

As a result of discussion at Committee relating to the wording of the condition relating to the solar setbacks, staff have reviewed the condition. The condition has been reworded as follows:

Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:

- a) *The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and*
- b) *access to the rear of the property is maintained from outside the dwelling.*

SD146/06/06 REVISED OFFICER RECOMMENDATION:

Moved Cr Price seconded Cr Kirkpatrick

A. Detailed Area Plan No. 5 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:

R CODING

- 1. Density Coding is R20.**

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

- 2. The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.**

DESIGN ELEMENTS

- 3. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.**
- 4. The dwellings on Lots 42, 44, 45 and 46 fronting public roads (Shell Vista) shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage. The dwelling on Lot 43 shall be designed to address the public road (Shell Vista) with major openings and the main entry to the building accessible via this frontage.**
- 5. Major openings shall be provided to habitable rooms fronting the public road (Shell Vista) to ensure passive surveillance.**
- 6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.**
- 7. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.**
- 8. A minimum open space of 40% is applicable.**
- 9. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and**
 - c) access to the rear of the property is maintained from outside the dwelling.****
- 10. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space and the public road (Shell Vista). This is to be achieved by ensuring that major openings and living areas face towards the public open space and/or pedestrian access way.**
- 11. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.**

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

- 12. An alternative garage location to that shown on the plan may be approved by the Executive Manager Planning and Regulatory Services subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.**

13. The minimum garage setback shall be 3.0 metres from the primary street and in the case of Lots 42, 43 and 46 located to provide sufficient vehicle movement for safe egress of vehicles from the subject site.

FENCING

14. Fencing on boundaries facing the public open space or the public road (Shell Vista) shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS

15. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street, public open space or public road (Shell Vista).

WASHING LINES & RUBBISH BINS

16. Clothes lines and rubbish bins must be screened from public view by masonry walls to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

17. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication.
18. Solar hot water systems must be integrated with the design of the roof and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

AMENDMENT

Moved Cr Star seconded Cr Murphy that Condition 16 be changed to "Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres"

After debate the Presiding Member then put the amendment which was
CARRIED 9/0

The Presiding Member then put the amended motion

SD146/06/06 COUNCIL DECISION

- A. Detailed Area Plan No. 5 for Byford by the Scarp residential estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plan:**

R CODING

1. Density Coding is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The requirement to consult with adjoining or other land owners to achieve a variation to the R Codes is not required.

DESIGN ELEMENTS

3. The dwellings (including patios and gazebos) must be located within the building envelopes where shown.
4. The dwellings on Lots 42, 44, 45 and 46 fronting public roads (Shell Vista) shall be designed to address the public roads, with major openings and the main entry to the buildings accessible via this frontage. The dwelling on Lot 43 shall be designed to address the public road (Shell Vista) with major openings and the main entry to the building accessible via this frontage.
5. Major openings shall be provided to habitable rooms fronting the public road (Shell Vista) to ensure passive surveillance.
6. Development shall be designed so that its shadow cast at midday 21 June, onto any adjoining property does not exceed 40% of the adjoining property's site area.
7. Council has discretion to vary the provisions of the Detailed Area Plan (including setbacks and garage locations) to improve solar penetration.
8. A minimum open space of 40% is applicable.
9. Building part of the main residence on the allotment boundary within the 2 metre solar setback is permitted if:
 - a) The 2 metre solar setback to the northern boundary (except for minor incursions, such as a chimney) is maintained to a minimum of 70% of the north elevation of the dwelling including solar penetration of living areas; and
 - c) access to the rear of the property is maintained from outside the dwelling.
10. Dwellings must be suitably designed and orientated to ensure passive surveillance of areas of public open space and the public road (Shell Vista). This is to be achieved by ensuring that major openings and living areas face towards the public open space and/or pedestrian access way.
11. The roofing material used for patios and gazebos shall match the colour of the roof of the dwelling to the satisfaction of the Shire.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

12. An alternative garage location to that shown on the plan may be approved by the Executive Manager Planning and Regulatory Services subject to the design meeting solar orientation principles, streetscape objective, intersection setback safety distances and statutory requirements.

13. The minimum garage setback shall be 3.0 metres from the primary street and in the case of Lots 42, 43 and 46 located to provide sufficient vehicle movement for safe egress of vehicles from the subject site.

FENCING

14. Fencing on boundaries facing the public open space or the public road (Shell Vista) shall be designed and constructed in accordance with clause 3.2.5 A5 of the Residential Design Codes (open feature fencing).

OUTBUILDINGS

15. Sheds and outbuildings are to be constructed of the same materials and colours as the dwelling where they are visible from the street, public open space or public road (Shell Vista).

WASHING LINES & RUBBISH BINS

16. Clothes lines and rubbish bins must be screened from public view by masonry walls or other methods of construction to the satisfaction of the Shire to match the dwelling and the walls are to have a minimum height of 1.8 metres.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

17. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication.
18. Solar hot water systems must be integrated with the design of the roof and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

19. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

- B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

CARRIED 9/0

Council Note: The Revised Officer Recommendation was changed in Condition 16 to clarify the method of construction of the screen.

SD147/06/06 PROPOSED MODIFICATION TO ADOPTED LOCAL STRUCTURE PLAN – BYFORD CENTRAL ESTATE - LOTS 1, 2 AND 63 LARSEN AND THOMAS ROADS, BYFORD (A0710)		
Proponent:	Gray and Lewis Land Use Planners	In Brief The proponent has requested Council approve modifications to the adopted Local Structure Plan for Byford Central Estate. The modifications relate to the redistribution of public open space throughout the estate. The modifications are not considered to materially alter the intent of the adopted Local Structure Plan or overall Byford Structure Plan, nor have adverse environmental or social benefits. As such it is recommended that the modified plan be adopted.
Owner:	Byford Central Pty Ltd	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	14 June 2006	
Previously	SD036/09/05; SD006/07/05; P047/12/04	
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 <i>Local Government Act 1995</i>	
Delegation	Council	

Date of Receipt: 27 February 2006
 Advertised: N/A
 Submissions: N/A
 Lot Area: 65.2282ha (total)
 L.A Zoning: Urban Development
 MRS Zoning: Urban and Urban Deferred
 Byford Structure Plan: Residential (R20/R30); Neighbourhood Node; Multiple Use Corridor; Drainage Basin; Future Roads; Neighbourhood Park; District Recreation; Traffic and Pedestrian Movement Network
 Rural Strategy: Not applicable
 Bush Forever: Not applicable
 Heritage/Townscape: Not applicable
 Date of Inspection: Various

Background:

At the Ordinary Council Meeting held on 20 December 2004, Council resolved to adopt the Local Structure Plan (LSP) for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford being Byford Central estate. Subsequently, Council adopted minor modifications to the LSP at their Ordinary meetings held in July and September 2005.

The developers have now submitted a modified LSP incorporating the following modifications:

1. A redistribution of public open space throughout the estate including reduction of the district open space area from 4 hectares to 2.44 hectares.
2. Significant redesign of the north western area of the LSP area.
3. Increase in housing density abutting public open space areas to a density of R30.
4. Deletion of a portion of a local road in the north-eastern sector of the LSP.
5. Deletion of a laneway between R30 lots and a local open space area in the north-eastern section of the LSP.

Copies of the existing and proposed modified Local Structure Plans with areas of modification identified are with the attachments marked SD147.1/06/06.

The applicant provides the following information in support of the proposed modifications to the adopted LSP:

i) *Redistribution of District Open Space*

In an endeavour to retain the majority of the trees in the north western part of the site (some of which are feeding trees for the endangered Red Tailed Black Cockatoo) it is proposed to redistribute the 4.0 hectare area of District Open Space to create 2 separate areas. One comprising approximately 1.4 hectares to contain the area of remnant trees and a second of approximately 2.5 hectares to be retained as the central area of District Open Space.

