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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 OCTOBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: S Twine Presiding Member

M Harris
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
E Brown
C Randall
T Hoyer
A Lowry

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mrs D Bridson .. Executive Services Support Officer (until 8.44pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 10

2. PUBLIC QUESTION TIME:

James Griffiths – 57 Linton Street, Byford

When will the developer contribution model be put to Council and when will this matter be finalised? Was led to believe this will be put to Committee in November before an Ordinary Council Meeting in December, is this correct?

The Director Development Services advised that this relates to the Developer Contribution Plan for the Byford urban cell which has been an ongoing issue for a number of years. It is acknowledged that there has been a long delay in getting this Plan to Council, part of the delay as a result of the State Government refusal of the original contribution plan.

The Director Development Services advised that this is a very complex development contribution scheme which has not progressed as quickly as Council would have hoped. A lot of work has occurred this year regarding costings and road design. Council has liaised with the community and their comments have been taken on board. Consultation has also occurred with Councillors in recent months.

A report will be presented to Council in December.

3. PUBLIC STATEMENT TIME:

Sandra Hawkins (27 Burgess Drive, Byford) – spokesperson for the Byford Scarp Residents Assoc Inc

I refer to the old dilapidated building on Lot 116 Coulterhand Circle, Byford (Byford by the Scarp now known as Byford on the Scarp).

At the last Council meeting which I attended the Council informed me that no decision had been made as to the outcome of the building.

With the current financial climate dictating that expenses by the Shire Council be carefully monitored surely the Shire Council would not want to increase the costs to ratepayers any further. I am informed that the Shire Council is responsible for the upkeep and maintenance for approximately 70 buildings in the Shire of Serpentine Jarrahdale. The building recently became known as “Percys Place” and most of the Council members would have seen and agree the building is beyond repair and to reconstruct it would cost far more than the original estimate proffered some years ago.

I therefore place before you an offer by Bradwell Pty Ltd (Aspen) to pay for the entire demolition and landscaping the area at no cost to the Shire or ratepayers.

It certainly would be prudent for the Shire Council to consider this offer and grant the demolition order.

Letter addressed to the Byford Scarp Residents Association from Bradwell Pty Ltd dated 14 September 2009:

“Demolition of Percy’s House

Further to our meeting on the 4th September 2009 regarding the dilapidated house known as Percy’s House which is located at Lot 116 Coulterhand Circle, Byford we confirm that Aspen will pay for the demolition of the house following issue of a demolition licence by the Shire of Serpentine-Jarrahdale.

In recognition of the building, Aspen will be prepared to install a plaque as part of the proposed landscape works along Cardup Brook if required to do so by the Shire.”

SD041/10/09 – Mr P Cuttone (LWP)

Good Evening Councillors

I refer to Item SD041/10/09 of the agenda, being the Proposed Local Structure Plan (LSP) for the Byford Main Precinct (The Glades).

Firstly, on behalf of LWP and the Glades consultant team, I would personally like to extend my thanks to the staff members involved in the assessment of the Local Structure Plan. The revised Structure Plan has been the result of a long and collaborative process that commenced in 2005 and I am extremely pleased to finally be in a position to see the Structure Plan for the Glades proceed to advertising. The efforts of Council staff over the last 3 months, in the review of the revised LSP, are very much appreciated.

LWP support the officer recommendation to determine the LSP satisfactory for the purposes of advertising. We consider the proposed LSP will provide a robust framework for the future development of the single largest Master planned residential estate in the south-east corridor and are very excited about the future of the Glades development.

We would however, like to highlight some concerns in relation to our ability to undertake the requirements of Recommended Resolutions B, C and E.

Resolution B requires the initiation of road closures for portions of Doley, Orton and Cardup Siding Roads. Whilst we have made a formal request to close a portion of Doley Road, adjacent areas we have subdivision approval over, the exact extent of the portion of Orton and Cardup Siding Roads to be closed is unknown at this point in time. Furthermore, the closure of these roads is required to facilitate subdivision in the future and therefore it is considered premature and unnecessary to close them when they are being utilised by the local community. Accordingly, we request the adoption of our proposed revised Resolution B, that removes any reference to the closure of Orton and Cardup Siding Roads.

Resolution C requires LWP to facilitate a legal arrangement between the Department of Education and Training and the Shire, to ensure the provision, ongoing maintenance and public access to shared facilities within the Primary School site prior to final adoption of the LSP. This requirement is considered onerous, as LWP's responsibilities as developer have been met by satisfying the requirements of the Byford Structure Plan by designating a primary school site on the LSP and providing over and above the required amount of public open space. Any arrangements that the Shire seek to make with the Department of Education and Training regarding the sharing of facilities, should not be facilitated by LWP, nor linked to final adoption of the LSP, particularly when securing them is beyond the control of LWP. That said, LWP fully support Council's objectives in this regard. We therefore respectfully request the deletion of Resolution C.

Resolution E requires the maintenance period of the lake identified within the LSP to be 15 years. This is considered particularly excessive and greatly exceeds maintenance periods imposed elsewhere throughout the metropolitan region. It is quite possible that the development of the entire estate may be completed within a period less than 15 years. Whilst a slightly extended open space maintenance period would be accepted, 15 years is considered excessive. Accordingly, we request the adoption of our proposed revised Resolution E that removes reference to a 15 year maintenance period but the need for Shire officers to negotiate an extended maintenance period with LWP as part of the preparation of a Lake Management Plan.