The 2.5 hectare area of District Open Space complies with the minimum requirement of 2.5 hectares to 4.0 hectares as specified in Liveable Neighbourhoods. The reduced area is capable of accommodation for both informal games and organised sports with associated facilities such as car park, toilets and change rooms. The modified LSP depicts an adult sized soccer/rugby/hockey field that could be located within the District Open Space. It should be recognised that Council has recently constructed a major community recreational facility for active pursuits in Mead Street, Byford which will serve the whole Byford community.

ii) *Residential Density/Urban Design Modifications*

In conjunction with the redistribution of the District Open Space, it is proposed to increase the residential densities to incorporate additional pockets of R30 housing.

The stages of subdivision that have been approved and are currently being developed are based primarily upon the creation of single residential lots at R20 density (440m² to 500m² minimum average), although the actual average of the lots created is closer to R17.5 density (570m² average).

In accordance with Liveable Neighbourhoods and the Commission's Residential development policies, new residential estates should provide for a variety of lot sizes to facilitate housing variety and choice. Commission policy also supports increased density adjacent to areas of higher amenity such as parks and community facilities.

It is therefore proposed to provide additional R30 housing, particularly adjacent to the southern side of the modified District Open Space to create a village precinct. A Detailed Area Plan will be required at the subdivision stage in respect to this area.

Additional R30 areas are also proposed adjacent to the new area of local open space comprising the remnant vegetation and also overlooking the existing public open space on the western boundary of the property. The preliminary subdivision sketches on aerial photograph overlays for these R30 areas are shown in Attachment 3.

The concept of some of the R30 lots directly fronting areas of POS is consistent with Liveable Neighbourhoods and most of the more contemporary master-planned estates incorporate such lots which adds to the variety and choice of housing styles.

Photographs have been provided that demonstrate the type of interface that should be achieved between the R30 lots directly overlooking public open space. Again Detailed Area Plans will be required for these areas at the subdivision stage.

Council's support is requested to modify the LSP in accordance with the modified plan.

Copies of the photographs submitted by the applicant showing proposed interface between dwellings and abutting areas of public open space are with the attachments marked SD147.2/06/06.

Sustainability Statement:

Effect on Environment: The proposed modifications will allow for the retention of significant existing vegetation, in particular, existing mature Marri trees (*Corymbia calophylla*) that provide a food source and habitat for the Red-Tailed Black Cockatoo. This bird is an endangered species.

Resource Implications: The increase in housing density that is proposed provides for a more economically viable and efficient use of land. In addition smaller lots mean smaller gardens and therefore less water is required to maintain gardens. There is also a lesser drain with small lots as private swimming pools are less likely to be developed. Conversely, there is less space for the installation of rainwater tanks on small lots so opportunities to capture and reuse water runoff from roofs are reduced.

The redistribution of public open space throughout the structure plan area will enable greater accessibility to public open space without the need for vehicle transport.

The percentage of lots facing due east-west or north-south remains the same which enables and encourages the development of solar passive dwellings.

Economic Viability: The modified local structure plan will be economically viable in a way that incorporates its external costs due to the retention of existing mature native vegetation, improved quality of life for residents through provision of attractive well vegetated open space and more equitable distribution of open space throughout the structure plan area.

There will however be ongoing costs in the future associated with the maintenance of the public open space and these future costs may have increased as a result of the modifications as one large open space area has been redistributed as two open space areas.

Economic Benefits: The increased housing density will provide an economic benefits to the community in terms of rate revenue. However, this needs to be weighed up against the increased costs of servicing the additional residents.

Social - Quality of Life: The proposed modifications to the local structure plan have the potential to improve the quality of life for the community through the provision of a variety of open space areas, provision of additional active open space to accommodate sports not currently available in the Shire, good design for crime prevention through passive surveillance of open space areas and the provision of public open space in closer proximity to lots than was proposed in the existing adopted structure plan.

Social Diversity: The modified structure plan will cater for a more diverse society of future residents through the provision of a greater range of lot sizes and the provision of a variety of active and passive open space areas in close proximity to more dwellings.

Statutory Environment:

Planning and Development Act 2005
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

**Policy/Work Procedure
Implications:**

Byford Structure Plan
Byford Urban Stormwater Management Strategy
Statement of Planning Policy No. 2 (*Environment and
Natural Resources Policy*)
Statement of Planning Policy No. 2.1 (*The Peel-Harvey
Coastal Plain Catchment Policy*)
Draft Liveable Neighbourhoods Operational Policy
(Edition 3)

Financial Implications:

Financial implications to Council related to this application/issue include future maintenance costs for multiple areas of public open space. Payment of LSP fee required.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategy:

1. Attract and facilitate appropriate industries, commercial activities and employment.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategy:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: No

Comment:

Town Planning Scheme No. 2 – Modifications to Adopted Structure Plans

In recognising the need to maintain a responsive structure plan capable for improvement through change, clause 5.18.4 of the Scheme provides for a process by which minor changes to adopted structure plans can occur in a timely manner. Clause 5.18.4.1 of the Scheme specifically states:

“The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.”

Detailed plans of the proposed modifications to the adopted LSP are with the attachments marked SD147.3/06/06.

Liveable Neighbourhoods

Liveable Neighbourhoods is a guiding policy document for urban development prepared by the Western Australian Planning Commission. Liveable Neighbourhoods has nine key principles however, the key principles that apply to the proposed modifications are:

5. *Safety and Surveillance* - To reduce opportunities for crime, a clear definition is required between public places and private **backs??**. Development should provide frontages with windows and entrances onto the public realm.
6. *Choice/Flexibility/Variety* - The urban layout should respond to the current and future needs of society. Buildings and lots should be designed to be adaptable in order to accommodate either changes in land use or additions over time.
7. *Environmentally and Culturally Responsive Design* - Key environmental and cultural features should be identified and protected within the design.
8. *Site Responsive Design, Character and Identity* - Local identity should be complemented or created by responding to site features, context, landscape and views.
9. *Cost and Resource Efficiency* - The development should promote neighbourhood sustainability in terms of the efficient use of infrastructure, the promotion of affordable and energy efficient housing and satisfying the daily needs of the residents through access to appropriate types of community facilities.

Safety & Surveillance – Do the proposed modified Public Open Space areas and the way they interface with residential lots adequately provide for safety and surveillance of those public areas?

Comment

Liveable Neighbourhoods aims to ensure that the design of subdivisions surrounding parks always results in passive supervision of parkland by residents. Perimeter streets around open space should generally be required. Where a street is not provided, it must be demonstrated that other means will be used to ensure overlooking and surveillance from adjoining development.

All of the POS areas within the LSP have streets around at least three sides. Streets have been deleted from part of the frontage of the public open space on the extreme western side of the LSP area (outside the LSP area), one side of the district open space, the deletion of the laneway between the existing R30 and local open space on the eastern side of the LSP area and on one side of the proposed new POS in the north western area of the LSP. However, it is considered that adequate road frontage has been provided for these POS areas (with the exception of the district open space) and measures can be implemented via the requirement of a detailed area plan at subdivision stage to address those instances where lots back onto POS. These measures include:

Copies of conceptual landscaping plans for the two main POS areas are with the attachments marked SD147.4/06/06.

1. Lots with boundaries that abut parkland being provided with uniform fencing (without piers or pylons) which addresses appropriate height, character, visual permeability and appropriate relationship to the parkland as a condition of subdivision approval and via provisions of a detailed area plan.

2. Developers being required to provide lighting in parks, where appropriate, in accordance with Australian Standard 1158.1 (1986) as a condition of subdivision approval.
3. A hard edge such as a footpath being provided between the rear of the lots and the public open space.

Photographs depicting examples of the above measures were submitted by the developer and are with the attachments marked SD147.2/06/06.

Choice/Flexibility/Variety - Does the modified LSP provide for choice/flexibility and variety in housing/lots?

Comment

Requirement R18 of Liveable Neighbourhoods states as follows:

R18 The lot layout should provide a mix of housing types, lot sizes and densities, with smaller residential lots and higher density housing in areas close to town and neighbourhood centres, near public transport stops and in areas with high amenity such as next to parks.

Existing developed stages of the Byford Central estate have achieved an average housing density of between R17.5 to R20 with lots of between 440m² to 600m² in area and some pockets of R30 density. The remainder of the LSP area is almost exclusively designated as R20 density. However, the modified structure plan includes additional R30 areas. This will vastly increase the choice for residents and provide for more diversity in the future demographic makeup of the area than the previous plan. This is because R20 is predominantly aimed at families whilst R30 density will provide lots that may be attractive to singles, seniors and couples.

All of the proposed R30 density areas within the LSP area will abut parks and all will be within 400 metres (walkable distance) of either Thomas Road or the new district distributor road on the south-east side of the LSP area. These two roads are two of the most likely public bus routes adjacent to the Byford Central estate.

Environmentally and Culturally Responsive Design – Does the modified LSP represent an environmentally and culturally responsive design when measured against the relevant criteria in *Liveable Neighbourhoods*?

Comment

Although there have been some changes to the road layout in the north west sector of the LSP area, the revised layout maintains the same contemporary grid pattern and general percentage of lots oriented either east-west or north-south to encourage and enable the development of energy efficient housing.

In addition, the redistribution of POS will enable the retention of significant stands of existing mature Marri trees within the LSP area. Marri trees (*Corymbia calophylla*) provide food and habitat for the Red-tailed Black Cockatoo, which is an endangered species. The adopted structure plan would have resulted in the loss of this important vegetation.

Site Responsive Design, Character and Identity – Do the modifications adequately address the particular environmental and topographical elements and character and identity of the area?

Comment

As detailed above the revised design will result in the retention of existing significant vegetation. This type of vegetation (*Corymbia calophylla*) is significant to the character and

identity of the Byford area as well as providing a food and habitat source for local wildlife, in particular, birds.

Cost and Resource Efficiency – How do the modifications to the LSP promote neighbourhood sustainability in terms of the efficient use of infrastructure, the promotion of affordable and energy efficient housing and satisfying the daily needs of the residents through access to appropriate types of community facilities?

Comment

The modifications provide for greater variety in the size of lots, retention of existing vegetation a wider distribution of POS and higher density of development adjacent to community facilities such as parks and within walkable catchments to public transport routes whilst still addressing the orientation of lots to more easily enable the development of energy efficient housing.

Reduction of Size of District Open Space

The draft Liveable Neighbourhoods Operational Policy provides that areas of district open space must be between 2.5 hectares to 4 hectares in area and be capable of incorporating both informal games and organised sports with associated facilities such as car parking, toilets and change rooms. With regard to the proposed decrease in size of the district open space from 4 hectares to 2.4434 hectares it needs to be carefully determined that the space is still functional as an active sporting facility.

The following sporting facilities currently exist in the Byford area:

Recreation Centre incorporating space/facilities for the following indoor sports:

- Gymnastics
- Basketball
- Netball
- Soccer
- Volleyball
- Health/Fitness Club
- Rock Climbing and Extreme Sports

Byford Hall

- Badminton
- Tae Kwon Do
- Karate
- Aerobics

Briggs Park, Mead Street Playing Fields incorporating:

- BMX track
- Baseball
- Skate park
- Cricket Club
- T-ball
- Junior football (Australian Rules)

Tennis Courts – Rainforest Reserve

Lawn Bowls – town centre

Equestrian (Pony Club) – Byford Trotting Complex

Motocross – South Western Highway

The sports not currently catered for in Byford, that may need to be provided for within the various new subdivisions include:

Field Hockey
 Field Soccer
 Lacrosse
 Outdoor Netball/Basketball

The standard dimensions for playing fields for Hockey and Soccer (as specified by the Western Australian Ministry of Sport and Recreation) have been assessed to determine if the reduced area of District Open Space is capable of supporting these sports:

Hockey

50 metres x 91.44 metres
 6 metres space between fields and 9 metre end space
 To accommodate a single field (including side and end space) a public open space area of minimum dimensions 100 metres by 62 metres (6 200m²) plus additional space for car parking (20 car bay area = approximately 500m²) and toilets/change rooms (approximately 100m²) being a total area of 6 800m².
 2 fields plus associated facilities = 1.360 hectares

Soccer

64 metres x 100 metres
 6 metres space between fields and 9 metre end space
 Using same calculations as for hockey field – soccer field (8 176m²), carparking (500m²), toilets/changerooms (100m²) – total area required = 8 776m².
 2 fields plus associated facilities = 1.755 hectares

The modified district open space will be 2.4434 hectares being 210 metres long by 115 metres wide. Accordingly, it is determined that the modified District Open Space proposed would be capable of supporting a multi-field facility for sports such as Hockey and Soccer (currently lacking in Byford) with land left over on the site (approximately 700-1 000m²) for passive recreation/landscaping around the fields. However, it is recommended that the open space be required to be increased to a minimum 2.5 metres as specified by *Liveable Neighbourhoods*.

Residential lots abutting district open space

Of concern however, is the configuration of residential lots and roads adjacent to the District Open Space. In particular, the small R30 lots proposed to directly abut the District Open Space may have a poor standard of amenity due to the impact from organised sporting activities being carried out on the open space including traffic, vehicles parking on roads (particularly the 10 metre road reserve at the back of the open space), noise and floodlighting. Accordingly, it is recommended that the LSP be required to be modified such that the District Open Space has a 20 metre wide road reserve around all of its boundaries.

Public Open Space provision over whole Local Structure Plan Area

A minimum of 10% of the subdivisible area is required to be ceded by the developer for the provision of public open space (POS). The public open space calculation provided by the applicant for the modified Local Structure Plan (LSP) is as follows:

Area of Lots 1, 2 and 63 (LSP Area)	65.228ha
Deductions allowable under WAPC Policy (ie non-subdivisible area)	
- Thomas Road 20 metre widening	1.6500ha
- Regional drainage reserve	1.2836ha
- Neighbourhood Nodes (non-residential)	0.6966ha
Total Deductions	3.6302ha
Net Subdivisible Area	61.5986ha
POS required (10%)	6.1598ha

POS provided:	
- District open space	2.4434ha
- Local open space	2.1103ha
- Multiple Use Corridor (less 50% waterways / stormwater contribution)	1.6061ha
Total POS provision	6.1598ha

Based on the figures provided by the consultant, public open space provision will still achieve the minimum 10% on the modified LSP. These figures will need to be verified by Council in particular drainage deductions, to ensure 10% POS is provided.

Modification to local road network

The final modification involves changes to parts of the associated traffic and movement network within the LSP area as a result of modifications to open space size and distribution and increased housing density. These changes include:

1. Modification of the alignment of the local road on the southern side of the new POS; and
2. Removal of the rear laneway between the R30 lots and the local open space in the north east corner of the LSP area.

Engineering Comments

The Director Engineering has reviewed the submitted plans and provides the following comments:

- * Supports the need to include a 20 metre wide road reserve along the southern boundary of the district open space. This will ensure a defined separation between the residential lots (private land) and activities on public land, including lighting, intensive sporting activities, provision of additional on-street parking and the construction of possible change rooms/community facilities.
- * A local area traffic management plan is required to be submitted for each area of public open space, including the provision of adequate on-street parking embayments.
- * Submission of a detailed landscape master plan for each area of public open space incorporating facilities such as changerooms and toilet buildings.
- * No drainage is permitted to be disposed off in the public open space areas.

The removal of the rear laneway between the R30 lots and the local open space is considered to be a desirable change because it removes the visual element of a row of garage doors facing the POS. Conditions of subdivision and a detailed area plan can address issues related to the need for uniform fencing and the provision of an alternate hard edge such as a footpath between the lots and the local open space.

Conclusion

Assessment of the modified Local Structure Plan has determined that subject to refinements, the modified plan will still achieve compliance with the principles of Liveable Neighbourhoods and will have beneficial environmental and social outcomes for the area through the retention of existing trees and the provision of a more diverse range of lot sizes. The recommended refinements are:

1. increasing the size of the district open space to at least a minimum of 2.5 hectares;
2. retaining 20 metre wide road reserves around all four sides of the district open space; and
3. redesign of the residential area adjacent to the southern boundary of the district open space.