In conclusion we wish to we seek Council's support to:

- Advertise the Glades Local Structure Plan, which was originally lodged in December 2005;
- Amend Resolution B to initiate the closure of portion of Doley Road only at this point in time;
- Delete Resolution C on the basis that LWP has satisfied their requirements as a developer by providing a Primary School Site in accordance with the Byford Structure Plan and providing over and above the required amount of public open space.
- Revise Resolution E, to incorporate the ability for Shire staff to negotiate with LWP on the maintenance period for the lake through the Lake Management Plan.

Thank you for your time.

Michelle Rigg – 27 Warburton Court, Byford

Refers to the proposed new development on Abernethy Road and opening of Warburton Court to through traffic. This is currently a cul de sac which is proposed to take traffic through to a new subdivision. Residents in the street do not want this to occur.

The proposed lot sizes on the opposite side of the road will be R40 and R60 which are 200 square metre blocks. This is far too small. A gradual reduction in the size of blocks towards the town centre or a buffer zone would be preferred. It had previously been advised that there would be a buffer between these blocks.

4. PETITIONS & DEPUTATIONS:

COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Harris

**That a petition with 58 signatures be accepted from A J Thorp and B J Duncan regarding the closure of the intersection on the corner of Thatcher and Larsen Road.
CARRIED 10/0**

5. PRESIDENT'S REPORT:

Members of the gallery, Councillors and staff; I would like to record in this Chamber our heartfelt gratitude to our former Shire President, Denyse Needham. Denyse has served our community, selflessly for 13 years as a Councillor, with six of these years as Shire President.

She has tirelessly represented the interests of our Shire with respect, integrity and energy and has influenced its planning and development from an essentially rural landscape to one which has urban villages integrated within broad-acre farmland.

This balance is hard to achieve and future grandchildren are going to applaud her vision in retaining elements of rural living into housing developments. Living streams, tree retention, parklands, maintaining natural bushland, plus creating walking and cycle paths were all part of her vision, so that new residents living on small blocks of land could always be close to nature. Denyse was only too aware of the costs of new development and was instrumental in seeking and gaining funds for assisting with expensive planning.

From a personal note, her advice to me has been invaluable. She has helped me as a new Councillor, always being available, answering my naïve questions, filling me in from her enormous knowledge base and giving suggestions when the way ahead seemed difficult. Her wisdom and complete honesty is a legacy and a model for us all to follow in the future.

As the Shire's population increases with retention of its green areas, its local produce, its wild life and its walkability, Denyse can look back with great satisfaction as she reflects on her time as a guiding force in our great Shire.

Members of the gallery, we have two new elected members, Cr Lowry, representing the South Ward, and Cr Hoyer, representing the Central Ward. Welcome to you both.

May I remind you that all Council meetings work strictly under the governance of our Standing Orders. So, for our new Councillors, this means we do not have a choice in how meetings are conducted and there are penalties for breaches in Standing Orders.

During debate, Councillors, if you wish to speak, please indicate by raising your hand and waiting to be called by the chair.

The mover of a motion is allocated a maximum of five minutes, other speakers being allowed a maximum of three minutes. This needs to be adhered to at all times.

Once a motion is seconded, Councillors may ask a question, always through the chair, which the Presiding Officer may, or may not accept, depending on the relevance of the question. At this stage, a Councillor may indicate, that he / she will speak against the motion or move an amendment.

May I say to the gallery at this point, that much work has already been done on these items at Committee level, (a forum also open to the public) so elected members have had the benefit of officer explanations and answers to questions relating to the topics to be decided this evening.

Lastly, to our new Councillors, I would urge you to become familiar with our Standing Orders so that you quickly become comfortable with the formal procedures in this Chamber.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Twine declared a financial interest in item SD041/10/09 as she owns two blocks of land in this area and advised that she will leave the Chamber whilst this item is discussed.

Cr Kirkpatrick declared a financial interest in item SD041/10/09 as he owns a block of land in this area and advised that he will leave the Chamber whilst this item is discussed.

Cr Kirkpatrick declared a financial interest in item SD042/10/09 as it relates to his future place of residence and advised that he will leave the Chamber whilst this item is discussed.

The Chief Executive Officer declared a financial interest in item OCM010/10/09 as the item relates to her Key Performance Indicators. This is not strictly a financial interest however she would like to be cautious. There is no need for her to leave the Chamber whilst this item is discussed.

Cr Harris declared an interest of impartiality in items SD037/10/09 and SD038/10/09 as her brother is a member of the Sports Aircraft Builders Club of WA Inc. and advised that this will not affect the way in which she votes on this matter.

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

7.1 Ordinary Council Meeting - 29 September 2009

Moved Cr Harris, seconded Cr Buttfield

The *attached (E09/6063)* minutes of the Ordinary Council Meeting held on 29 September 2009 be confirmed.

CARRIED 10/0

7.2 Special Council Meeting - 29 September 2009

Moved Cr Brown, seconded Cr Murphy

The *attached (E09/6065)* minutes of the Special Council Meeting held on 29 September 2009 be confirmed.

CARRIED 10/0

7.3 Special Council Meeting - 12 October 2009

Moved Cr Harris, seconded Cr Murphy

The *attached (E09/6261)* minutes of the Special Council Meeting held on 12 October 2009 be confirmed.

CARRIED 10/0

7.4 Special Council Meeting - 19 October 2009

Moved Cr Geurds, seconded Cr Murphy

The *attached (E09/6421)* minutes of the Special Council Meeting held on 19 October 2009 be confirmed with an amendment to item SCM014/10/09. Part 33 of the Council Decision is to be changed by removing Cr Geurds as the Deputy to the Western Australian Local Government Association – South East Metropolitan Zone and replacing with Cr Brown.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD037/10/09 PROPOSED EXTENSION TO EXISTING HANGAR - LOT 164 YANGEDI ROAD, HOPELAND (P02909/27)		
Proponent(s):	Gordon Johanson	In Brief Planning approval for an extension to an existing hangar at the Serpentine Airfield. It is recommended that the application be conditionally approved.
Owner:	Serpentine Jarrahdale Shire	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	15 September 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 14 July 2009
 Lot Area: 64.7421 ha.
 L.A Reservation: Public Open Space
 MRS Zoning: Rural
 Rural Strategy Policy Area: Parks and Recreation
 Bush Forever: Conservation Category Wetland & Bush Forever site 378

Background

An application has been lodged for the extension of an existing hangar at the Serpentine Airfield. The land is in the care, control and management of the Shire of Serpentine Jarrahdale for the purpose of Recreation. The site is leased to the Sports Aircraft Builders Club of WA Inc. with the current lease expiring in 2012. The club's lease was renewed in 2002. During the time the club has leased the land it has been developed to establish a private airfield with infrastructure including hangars, 3 kilometres of runway and a clubhouse.

The hangar extension is to be 17 metres by 3 metres with a wall height of 3.5 metres. The extension will occur at the rear of the existing hangar, and is to be constructed entirely of zincalume to match the existing hangar and the surrounding hangars. The proposed extension will position the hangar in line with existing hangars. The use of the land is subject to a signed Memorandum of Understanding (MOU) regarding the Reserve Management Plan for the site.

Approval of the proposed hangar will bring the total number of hangars approved by Council to seven (7) out of the twelve (12) Hangar sites. Council has received another hangar application which will be presented to the Committee in November 2009.

A locality plan, aerial photograph and proposed elevations for Hangar extensions are with the attachments marked SD037.1/10/09.

Sustainability Statement

Effect on Environment: The northern half of the airfield contains Bush Forever site number 378. The site also contains a Conservation Category Wetland. The proposed development is associated with the predominant use of the reserve for the Sports Aircraft Builders Club. The proposed extension of the hangar is located on land already cleared and will fit in with the existing built development on the subject lot.

Resource Implications: No information has been provided in respect of resource implications. It is considered that the application does not propose any specific measures to minimise resource use compared to traditional development approaches.

Economic Benefits: The proposed hangars may create some limited employment or economic benefit to the Shire during the construction of the hangar.

Statutory Environment: Town Planning Scheme No 2 (TPS 2)
Planning & Development Act 2005
Environmental Protection Act 1986

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

Financial Implications: There will be no direct financial implications to Council as a result of this application.

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:

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:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Comment

TPS 2

Clause 2.3 of Council's TPS 2 states the following:

"Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve"

and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent”.

The Public Open Space reserve is currently being used for the purposes of a sports airfield. It is considered that the application for the hangar extension is in accordance with the ultimate purpose of the reserve, as the reserve is currently being used as an airfield.

Reserve Management Plan

A draft Management Plan has been prepared by Shire officers in consultation with members of the aircraft club, the Department of Environment and Conservation and the Department of Planning. The Reserves Advisory Group is currently reviewing the draft and it is planned to present this to Council soon.

The application was considered in the context of the draft reserve management plan. The proposal is for a small extension to an existing hangar and does not involve any clearing of vegetation and would not impinge on the back alley space for fire access, water hydrant piping and overhead electricity going underground. The proposed development is considered appropriate.

Options

There are two options available to Council in considering this proposal:

- (1) to approve the application, with or without conditions; and
- (2) to refuse the application.

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

Voting Requirements: Simple Majority

SD037/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Kirkpatrick

The application for approval to commence development for the extension of an existing hangar on Lot 164 Yangedi Road, Hopeland be approved subject to the following conditions:

- 1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this.**
- 2. The hangar extension is to be constructed in accordance with the submitted Schedule of Colours and Materials.**
- 3. The storage of fuels shall be contained within a perimeter/container bund of sufficient height to contain the total volume of stored fuel in event of a leak.**
- 4. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, dust, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.**
- 5. The boundary of the hangar site, the subject of this approval is to be fenced or taped off to prevent encroachment of works into surrounding bushland areas prior to commencement of on site works and remain in place for the length of the works.**

Advice Notes:

1. Any development or use not depicted or detailed in the approved plan and proposal documentation will require further planning approval to be obtained from the Council.
 2. A building licence is to be obtained prior to commencement of development including earthworks.
 3. Applicants are required to comply with State and Federal Legislation in regards to the storage of fuels.
 4. The dumping of rubbish or other material is not permitted within any bushland areas. All rubbish to be disposed of via appropriate methods.
- CARRIED 9/1**

SD038/10/09 PROPOSED HANGAR – LOT 164 YANGEDI ROAD, HOPELAND (P02909/28)		In Brief Planning approval for the development of an aircraft hangar at the Serpentine Airfield. It is recommended the application be conditionally approved.
Proponent(s):	Brenton Emery	
Owner:	Serpentine Jarrahdale Shire	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 August 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 3 August 2009
 Lot Area: 64.7421 ha.
 L.A Reservation: Public Open Space
 MRS Zoning: Rural
 Rural Strategy Policy Area: Parks and Recreation
 Bush Forever: Conservation Category Wetland & Bush Forever site 378

Background

An application has been lodged with the Shire for the development of an aircraft hangar at the Serpentine Airfield. The land is in the care, control and management of the Shire of Serpentine Jarrahdale for the purpose of Recreation. The site is leased to the Sports Aircraft Builders Club of WA Inc. with the current lease expiring in 2012. The club's lease was renewed in 2002. During the time the club has leased the land it has been developed to establish a private airfield with infrastructure including hangars, 3 km of runway and a clubhouse.