Accordingly, it is recommended that Council adopts the modified structure plan in accordance with clause 5.18.4.1 of the Scheme, subject to the refinements detailed above.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

- A. The applicant be required to pay to the Shire a fee of \$1 000 for assessment of the modification to the Local Structure Plan in accordance with Council's schedule of fees and charges.
- B. The applicant providing public open space calculations for the Local Structure Plan area including drainage deductions, for approval by the Executive Manager Planning and Regulatory Services.
- C. The modified Local Structure Plan dated 23 February 2006 be amended as follows:
 - 1. increasing the size of the district open space to at least a minimum of 2.5 hectares;
 - 2. providing a 20 metre wide road reserve along the southern side of the district open space to ensure all four sides of the open space have perimeter roads; and
 - 3. redesigning the residential area adjacent to the southern boundary of the district open space.
- D. The Executive Manager Planning and Regulatory Services be granted authority to determine when parts A. and B. above are completed and when the refinements listed under C. above has been completed to Council's satisfaction including any minor amendments.
- E. Council, in accordance with clause 5.18.4.1 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the modified Local Structure Plan dated 23 February 2006 for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford comprising the Byford Central estate.
- F. Council, in accordance with clause 5.18.4.2(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, forwards within 10 days to the Western Australian Planning Commission a copy of the adopted modified Local Structure plan to the Western Australian Planning Commission.
- G. Detailed area plans are required to be submitted for lots abutting the public open space areas to the satisfaction of the Executive Manager Planning and Regulatory Services.
- H. A Landscape Master Plan shall be submitted for the public open space areas for approval by the Director Engineering.

SD147/06/06 Committee Recommended Resolution:

That item SD147/06/06 be deferred to the June Ordinary Council Meeting.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed to further clarify with the Director Engineering regarding the minimum road width that is considered acceptable in part C. 2.

SUPPLEMENTARY REPORT:

The Director Engineering has considered the request to reduce the width of the road reserve adjacent to the southern edge of the public open space from twenty (20) metres down to either ten (10) or fifteen (15) metres. A reduction in the width of the road reserve down to fifteen (15) metres is supported as it still allows sufficient width to construct a local road to service the lots fronting the road, as well as provide a sufficient hard edge between the district open space and residential lots.

SD147/06/06 COUNCIL DECISION/REVISED OFFICER RECOMMENDATION:

Moved Cr Murphy seconded Cr Richards

- A. The applicant be required to pay to the Shire a fee of \$1 000 for assessment of the modification to the Local Structure Plan in accordance with Council's schedule of fees and charges.**
- B. The applicant providing public open space calculations for the Local Structure Plan area including drainage deductions, for approval by the Executive Manager Planning and Regulatory Services.**
- C. The modified Local Structure Plan dated 23 February 2006 be amended as follows:
 - 1. increasing the size of the district open space to at least a minimum of 2.5 hectares;**
 - 2. providing a 15 metre wide road reserve along the southern side of the district open space to ensure all four sides of the open space have perimeter roads; and**
 - 3. redesigning the residential area adjacent to the southern boundary of the district open space.****
- D. The Executive Manager Planning and Regulatory Services be granted authority to determine when parts A. and B. above are completed and when the refinements listed under C. above has been completed to Council's satisfaction including any minor amendments.**
- E. Council, in accordance with clause 5.18.4.1 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the modified Local Structure Plan dated 23 February 2006 for Lots 1, 2 and 63 Larsen and Thomas Roads, Byford comprising the Byford Central estate.**
- F. Council, in accordance with clause 5.18.4.2(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, forwards within 10 days to the Western Australian Planning Commission a copy of the adopted modified Local Structure plan to the Western Australian Planning Commission.**
- G. Detailed area plans are required to be submitted for lots abutting the public open space areas to the satisfaction of the Executive Manager Planning and Regulatory Services.**
- H. A Landscape Master Plan shall be submitted for the public open space areas for approval by the Director Engineering.**

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM153/06/06 YMCA PERTH INC – PROPOSED 2006-2007 BUDGET FOR SERPENTINE JARRAHDAL RECREATION CENTRE AND PROPOSED FEES & CHARGES SCHEDULE (A0900-03)		
Proponent:	YMCA Perth Inc.	In Brief That Council consider endorsing the proposed budget and schedule of fees and charges from YMCA for the management of the Serpentine Jarrahdale recreation centre for the 2006/2007 financial period.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	14/06/06	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

At the 15 November 2004 Ordinary meeting, Council resolved:

“CRD15/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

Council:

- 1 *Awards Contract C14/2004-05 Serpentine Jarrahdale Community Recreation Centre Management Services to YMCA of Perth Inc until 30 June 2010 with an option of a 3 year extension subject to Council approval.*
- 2 *Agrees to negotiate operating budgets annually by no later than 30 May of the previous financial year and the operating budget will form the basis of any risk sharing agreement negotiated for the applicable financial year.*
- 3 *Accepts the offer of YMCA of Perth Inc for the outright purchase of gymnasium and lifestyle equipment at a cost of \$249,841 (excluding GST)*

CARRIED 8/0”

As per part 2 of the above resolution, negotiations have been held with the YMCA in relation to a proposed budget for the management of the recreation centre for 2006/2007. In addition to the proposed budget, the YMCA have also provided a list of proposed fees and charges that have been revised for 2006/2007.

A copy of the proposed budget and schedule of fees and charges is with attachments marked [CGAM153-06-06.xls](#).

Sustainability Statement

Effect on Environment:

Energy Use/Greenhouse Gas Emissions:

The YMCA business plan and budget proposes to continue to implement approaches that minimise energy use throughout the operations of the Centre, with the aim of reducing overall operating costs and minimising greenhouse gas emissions.

Use of Local, Renewable or Recycled Resources:

Locally Available:

The YMCA business plan proposes to continue to actively pursue the employment of local people in the operations of the Centre, where the local people have the relevant skill-set and qualifications to meet the position requirements of the YMCA.

Economic Viability:

The proposed fees and charges and budget aim to allow the YMCA to provide a high level recreation service to the community, whilst ensuring the management of the Centre is operated on sound financial grounds.

Statutory Environment:

Local Government Act 1995.

Financial Implications:

The proposed Schedule of Fees and Charges for the hire rates applicable for the use of the facilities at the recreation centre have been increased by 3% in most areas, with the hire of the multi-purpose rooms increasing by 5%.

The budget for 2005/2006 was \$210,000. The proposed budget for 2006/2007 has an operating deficit of \$198,713 to be funded by Council, a reduction of \$11,287 from the previous year.

Strategic Implications:

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

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Foster a strong sense of community, place and belonging.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Develop tourism potential by exposing the community to the metropolitan area of Perth.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Comment:

A risk sharing agreement, as outlined in Council resolution CRD15/1104 is not supported by Officers on the basis that whilst the profit sharing arrangement does provide an incentive to the operator to deliver a high quality service at a reduced budget, the operator penalty for a deficit result is capped, thus reducing the operators' exposure to cost over-runs.

The proposed budget for 2006/2007 is exhibiting similar trends to the financial scenarios as submitted in the original tender by the YMCA; with the overall operating deficit decreasing at a reasonable rate with each year of operation. This is due to the increased memberships and usage of the facility.

It is recommended that the proposed budget and schedule of fees and charges for 2006/2007 for the Serpentine Jarrahdale recreation centre, submitted by the YMCA Perth Inc. be endorsed.