The proposed hangar is to be 12 metres by 13 metres with a 3.6 metre wall height and an apex height of 5.2 metres. The use of the land is subject to a signed Memorandum of Understanding (MOU) regarding the Reserve Management Plan for the site.

Approval of the proposed hangar will bring the total number of hangars approved by Council to seven (7) out of the twelve (12) Hangar sites. Council has received another hangar application which will be presented to the Committee in November 2009.

A locality plan, aerial photograph and proposed elevations for Hanger #9 are with the attachments marked SD038.1/10/09.

Sustainability Statement

Effect on Environment: The northern half of the airfield contains Bush Forever site number 378. The site also contains a Conservation Category Wetland. The proposed development is associated with the predominant use of the reserve for the Sports Aircraft Builders Club. The proposed hangars are located on land already cleared and will fit in with the existing built development on the subject lot.

Resource Implications: No information has been provided in respect of resource implications. It is considered that the application does not propose any specific measures to minimise resource use compared to traditional development approaches.

Economic Benefits: The proposed hangar may create some limited employment or economic benefit to the Shire during the construction of the hangar.

Statutory Environment: Town Planning Scheme No 2 (TPS 2)
Planning & Development Act 2005
Environmental Protection Act 1986

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

Financial Implications: There will be no direct financial implications to Council as a result of this application.

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:

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:

3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Comment

TPS 2

Clause 2.3 of Council's TPS 2 states the following:

“Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent”.

The Public Open Space reserve is currently being used for the purposes of a sports airfield. It is considered that the application for an additional hangar is in accordance with the ultimate purpose of the reserve, as the reserve is currently being used as an airfield.

Reserve Management Plan

A draft Management Plan has been prepared by Shire officers in consultation with members of the aircraft club, the Department of Environment and Conservation and the Department of Planning. The Reserves Advisory Group is currently reviewing the draft and it is planned to present this to Council soon.

Approval of the proposed hangar will bring the total number of hangars approved by Council to seven (7) out of the twelve (12) Hangar sites. The Shire has received another hangar application which will be presented to Council in November 2009.

Options

There are two options available to Council in considering this proposal:

- (1) to approve the application, with or without conditions; and
- (2) to refuse the application.

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

Voting Requirements: Simple Majority

SD038/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Kirkpatrick

The application for approval to commence development for the construction of one hangar on Lot 164 Yangedi Road, Hopeland be approved subject to the following conditions:

- 1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this.**
- 2. The storage of fuels shall be contained within a perimeter/container bund of sufficient height to contain the total volume of stored fuel in event of a leak.**
- 3. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, dust, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.**
- 4. The hangar is to be constructed in accordance with the submitted Schedule of Colours and Materials.**
- 5. The boundary of the hangar site, the subject of this approval, is to be fenced or taped off to prevent encroachment of works into surrounding bushland**

areas prior to commencement of on site works and remain in place for the length of the works.

Advice Notes:

- 1. Any development or use not depicted or detailed in the approved plan and proposal documentation will require further planning approval to be obtained from the Council.**
- 2. A building licence is to be obtained prior to commencement of development including earthworks.**
- 3. Applicants are required to comply with State and Federal Legislation in regards to the storage of fuels.**
- 4. The dumping of rubbish or other material is not permitted within any bushland areas. All rubbish to be disposed of via appropriate methods.**

CARRIED 9/1

SD039/10/09 PROPOSED ADVERTISING PYLON SIGNS – LOT 3 THATCHER & LOT 104 LARSEN ROAD, BYFORD (P05318/06)		
Proponent:	RPS Koltaz Smith	In Brief Applicant seeks planning approval for two advertising pylon signs. The proposed signs will be advertising the 'Marri Park Estate' land sales. It is recommended to conditionally approve one sign on Lot 3 Thatcher Road and refuse the one on Lot 104 Larsen Road.
Owner:	Goldtune Investments Pty Ltd	
Author:	Helen Maruta– Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 September 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 9 July 2009
 Advertised: Yes
 Submissions: Yes
 MRS Zoning: Urban
 Lot Area: 19.75 hectares
 L.A Zoning: Urban Development
 Byford Structure Plan: Residential R20, Future Roads
 Date of Inspection: September 2009

Background

The applicant seeks planning approval to erect two estate advertising pylon signs on Lot 3 Thatcher Road and Lot 104 Larsen Road. The signs are to promote and assist in the sale of lots being created through subdivision of the first stage of Marri Park Private Estate on Lot 3 Thatcher Road. The signs are intended to provide directional assistance to potential purchasers of new lots in the Byford area.

The proposed signs will be 6 metres wide and 3 metres high and supported by pylons of 2.4 metres. The total area of each sign face will be 18 square metres. One sign is to be located at the corner of Larsen Road and South Western Highway, facing a north- easterly direction. The other sign will be located at the corner of Thatcher Road and Larsen Road on the western edge of the subdivision area facing a north-westerly direction.