Voting Requirements:

Simple Majority

CGAM153/06/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Scott seconded Cr Kirkpatrick
That the proposed budget and schedule of fees and charges for the 2006/2007 financial year for the Serpentine Jarrahdale recreation centre, submitted by the YMCA Perth Inc. be endorsed.
CARRIED 9/0**

CGAM154/06/06 JARRAHDAL E LOG CHOP & COUNTRY FAIR (A1107/02)	
Proponent:	Lions Club of Serpentine Jarrahdale Inc.
Owner:	
Officer:	Darren Long Director Corporate Services
Signatures Author:	
Senior Officer:	
Date of Report	14 June 2006
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

The Jarrahdale Log Chop and Country Fair has been an important part of the Jarrahdale community for a number of years. For the past two years the event has been conducted by the Lions Club of Serpentine Jarrahdale. Last year the Club requested that fees be waived for the hire of the Jarrahdale Oval as a major component of the cost outlay was the need to hire toilets and stalls.

The Club is aware of the requirement to pay the bond and has not requested this be considered in the application to waive the hire fees.

A copy of the letter from the Lions Club of Serpentine Jarrahdale is included with the attachments and marked [CGAM154-06-06.tif](#).

Last year the ground hire fee of \$205.70 was waived by Council.

Sustainability Statement

Economic Benefits: The event is of significant benefit to the local community through tourism opportunities and its ability to attract people from outside the district to the event.

Social and Environmental Responsibility: The event has a long history involving the community of Serpentine Jarrahdale Shire.

Statutory Environment: Local Government Act 1995.

Financial Implications: The 2006/2007 Budget includes fees and charges for the hire of the Jarrahdale oval. If the waiver is approved, the

current cost to Council will be a loss of \$205.70 in revenue.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

Community Consultation:

Required: No

Comment:

The Lions Club of Serpentine Jarrahdale Inc. is a local not for profit community based organisation whose primary aim is to raise funds to assist in fulfilling the needs of the local community, through financial support or in-kind measures. The Lions Club indicate that they provided a total of \$7,000 in financial support to various community endeavours during 2005/2006.

It is recommended that the Lions Club be granted a waiver of the hire fees associated with the Jarrahdale oval, due to the benefits the Log Chop and Country Fair generates to the local community.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM154/06/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Star

1. That Council grant the Lions Club of Serpentine Jarrahdale a waiver of the hire fees associated with the Jarrahdale Oval, for the Jarrahdale Log Chop and Country Fair to be held on 8 October 2006, with appropriate provision being made in the 2006/2007 budget.
2. That Council advise the Lions Club of Serpentine Jarrahdale of the waiver of hire fees.
3. That Council advise the Lions Club of Serpentine Jarrahdale that an appropriate bond will be applicable for the hire of the oval at Jarrahdale and the hire of the facility shall be in accordance with Councils standard hire conditions.

CARRIED 9/0 ABSOLUTE MAJORITY

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM044/06/06		PROCLAMATION OF TONKIN HIGHWAY SOUTH OF MILLS ROAD (A0471-03)
Proponent:	Main Roads Western Australia	In Brief: Main Roads Western Australia is seeking support from the Council to endorse the proclamation of the Tonkin Highway South of Mills Road as 'highway' in accordance with Section 13 of the Main Roads Act.
Owner:		
Officer:	Stephen Bell – Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	21/06/06	
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

By letter dated 19 May 2006, Main Roads Western Australia have advised the Serpentine Jarrahdale Shire (SJS) they wish to make a recommendation to the Hon Minister for Planning and Infrastructure, Allanah MacTiernan MLA, that the Tonkin Highway south of Mills Road be proclaimed as a highway in accordance with Section 13 of the Main Roads Act. Where they exist, footpaths and other infrastructure associated with the Tonkin Highway will be included in the proclamation and will therefore be the management responsibility of Main Roads Western Australia (MRWA).

Prior to making the recommendation to the Hon Minister for Planning and Infrastructure, the Commissioner of Main Roads Western Australia seeks formal endorsement of the proposal by the Council as detailed in the Main Roads Western Australia letter dated 19 May 2006 and as shown on Drawing No. 9522-191-01.

A copy of the Main Roads Western Australia letter and Drawing 9522-191-01 is included with the attachments and marked CGAM152/06/06.

Sustainability Statement

Effect on Environment: The construction of the Tonkin Highway south of Mills Road was finalized in 2005. The highway currently provides a vital transportation and freight linkage in the region. During the planning and design phases of the Tonkin Highway extension, the environmental impacts of the project were considered and appropriate measures implemented during the construction process.

Proclamation of the Tonkin Highway south of Mills Road as 'highway' will have no effect on the environment apart from the fact that the highway will provide a vital transportation linkage to the region. Accordingly, there may be increased traffic noise and vehicle emissions over time.

Resource Implications: There are no resource implications associated with this proposal.

Use of Local, renewable or recycled Resources: The Tonkin Highway has been constructed. During maintenance of the Tonkin Highway local resources may be utilized.

Economic Viability: The Serpentine Jarrahdale Shire is not responsible for the maintenance of the road or footpaths associated with Tonkin Highway.

Economic Benefits: The Tonkin Highway provides a vital transportation linkage to the region and accordingly contributes greatly to the economic prosperity of the area.

Social – Quality of Life: This proposal will have very little impact on the quality of life of Shire residents.

Social and Environmental Responsibility: During the planning and design of the Tonkin Highway, both the social and environmental impacts of the proposal were carefully considered. Any future social or environmental issues that arise as a result of the Tonkin Highway will be the responsibility of the Department of Planning and Infrastructure and/or Main Roads Western Australia.

Social Diversity: This proposal will have very little impact on Social Diversity.

Statutory Environment: Section 13 of the Main Roads Act

13. Proclamation of highways and main roads

- (1) On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be:-
 - (a) a highway; or
 - (b) a main road,or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.
- (2) In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account:-
 - (a) the moneys available or likely to be available for highways;
 - (b) whether the road is or will be the direct connection between the capital of this and any other State;
 - (c) whether the road is or will be the principal route between the capital and the major producing regions of the State;

- (d) whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; and
 - (e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.
- (3) In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account
- (a) the moneys available or likely to be available for main roads;
 - (b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station;
 - (c) whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and
 - (d) whether the road is or will be a major route for high volume traffic movements within large urban areas.
- (4) All highways and main roads shall, for the purposes of the Road Traffic Act 1974 be deemed to be Government roads.
- (5) A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.

Policy/Work Procedure Implications:

There 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 management and maintenance of the Tonkin Highway is under the care and control of Main Roads Western Australia.

Strategic Implications:

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

1. Economic

Objective 1: A vibrant local community

Strategies:

- 1. Attract and facilitate appropriate industries, commercial activities and employment.
- 2. Identify value-adding opportunities for primary production.
- 3. Develop tourism potential.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

- 1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

3. Governance

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: No

Comment:

The Tonkin Highway performs a vital road function to the region by providing the conduit for the movement of vehicles and freight to and from Perth. MRWA are seeking to proclaim the Tonkin Highway extension as highway and require the Shire's endorsement prior to making a recommendation to the Hon. Minister for Planning and Infrastructure as prescribed by Section 13 of the Main Roads Act.

The Serpentine Jarrahdale Shire will not be responsible for the maintenance of the road, footpaths, or other infrastructure associated with Tonkin Highway. Accordingly, it is recommended that the Shire endorse the MRWA proposal to proclaim the Tonkin Highway as highway and delegate to the Chief Executive Officer the authority to sign the necessary paperwork to facilitate the proclamation process.

Voting Requirements: ABSOLUTE MAJORITY

OCM044/06/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Richards

- (1) Council endorses Main Roads Western Australia's request to proclaim the Tonkin Highway south of Mills Road as highway in accordance with Drawing No. 9522-191-01 and Section 13 of the Main Roads Act.**
- (2) Council delegates to the Chief Executive Officer the authority to sign and date Drawing No. 9522-191-01 as evidence of the Council's endorsement of Main Roads Western Australia's proposal to proclaim the Tonkin Highway as highway.**

CARRIED 9/0 ABSOLUTE MAJORITY

9. CHIEF EXECUTIVE OFFICER'S REPORT

B Gleeson, S Bell, D Long and R Montgomery declared a financial interest in item OCM045.9 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER as it relates to them acting as Chief Executive Officer.