The applicant provided information that the proposed signs are only temporary, therefore not intended to be onsite for longer than two years whilst sales occur, after which they will be

removed. The proposal is presented to Council for determination as Officers do not have delegated authority to consider the proposal.

A location plan, aerial photograph, site and development plan, are with the attachments marked SD039.1/10/09.

Sustainability Statement

Effect on Environment: The signs are proposed to be located in areas already cleared of any vegetation. Generally, large signs have the potential to detract from the built environment in relation to the visual amenity and character of the area. However, in this particular locality, there is only one large sign advertising Byford Central Development to the north of Larsen Road. An additional temporary sign at the proposed location of the corner of Thatcher Road and Larsen is not envisaged to erode the visual quality and character of the streetscape in this locality.

Economic Benefits: This is considered the most appropriate mechanism for advertising land sales to potential buyers of new lots in this locality.

Statutory Environment:

Town Planning Scheme No.2 (TPS 2)
Planning and Development Act 2005
Byford Townsite Detailed Area Plan (BTDAP)

Policy/Work Procedure Implications:

Local Planning Policy (LPP) No. 5 – Control of Advertisements

Financial Implications:

There is a cost to Council in administering the bond as required in the Planning condition.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation

The proposed sign to be located at the corner of Larsen Road and Lot 104 South West Highway application was referred to the Main Roads WA for comment. A conditional approval was recommended and details are discussed below:

Affected Property	Summary of Submission	Officer's Comment
Main Roads WA	Main Roads is prepared to approve the application subject to strict compliance with the following conditions: - 1. The type of sign and location comply fully with all relevant by-laws and planning schemes	Supported. Comments noted. Main Roads have provided conditions that would be incorporated into an approval, if granted by Council.

Affected Property	Summary of Submission	Officer's Comment
	<p>made by the council.</p> <p>2. The sign shall be of low illumination (Maximum average luminance not to exceed 200 candelas / m², and the sign shall not contain reflective material.</p> <p>3. The sign shall not contain phone numbers.</p> <p>4. Sign approval is valid for a maximum period of two (2) years. The sign structure is to be removed within 14 days following expiry (9 September 2011).</p> <p>5. No other unauthorised signing is displayed.</p> <p>6. The sign must not be modified without Main Roads approval.</p>	

Comment

Proposed advertisements

The current application proposes the erection of two signs, to be located at the corner of Thatcher Road and Larsen Road (sign A) and corner of Larsen Road and South Western Highway (sign B). The signs have been named A and B for the purposes of this report.

Statutory Environment

TPS 2

Under the scheme, clause 7.15 *Control of Advertising* provides guidance in relation to the following issues:

- The types of signs that require formal approval from Council;
- The types of signs that are exempt from approval;
- Maintenance responsibilities for existing signs; and
- Dealing with existing signs that do not conform to the Shire's requirements.

Appendix 18 of the TPS 2 provides for various types of advertisements to be exempt from requiring planning approval; the proposed two signs are not exempt.

Local Planning Policy No. 5 (LPP 5)

LPP 5 provides a Shire-wide framework for the lodgement and assessment of signage applications. Under the LPP5 the proposed development would be classified under Temporary Signs – Real Estate which is defined as advertisement signs displayed for the duration of the period over which property (land sales) transactions are offered. With respect to the proposed development, there are two particularly relevant sections in LPP 5, being Table 1, which outlines the information to be submitted with an application and a dedicated section for this type of signage. In accordance with the policy the required

standards for this type of sign are outlined in the table below extracted from LPP 5 Control of Advertisements:

Temporary Signs – Real Estate

Standards	Number and Conditions	Maximum Area
Subdivision	One advertising sign at the entrance of the subdivision showing the subdivision name, subdivision guide plan and contact details of the selling agent. Council will not approve any sign directing people to a subdivision apart from blue directional signs.	5m ²
Permitted Zones	Real Estate Signs are permitted in all zones except reserves, and, providing they comply with the above standards do not require an application to Council except signs advertising subdivision which require planning approval.	

Sign A

In accordance with the provisions of LPP 5 the proposed location of sign A, being on the western edge of the subdivision, is considered to comply with the requirements of the local laws in terms of it being contained within the subject lot of the subdivision and located at the entrance of the subdivision.

Sign A is, however, oversize in terms of the maximum area allowed being 5m² under the provisions of LPP 5; the proposed size is 18m² in area. It is open to Council to consider a variation to the requirements of LPP 5; this report provides Council with such an opportunity. The proposed area of the sign is considered reasonable, in light of the fact that it is wholly contained within the subject lot and advertising development in the form of land sales related to subdivision on the subject lot.

The overall height of proposed Sign A is 5.4 metres above ground level; pylon signs for comparative purposes can be up to 8.0 metres in height in other zones.

In determining the merits of the proposed signage, consideration should be given to the following:

- The provisions of LPP 5
- The potential impacts on the amenity of the area
- The size of other similar signage within the Byford Area.

With respect to the above considerations, the proposed signage is generally consistent with the signage being displayed for other subdivisions within the Byford Area. The proposed signage is temporary in nature, with an approval period of 2 years recommended. The potential impacts on the amenity of the area are considered to be acceptable.

On the basis of the above, the proposed signage is considered reasonable.

Sign B

With regards to the proposed location for sign B and under the provisions prescribed under LPP 5 as detailed below the erection of the sign is not supported as it contravenes most of the provisions.