Cr Murphy and Cr Price declared in interest of impartiality in item OCM045.7 2006 ANNUAL STATE CONFERENCE – PLANNING IN THE RESOURCE BOOM – INNOVATION & HABITATION as it relates to Councillor training that they have registered for.

Cr Star declared an interest of impartiality in item OCM045.8 REGISTRATION OF VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING as it relates to her attendance at the 2006 Local Government Week Conference.

B Gleeson, S Bell, D Long and R Montgomery left the meeting at 7.55pm.

OCM045/06/06		INFORMATION REPORT
Proponent	Chief Executive Officer	In Brief Information Report for the month of June, 2006.
Officer	Joanne Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	21 st June, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM045.1/06/06 COMMON SEAL REGISTER REPORT – MAY, 2006 (A1128)

The Common Seal Register Report for the month of May, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM045.1/06/06 (E02/5614)

OCM045.2/06/06 POLICY FORUM – June, 2006 (A0429/05)

The following items were discussed at the June, 2006 Policy forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Workshop on GRV's for North of Thomas Road
2.	Darling Downs Management Committee Response to Recent Discussions
3.	Community Use of Council Facilities
4.	Local Government Advisory Board Report into the Sustainability of Local Government
5.	Conflict of Interest Guidelines – “Identifying and managing conflicts of interest in the Western Australian public sector”
6.	Examples of Revised Policies

OCM045.3/06/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING – JUNE 2006 (A1164)

The minutes of the WALGA Peel Zone meeting held on 1st June, 2006 are with the attachments marked OCM045.3/06/06 (IN06/6673)

**OCM045.4/06/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL MEETING MINUTES JUNE 2006 (A1164)**

The Minutes of the WALGA State Council Meeting held on 7th June, 2006 are with the attachments marked OCM045.4/06/06 (IN06/6986).

**OCM045.5/06/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SOUTH EAST ZONE MEETING – MAY 2006 (A1164)**

The minutes of the WALGA South East Zone Meeting held on 31st May, 2006 are with the attachments marked OCM045.5/06/06 (IN06/6989).

**OCM045.6/06/06 NOTICE OF ABSENCE – CR SCOTT – SEPTEMBER – OCTOBER,
2006 (A0906)**

In the attachments marked OCM045.6/06/06 (IN06/6551) is a letter from Cr Scott advising of notice of absence from Council meetings for the months of September to mid October 2006.

**OCM045.7/06/06 2006 ANNUAL STATE CONFERENCE – PLANNING IN THE
RESOURCE BOOM – INNOVATION & HABITATION (A0906)**

Cr Kevin Murphy and Cr John Price request Council's consideration under Council Policy CSP25 – Council Training, Development & Conference Attendance Policy to attend the 2006 Annual State Conference – Planning in the Resource Boom – Innovation & Habitation to be held in Kalgoorlie 26-28 July 2006. The Executive Manager Planning & Regulatory Services will also be attending this conference. The Early Bird Conference Registration fee is \$650.00 per person.

**OCM045.8/06/06 REGISTRATION OF VOTING DELEGATES – WALGA ANNUAL
GENERAL MEETING (A1164)**

The 2006 Annual General Meeting for the WA Local Government Association will be held at Local Government Week on Sunday 6 August 2006.

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two (2) voting delegates at the Annual General Meeting. Voting delegates may be either elected members or serving officers.

Member Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. To register delegates, a Registration for Voting Delegates must be completed and faxed back to the Association by 7 July 2006.

Council Policy CSP36 "Delegates Voting Entitlements – Western Australian Local Government (WALGA) Annual General Meeting" states that Council's delegates to the South East Metropolitan WALGA Zone will be nominated as the voting delegates and the WALGA Peel Zone representatives as the first and second deputies.

Council's delegates to the South East Metropolitan Zone are Cr Star and Cr Hoyer with Cr Needham as first deputy. Council's delegates to the Peel Zone are Cr Needham and Cr Star with Cr Hoyer as first deputy. With the resignation of Cr Hoyer it is recommended that, in accordance with Council Policy, Cr Star and Cr Needham be the voting delegates at the 2006 Annual General Meeting of the WA Local Government Association with first and second deputies to be determined by Council.

Cr Star has requested full delegate registration at a cost of \$770.00 for Local Government Week 2006 which exceeds the \$500 maximum specified in CSP25 "Council Training, Development and Conference Attendance Policy" and requires endorsement of Council.

OCM045.9/06/06 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

The existing Council policy in relation to appointment of Acting Chief Executive Officer requires review to reflect the current Executive team. The following changes are recommended

CSP37 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

1. Council adopts the following Policy for the Appointment of the Acting Chief Executive Officer-

That when it is considered necessary by the Chief Executive Officer, as the result of absence from the District, to appoint an officer to the role of Acting Chief Executive Officer and time does not permit prior endorsement by Council, the role be offered on a rotational basis to the following Directors:

- ~~_____ Glen Dougall – Director Corporate Services~~
- ~~_____ Michael Beaverstock – Director Asset Services~~
- Darren Long – Director Corporate Services
- Bradley Gleeson – Executive Manager Planning and Regulatory Services
- Stephen Bell – Director Engineering
- Ross Montgomery – Executive Manager Strategic Community Planning

In addition it is recommended that with the impending leave of the current Chief Executive Officer for a period of 16 weeks (from the 8th July 2006 until 29th October 2006 inclusive) that the following appointments be endorsed by Council

- (1) Darren Long to the position of Acting Chief Executive Officer from the 8th July 2006 until 4th August 2006
- (2) Bradley Gleeson to the position of Acting Chief Executive Officer from the 5th August 2006 until 1st September 2006
- (3) Stephen Bell to the position of Acting Chief Executive Officer from the 2nd September 2006 until 29th September 2006
- (4) Ross Montgomery to the position of Acting Chief Executive Officer from the 30th September 2006 until 29th October 2006

The rationale behind the recommendation is to give each member of the Executive team the opportunity to fulfil the role of Chief Executive Officer at the Serpentine Jarrahdale Shire for an equivalent period of time. With sixteen (16) weeks leave shared between four (4) Executive staff, each is able to enjoy four (4) weeks in the position and experience a full cycle of Council meetings without an excessively long absence from their individual areas or time with an additional workload.

It is also recommended to remunerate the position of Acting Chief Executive Officer a "higher duties allowance" of a salary of \$100,000 per annum. This "higher duties allowance" will apply for the duration of the term that each incumbent fills the role. This allowance has been factored in to the current draft 2006/2007 budget.

OCM045.10/06/06 EXTRAORDINARY ELECTION – BYFORD WARD

On the 26th May 2006 the Chief Executive Officer received, effective from that date, the resignation of Cr Thomas HJ Hoyer. As an elected member for the Byford Ward, Cr Hoyer

was particularly active in the areas of mental health and crime prevention and was well known for his service to the community in defending the Shire (through the Serpentine Jarrahdale Ratepayers Association) against the threat of mineral sand mining. His passion and commitment were evident to all who worked with him.

On the 19th June 2006 Cr Ian Richards also regretfully resigned from Council, effective from the 27th June 2006, as due to his ill health he had sold his large property in Byford and is moving to Mandurah. With over ten (10) years as an elected member for the Byford Ward, Cr Richards was strongly supportive of the local horse industry and worked for many years with the Darling Downs Management Committee. His team spirit, dedication and support of the efforts of Council and staff will be fondly remembered.

Council has an existing policy in relation to retiring councillors.