“The placement of any form of advertising or signage on properties, buildings or reserves that are not directly related to that sign is prohibited.

One advertising sign at the entrance of the subdivision showing the subdivision name, subdivision guide plan and contact details of the selling agent.

The maximum area permitted for the sign in this zone is 5m².

Council will not approve any sign directing people to a subdivision apart from blue directional signs. Council can provide, at the developers cost, a blue directional sign indicating where a business is. This is the preferred form of directional signage.”

And

“Council may consider a planning application for signage or advertising on properties, buildings or reserves that are not directly related to that sign in the following circumstances:

- *where the proponent can prove to Council that there is a need from an economic view to have such a sign or advertising;*
- *where the sign falls within the definition of ‘Special Events Sign’, and will be only placed on the property, buildings or reserves for the period that the special event is being run;*
- *in any other situations that Council sees fit.”*

Sign B which is proposed to be located at the corner of Larsen Road and South Western Highway would be considered as placement of advertising or signage on land that is not directly related to the Marri Park Private Estate subdivision and Land Sale. On this basis, it is not recommended that Council support the proposed sign. The provisions prescribed under LPP 5 clearly stipulates provisions for allowing one advertising sign at the entrance of the subdivision only, and the proposed location of sign B is approximately 500 metres away from the subdivision and therefore not supported.

The proponent, together with his application, provided information the signs are intended to provide direction to potential purchasers of new lots around the Byford area. The provisions of the LPP 5 listed above clearly states that Council will not approve any sign directing people to a subdivision apart from a blue directional sign. This location of sign B would be considered to a larger extent as more of a directional sign and would not be recommended by officers in this instance.

Proposed sign B is located within Character H of the BTDA. A relevant extract from the BTDA is provided below:

“Advertising signage must conform to the requirements of the Shire of Serpentine-Jarrahdale Local Planning Policy No. 5 – “Control of Advertisements”. However, the following signage types will be prohibited:

- *Building signs above roof*
- *Building signs projecting*
- *Off-building signs pylon*
- *Off-building signs hoardings*
- *Tethered off-building signs*
- *Off-building signs product display”*

The proposed signage is contrary to the abovementioned provisions of the DAP and accordingly is not supported.

Options

There are primarily two options available to Council in considering the proposal, as follows:

- (1) Approve the application, with or without conditions; or
- (2) Refuse the application.

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

Conclusion

The Shire is aware of the proliferation of unauthorised signs that have been on the increase in Byford and especially the Town Centre. These signs, some of them very large, have damaging effects on the streetscape and the general amenity of the locality. Measures in terms of policies will be put in place to control these in accordance with provisions of the scheme.

Based on the matters that have been outlined in this report, it is recommended that the proposed location for Sign A be approved subject to appropriate conditions. Due to the directional nature of sign B and its proposed location and having regard to issues discussed in this report it is recommended to refuse sign B.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

A) Pursuant to the provisions of Town Planning Scheme No. 2, grant planning approval for an advertising sign at Lot 3 Thatcher Road, Byford (Sign A) subject to the following conditions:

- 1. This approval is granted for a period of two (2) years from the date of issue.**
- 2. At the expiry of the approval period or the sale of the last lot, whichever comes first, the sign shall be removed at the applicant's cost, from the site by the developer.**
- 3. This approval only encompasses the sign detailed on the approved drawings and erected in the location identified on the approved site plan attached to and forming part of this approval.**
- 4. A bond in the amount of \$1,500 shall be paid to the Shire by the developer within 28 days of the issue of the approval and shall only be refunded to the developer once the sign and supporting structure have been removed to the satisfaction of the Shire.**
- 5. The main sign face shall not be altered without the prior written approval of the Director Development Services.**
- 6. The sign shall be securely fixed to the structure by which they are supported, to the satisfaction of the Shire's Principal Building Surveyor, and shall be maintained in a safe condition at all times.**
- 7. Paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to the sign or sign structures.**
- 8. The sign shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.**
- 9. Any unsightly matter or graffiti shall be removed at the cost of the developer within 24 hours of it occurring.**
- 10. The sign is to be maintained to a high standard of appearance and structural soundness**

B) Pursuant to the provisions of Town Planning Scheme No. 2, refuse to grant planning approval for an advertising sign at Lot 104 Larsen Road, Byford (Sign B) for the following reasons:

1. The proposal is inconsistent with the requirements of Local Planning Policy 5, which states that Council will not approve any sign directing people to a subdivision apart from blue directional signs.
2. The proposal is inconsistent with the provisions of the Byford Townsite Detailed Area Plan, which seeks to prohibit off-building pylon signs.
3. The proposal fails to adequately afford protection of remnant vegetation.

At the Committee meeting Cr Randall foreshadowed she would move an alternative motion stipulating that the proposed sign conform to the Local Planning Policy No 5, if the motion under debate was defeated.

COMMITTEE AMENDMENT

That Condition A)4 be changed to an amount of \$5,000.