CSP23 PRESENTATION TO PAST COUNCILLORS

Responsibility: Director Corporate Services

<i>Original Date Adopted – C157/04/01</i>	<i>9/04/01 – Corporate Services Committee Meeting</i>
<i>Modified – C157/04/01</i>	<i>9/04/01 – Corporate Services Committee Meeting</i>
<i>Reviewed – SM004/07/01</i>	<i>23/07/01 – Ordinary Council Meeting</i>
<i>Review – SM077/06/02</i>	<i>24.06.02 – Ordinary Council Meeting</i>
<i>Review – SM057.2/06/03</i>	<i>23.06.03 – Ordinary Council Meeting</i>
<i>Last Review – SM047/05/04</i>	<i>24.05.04 – Ordinary Council Meeting</i>

- 1. Retiring Councillors' are to be presented with their name badge, a certificate of service and a Shire plaque suitably inscribed to recognise their contribution to the community by the Shire President at the most appropriately available ordinary meeting of Council.*
- 2. Where possible retiring Councillors' may be recognised at the last ordinary meeting of Council before the relevant election is due.*

It is recommended that Cr Richards and Cr Hoyer be invited to the September Ordinary Council meeting in accordance with CSP23.

In relation to the two (2) vacancies in the Byford Ward which will then exist, it is necessary for Council to resolve to hold an extraordinary election. Council needs to resolve this within one (1) month of receiving notice of the resignation of a councillor. The date for the extraordinary election must be set within four (4) months of receiving that notice. The Electoral Commissioner has been contacted and has agreed in writing to be responsible for the conduct of the extraordinary election (**see attachment OCM045.10/06/06 - IN06/6158**). In addition Council must also resolve the method by which the election is to be conducted.

As such the following recommendation is put forward for endorsement by Council

- In accordance with section 4.61(2) of the Local Government Act 1995 the Shire will conduct the Byford Ward Extraordinary Local Government Election by postal vote; and
- The Shire declares that in accordance with section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the Extraordinary Postal Election for the Byford Ward; and
- In accordance with section 4.9(2) of the Local Government Act 1995 the Electoral Commission be requested to approve the Extraordinary Election to take place jointly with the City of Rockingham Extraordinary Election on 15th September, 2006

Voting requirements:

ABSOLUTE MAJORITY

OCM045/06/06 Officer Recommended Resolution

1. The Information Report to 21st June, 2006 is received.
2. Cr Scott be granted leave of absence from Council meetings held in September to mid October 2006.
3. Cr Kevin Murphy and Cr John Price be granted approval to attend the 2006 Annual State Conference – Planning In the Resource Boom – Innovation & Habitation to be held in Kalgoorlie in July 2006.
4. That Cr Star and Cr Needham be the Serpentine Jarrahdale Shire's voting delegates at the 2006 Annual General Meeting of the WA Local Government Association with Cr as first deputy and Cr as second deputy.
5. That Council approves Cr Star's attendance at Local Government Week 2006.
6. That Council adopts the following policy

CSP37 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Council adopts the following Policy for the Appointment of the Acting Chief Executive Officer-

That when it is considered necessary by the Chief Executive Officer, as the result of absence from the District, to appoint an officer to the role of Acting Chief Executive Officer and time does not permit prior endorsement by Council, the role be offered on a rotational basis to the following Directors:

- Darren Long – Director Corporate Services
- Bradley Gleeson – Executive Manager Planning and Regulatory Services
- Stephen Bell – Director Engineering
- Ross Montgomery – Executive Manager Strategic Community Planning

7. That Council endorses the following appointments:
 - (i) Darren Long to the position of Acting Chief Executive Officer from the 8th July 2006 until 4th August 2006
 - (ii) Bradley Gleeson to the position of Acting Chief Executive Officer from the 5th August 2006 until 1st September 2006
 - (iii) Stephen Bell to the position of Acting Chief Executive Officer from the 2nd September 2006 until 29th September 2006
 - (iv) Ross Montgomery to the position of Acting Chief Executive Officer from the 30th September 2006 until 29th October 2006

In relation to the above appointments Council agrees to remunerate the position of Acting Chief Executive Officer for the periods specified above with a "higher duties allowance" of a salary of \$100,000 per annum. This "higher duties allowance" will apply for the duration of the term that each incumbent fills the role.

8. That Cr Richards and Cr Hoyer be invited to attend the September 2006 Ordinary Council meeting in accordance with Council Policy CSP23 "Presentation to Past Councillors".
9. (i) In accordance with section 4.61(2) of the Local Government Act 1995 the Shire will conduct the Byford Ward Extraordinary Local Government Election by postal vote; and

- (ii) The Shire declares that in accordance with section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the Extraordinary Postal Election for the Byford Ward; and
- (iii) In accordance with section 4.9(2) of the Local Government Act 1995 the Electoral Commission be requested to approve the Extraordinary Election to take place jointly with the City of Rockingham Extraordinary Election on 15th September, 2006

OCM045/06/06 ORIGINAL MOTION

Moved Cr Wigg seconded Cr Brown

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3. Cr Kevin Murphy and Cr John Price be granted approval to attend the 2006 Annual State Conference – Planning In the Resource Boom – Innovation & Habitation to be held in Kalgoorlie in July 2006.
4. That Cr Star and Cr Needham be the Serpentine Jarrahdale Shire's voting delegates at the 2006 Annual General Meeting of the WA Local Government Association with Cr Murphy as first deputy and Cr Brown. as second deputy.
5. That Council approves Cr Star's attendance at Local Government Week 2006.
6. That Council adopts the following policy

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(iii) In accordance with section 4.9(2) of the Local Government Act 1995 the Electoral Commission be requested to approve the Extraordinary Election to take place jointly with the City of Rockingham Extraordinary Election on 15th September, 2006.

AMENDMENT

Moved Cr Price seconded Cr Star that the following words in part 8 “That Cr Richards and Cr Hoyer be invited to attend the September 2006 Ordinary Council meeting” be deleted and replaced with “Cr Richards and Cr Hoyer be invited to attend a presentation to past Councillors function in August, at a date to be fixed”.

After debate the Presiding Member then put the amendment which was
CARRIED 9/0

The Presiding Member then put the amended motion

OCM045/06/06 COUNCIL DECISION

1. The Information Report to 21st June, 2006 is received.
2. Cr Scott be granted leave of absence from Council meetings held in September to mid October 2006.
3. Cr Kevin Murphy and Cr John Price be granted approval to attend the 2006 Annual State Conference – Planning In the Resource Boom – Innovation & Habitation to be held in Kalgoorlie in July 2006.
4. That Cr Star and Cr Needham be the Serpentine Jarrahdale Shire’s voting delegates at the 2006 Annual General Meeting of the WA Local Government Association with Cr Murphy as first deputy and Cr Brown as second deputy.
5. That Council approves Cr Star’s attendance at Local Government Week 2006.
6. That Council adopts the following policy

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In relation to the above appointments Council agrees to remunerate the position of Acting Chief Executive Officer for the periods specified above with a "higher duties allowance" of a salary of \$100,000 per annum. This "higher duties allowance" will apply for the duration of the term that each incumbent fills the role.

8. Cr Richards and Cr Hoyer be invited to attend a presentation to past Councillors function in August at a date to be fixed in accordance with Council Policy CSP23 "Presentation to Past Councillors".

- 9. (i) In accordance with section 4.61(2) of the Local Government Act 1995 the Shire will conduct the Byford Ward Extraordinary Local Government Election by postal vote; and**
- (ii) The Shire declares that in accordance with section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the Extraordinary Postal Election for the Byford Ward; and**
- (iii) In accordance with section 4.9(2) of the Local Government Act 1995 the Electoral Commission be requested to approve the Extraordinary Election to take place jointly with the City of Rockingham Extraordinary Election on 15th September, 2006.**

CARRIED 9/0 ABSOLUTE MAJORITY

B Gleeson, D Long, S Bell and R Montgomery returned to the meeting at 8.02pm

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.06pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD137/06/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	Information report
Signatures Author:		
Senior Officer:		
Date of Report	02.06.06	
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	Committee – in accordance with resolution SM051/06/04	

SD137/06/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the May 2006 Building Information Report.
 CARRIED 7/0**

SD138/06/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report	1.06.06	
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	Committee – in accordance with resolution SM051/06/04	

SD138/06/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for May 2006.
 CARRIED 7/0**

SD139/06/06 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee - Community Development Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report	06.06.06	
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	Committee – in accordance with resolution SM051/06/04	

SD139/06/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the May 2006 Community Development Information Report.
CARRIED 7/0**