CARRIED 7/0

At the Committee meeting the amended motion became the question before the meeting and was put as follows:

SD039/10/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Randall, seconded Cr Geurds (proforma)

That Council:

A) Pursuant to the provisions of Town Planning Scheme No. 2, grant planning approval for an advertising sign at Lot 3 Thatcher Road, Byford (Sign A) subject to the following conditions:

1. This approval is granted for a period of two (2) years from the date of issue.
2. At the expiry of the approval period or the sale of the last lot, whichever comes first, the sign shall be removed at the applicant's cost, from the site by the developer.
3. This approval only encompasses the sign detailed on the approved drawings and erected in the location identified on the approved site plan attached to and forming part of this approval.
4. A bond in the amount of \$5,000 shall be paid to the Shire by the developer within 28 days of the issue of the approval and shall only be refunded to the developer once the sign and supporting structure have been removed to the satisfaction of the Shire.
5. The main sign face shall not be altered without the prior written approval of the Director Development Services.
6. The sign shall be securely fixed to the structure by which they are supported, to the satisfaction of the Shire's Principal Building Surveyor, and shall be maintained in a safe condition at all times.
7. Paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to the sign or sign structures.
8. The sign shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.
9. Any unsightly matter or graffiti shall be removed at the cost of the developer within 24 hours of it occurring.
10. The sign is to be maintained to a high standard of appearance and structural soundness

B) Pursuant to the provisions of Town Planning Scheme No. 2, refuse to grant planning approval for an advertising sign at Lot 104 Larsen Road, Byford (Sign B) for the following reasons:

1. The proposal is inconsistent with the requirements of Local Planning Policy 5, which states that Council will not approve any sign directing people to a subdivision apart from blue directional signs.
2. The proposal is inconsistent with the provisions of the Byford Townsite Detailed Area Plan, which seeks to prohibit off-building pylon signs.
3. The proposal fails to adequately afford protection of remnant vegetation.

CARRIED 8/2

Councillors Kirkpatrick and Twine left the meeting at 7.36pm. Cr Harris assumed the role of Presiding Member.

SD041/10/09 PROPOSED LOCAL STRUCTURE PLAN – BYFORD MAIN PRECINCT (A1654)		
Proponent:	Taylor Burrell Barnet	In Brief The proponent proposes a local structure plan for The Glades Estate, an area generally bound by Abernethy Road, Tonkin Highway, Cardup Brook, Soldiers Road, Orton Road, Doley Road Warrington Road and Briggs Park. It is recommended that the proposed local structure plan be considered satisfactory for advertising with modifications.
Owner:	LWP Property Group Pty Ltd	
Author:	Robina Crook - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	12 October 2009	
Previously	OCM05/08/06 SCM02/09/06	
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: 29 July 2009
 Lot Area: 329.45 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban and Urban Deferred
 Byford Structure Plan: Waterway
 Drainage Basin Indicative Location
 Residential R20, R30-60
 Future Roads
 Multiple Use Corridor
 Proposed Neighbourhood Park (Approx. 4000m2)
 Conservation
 Proposed Local Park (Approx. 3000m2)
 Neighbourhood Centre
 Rural Strategy Policy Area: MRS / Structure Plan Urban and Future Urban Areas
 Date of Inspection: 11 September 2009

Background

The proponent, Taylor Burrell Barnett, has lodged a local structure plan (LSP) on behalf of LWP Property Group Pty Ltd. The LSP area is approximately 329.45 ha and seeks to provide for a variety of land uses such as, residential development, retirement village, mixed use, public open space, foreshore reserve, Village Centre, Neighbourhood Node, primary and secondary school and community purpose sites.

Previously the proponent had lodged a LSP, in December 2005, for a similar area and future urban structure to this proposed structure plan. That LSP also included an area within the Byford Town Centre area that is not included within this proposed LSP. After a period of time, Taylor Burrell Barnett requested that Council invoke Clause 5.18.3.4 of its Town Planning Scheme No. 2 (TPS 2), in respect of its Byford Main Precinct LSP. The request required that the local government, by notice in writing, forward the proposed structure plan to the Western Australian Planning Commission (WAPC). The WAPC was then required to consider the LSP and deemed it satisfactory for advertising. The WAPC's preference was to advertise the LSP with the revised Byford District Structure Plan (BSP). However, in the event that the Byford District Structure Plan was not prepared within a certain time then the LSP was to be advertised. A specific condition of the WAPC on the Shire was *"that in considering the LSP for endorsement, the Commission will require evidence of agreement between the proponent and the Shire that the artificial water body is capable of being maintained by the Shire"*.

The proposed LSP was presented to Council on 28 August 2006 for consideration. As the BSP had not proceeded to a satisfactory point the proposed LSP was deferred to a meeting on 1 September 2006. At that Special Council Meeting, the (then) Executive Manager Planning and Regulatory Services was delegated the ability to prepare the proposed LSP for advertising on receiving a LSP report reflecting the changes identified in the plan received on the 1 September 2006. The LSP was advertised between 26 September 2006 and 18 October 2006. At this point in time matters pertaining to regional drainage within the Byford area were beginning to affect the ability for the Council to determine any proposed LSP. The LSP did not progress until the adoption of the Byford Townsite Drainage and Water Management Plan (BDWMP) by the Department of Water (DoW).

The new LSP reflects the new drainage requirements as defined within the DWMP. A number of other revisions have been made to the LSP plan and documentation; the proposed overall urban structure, however is substantially unchanged. The new LSP is intended to supersede the original LSP; the original LSP is expected to be withdrawn by the proponent upon substantial progress being achieved with the revised LSP.

The following provides Council with the opportunity to formally consider the LSP that was lodged in July 2009 and determine whether it is satisfactory for advertising, with or without modification, pursuant to Clause 5.18.3.5 of TPS 2.