SD140/06/06 SOUTH EAST REGIONAL ENERGY GROUP BUSINESS PLAN AND BUDGET REQUEST (A0283)		
Proponent:	Not applicable	In Brief The South East Regional Energy Group (SEREG) has been implementing energy efficiency programs and education across the Cities of Armadale and Gosnells, and the Serpentine Jarrahdale Shire, under the <i>switch your thinking!</i> brand. The project is primarily funded through corporate sponsorship and run by the Regional Greenhouse Coordinator. This position is a contract position requiring funding for the position to be gained on a regular basis. The Shire and Cities also contribute pro rata to the project. To ensure the ongoing success of the project the Shire is requested to review the attached SEREG three year Business Plan and allow for funding of \$10 000 in the 2006/2007 budget, with similar amounts being considered over the next two years (e.g. \$10,000 + cpi)
Owner:	Not applicable	
Officer:	Jason Menzies – Regional Greenhouse Coordinator & Michael Taylforth – A/Environmental Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report	7 June 2006	
Previously	E012/05/04	
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 SM051/06/04	

SD140/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

1. Council considers the allocation of \$10 000 as the Shire’s financial participation in the *Switch Your Thinking!* project as part of the 2006/2007 budget.
2. Council adopts, subject to the Shire’s budget processes and similar resolution by regional partner Council’s, the South East Regional Energy Group Business Plan 2006/07 – 2008/09 as the strategic guide for the project for that period.

CARRIED 6/1

SD143/06/06 PROPOSED ANCILLARY ACCOMMODATION – LOT 35 BEVIS COURT, BYFORD (P05557/04)		
Proponent:	D Jackson	In Brief Proposed detached building for use as Ancillary Accommodation. It is recommended that the application be refused for reasons of potential effect on visual amenity and character of the area and non-compliance with the provisions of the Byford Townsite Detailed Area Plan.
Owner:	As above	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	12 June 2006	
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 SM046/05/04	

SD143/06/06 COMMITTEE DECISION/Officer Recommended Resolution

The application for approval to commence development of ancillary accommodation on Lot 35 Bevis Court, Byford dated 20 April 2006 and plans attached thereto, is refused for the following reasons:-

1. It would not be appropriate in the interests of orderly and proper planning and preservation of the amenity of this residential area to grant approval for ancillary accommodation of the design, materials and finish proposed.
2. The proposed building will have an adverse impact on the visual amenity of the street and adjacent properties by virtue of its design, materials and finish.

CARRIED 7/0

SD148/06/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 June 2006	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

SD148/06/06 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 16 June 2006 be received.
CARRIED 7/0

CGAM151/06/06 TENDER NUMBER 006/2006-08 SUPPLY OF GENERAL TREE PRUNING SERVICES (A1353/04)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to approve the recommended Tenderer for the Supply of General Tree Pruning Services for the two (2) year period from 1 st July 2006 to 30 th June 2008 inclusive.
Owner:		
Officer:	Gabor Komaromi – Senior Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 May 2006	
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	Committee in accordance with resolution SM051/06/04	

CGAM151/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council accept the Tender submitted by Tree Care for the supply of General Tree Pruning Services in accordance with Tender Number 006/2006-08 for the period of 1st July 2006 to 30th June 2008 at the following rates (GST Inclusive).

Two man team \$/hour	\$125.00
Three man team \$/hour	\$154.00
Elevated Platform \$/hour	\$5.50
Stump Grinder \$/hour	\$66.00
Two man call out team \$/hour	\$143.00
Three man call out team \$/hour	\$187.00

CARRIED 7/0

CGAM152/06/06 TENDER NUMBER 010/2006-0 SUPPLY OF GENERAL CLEANING SERVICES (A1353/09)		In Brief The Council is requested to endorse the recommended Tenderer for the Supply of General Cleaning Services to the Serpentine Jarrahdale Shire for the two (2) year period from 1 st July 2006 to 30 th June 2008 inclusive.
Proponent:	Serpentine Jarrahdale Shire	
Owner:		
Officer:	Stephen Bell – Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	8 June 2006	
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	Committee in accordance with resolution SM051/06/04	

CGAM152/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council accept the Tender submitted by JCW Superclean for the supply of General Cleaning Services in accordance with Tender Number 010/2006–08 for the period of 1st July 2006 to 30th June 2008 at the following schedule of lump sum Tender prices.

FACILITY	JCW SUPERCLEAN		
	GST EXCL	GST	GST INCL
Serpentine Jarrahdale Shire Administration Building, Council Chambers, and other associated rooms.	\$36,504.00	\$3,650.40	\$40,154.40
Mundijong Public Library	Included in tender price		
Mundijong Landcare Centre	\$4,212.00	\$421.20	\$4,633.20
Mundijong Pavilion	\$8,424.00	\$842.40	\$9,266.40
Mundijong Netball Club	\$2,808.00	\$280.80	\$3,088.80
Mundijong Changerooms	\$2,808.00	\$280.80	\$3,088.80
Mundijong Public Toilets – next to Library	\$7,020.00	\$702.00	\$7,722.00
Mundijong Public Toilets – near railway station	\$7,020.00	\$702.00	\$7,722.00
Serpentine Jarrahdale Shire Works Depot	\$14,040.00	\$1,404.00	\$15,444.00
Byford Briggs Park Pavilion	\$11,232.00	\$1,123.20	\$12,355.20
Byford Briggs Park Learning Centre	\$1,404.00	\$140.40	\$1,544.40
Byford Briggs Park Change Rooms	\$2,808.00	\$280.80	\$3,088.80
Briggs Park BMX Toilets	\$2,808.00	\$280.80	\$3,088.80
Byford Hall	\$7,020.00	\$702.00	\$7,722.00
Byford Public Toilets	\$5,616.00	\$561.60	\$6,177.60
Byford Health Clinic	\$2,808.00	\$280.80	\$3,088.80
Jarrahdale Hall	\$2,808.00	\$280.80	\$3,088.80
Jarrahdale Public Toilets	\$2,808.00	\$280.80	\$3,088.80
Jarrahdale Oval Toilets	\$402.00	\$40.20	\$442.20
Serpentine Hall	\$9,828.00	\$982.80	\$10,810.80
Serpentine Public Toilets	\$2,808.00	\$280.80	\$3,088.80
Serpentine Cemetery Toilets	\$1,404.00	\$140.40	\$1,544.40
Eric Senior Pavilion (Pony Club)	\$7,020.00	\$702.00	\$7,722.00
Oakford Community Centre	\$1,420.00	\$142.00	\$1,562.00
Total Lump Sum Tender price for the 24 month period from 1/07/06 to 30/06/08.	\$145,030.00	\$14,503.00	\$159,533.00

CARRIED 7/0

CGAM155/06/06 MONTHLY FINANCIAL REPORT – MAY 2006 (A0924/06)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 31 May 2006
Owner:		
Officer:	Casey Mihovilovich – Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	09/06/06	
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 1995	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM155/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 31 May 2006, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 7/0

CGAM156/06/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during May 2006
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	07/06/06	
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	Committee in accordance with resolution SM051/06/04	

CGAM156/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of May 2006, presented to the Corporate Governance & Asset Management Committee and to Council, 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

CGAM157/06/06 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 May 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	07/06/06	
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	Committee in accordance with resolution SM051/06/04	

CGAM157/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 May 2006.
CARRIED 7/0**

CGAM158/06/06 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 May 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	07/06/06	
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	Committee in accordance with resolution SM051/06/04	

CGAM158/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 May 2006.
CARRIED 7/0**

CGAM159/06/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 May 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report	02/06/06	
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	Committee in accordance with resolution SM051/06/04	

CGAM159/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 31 May 2006.
CARRIED 7/0**

CGAM160/06/06 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 9 June 2006
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
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	Committee in accordance with resolution SM051/06/04	

CGAM160/06/06 COMMITTEE DECISION/Officer Recommended Resolution:

**The information report to 9 June 2006 be received.
CARRIED 7/0**