***A copy of the proposed LSP is with attachments marked SD041.1/10/09
A copy of the LSP operative text is with attachments marked SD041.2/10/09.***

Sustainability Statement

Effect on Environment: The multiple use corridors will provide for increased water quality outcomes and provide recreational opportunities for the local community. Flora and fauna habitats will be protected within the Cardup Brook Foreshore Management Plan area. Higher residential densities in close proximity to the Village Centre and Neighbourhood Nodes will provide accommodation for more people in walking distance of services and facilities, thus encouraging a more sustainable community. The proposed Local Water Management Strategy (LWMS) is based on Better Urban Water Management principles that will result in a benefit to the environment.

Resource Implications: A large portion of the area has been set aside for multiple use corridors. These corridors will address a drainage and recreation function to the benefit of the community. These areas will be in public ownership and the maintenance and upkeep of the areas will fall to the local authority. The Shire needs to consider the cost implications of establishing and maintaining large areas of public open space. The Landscaping Management Plan and the adopted Urban Water Management Plan (UWMP) will detail roles and responsibilities in relation to the management and up keep of these spaces.

Use of Local, Renewable or Recycled Resources: Where possible the developer is engaging local workers to complete works on site.

Economic Viability: Previously, the predominant land use for the properties within the structure plan area has been agricultural, most likely the grazing of dairy cattle. These activities have largely degraded the environmental value of the land over time. There are pockets of vegetation that have been identified across the area that will be protected through the adoption of a Foreshore Management Plan for the Cardup Brook and other more detailed planning mechanisms, such as detailed area plans (DAP). Through consultation with the developer, residential lots have been re-orientated to accommodate significant stands of vegetation.

Economic Benefits: The developer will be required to maintain the public open space for a period of time to ensure that the vegetation has been established to the requirements of the UWMP thus reducing the cost of establishing the vegetation to the Shire. The cost of preparing the Landscape Management Plan will be at the developer's expense. Often landscaping is completed by the developer as a marketing tool for the area and if established appropriately the long term survival of the vegetation and level of amenity experienced by the community will be increased at a reduced cost to the Shire.

There are a number of commercial and retail land uses that are proposed across the site that will be a benefit to the local community.

Social – Quality of Life: The LSP sets aside a significant portion of the developable area to public open space (POS). The community will benefit from the POS through increased recreational opportunities. The required DAPs will provide good design outcomes that will be established based on crime prevention principles. The developer has proposed a range of commercial and retail nodes that will provide a range of services and facilities to the community. In addition the developer is keen to establish a community purpose site and is working collaboratively with the Shire to identify the Shire's needs.

Social and Environmental Responsibility: The proposed development seeks to incorporate principles of water sensitive urban design through a proposed LWMS. This approach to urban development establishes better water quality outcomes which will have a long term benefit to the environment.

Social Diversity: The proposed LSP provides for a range of community purpose sites. Within the Village Centre the developer has proposed to construct a community purpose site and is also discussing other options such as a youth café. The proposed LSP also provides for a diverse range of housing stock that will provide for a diverse community. There are a number of commercial, retail and mixed use land uses that will ensure that the community is a sustainable development. There is also an area set aside for a retirement village.

Statutory Environment:

Byford (District) Structure Plan (BSP)
TPS 2

Metropolitan Region Scheme (MRS)

If deemed satisfactory the proposed LSP will be advertised in accordance with the scheme to affected landowners and government agencies.

Policy/Work Procedure

Implications:

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

Financial Implications:

There are costs associated with formal advertising of the LSP including advertising, administration and resourcing. There are also costs pertaining to the implementation of this LSP and the guiding BSP. Financial implications will include:

- the preparation and finalisation of the Developer Contribution Plan (DCP) and its ongoing management,
- any potential land acquisitions associated with District open space,
- development of the public realm including roads, footpaths, cycleways, multi use corridors and landscaping,
- the whole of life cycle cost related to the future maintenance and management of public open space and the public realm,
- the whole of life cycle cost related to the future maintenance and management of the artificial water body (lake); and
- administration support and professional services.

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.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
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.

Objective 3: High level of social commitment

Strategies:

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.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
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.

Comment

A technical assessment of the proposed LSP has been undertaken by Officers, which identified a number of key matters of concern. Shire Officers have worked closely with the proponent of the LSP to resolve a number of matters associated with the proposed LSP that have been incorporated into the plan that is provided for Council's consideration.

The following assessment addresses provisions within the TPS 2, BSP and the WAPC Liveable Neighbourhoods policy framework.

TPS 2

The land is zoned 'Urban Development'. Pursuant to TPS 2 Clause 5.17 (a) which states that 'Establishment of structure plans to ensure that development takes place in conformity with those plans', a structure plan is required. In addition, Appendix 15 - Development Areas of TPS 2 identifies that development will be in accordance with the BSP and divides the area into 12 precincts to enable various detailed structure plans to progress.

A copy of the precincts is with attachments marked SD041.3/10/09.

The provisions within Appendix 15 allow for a 'detailed structure plan' to be prepared in part, or for the whole of a precinct unless where specifically resolved otherwise by Council. The proposed LSP is located within precincts seven and eight, excluding properties centrally located to the south of precinct seven.

Due to the fragmented land ownership within the area known as the Doley Road precinct it is recommended that the proposed LSP is not required to include that area.

There is a discrepancy between the boundary of the proposed LSP and the proposed Byford Town Centre Local Structure Plan (BTCLSP). There is potential to modify the LSP boundary within the north east corner in close proximity to the high school site.

In relation to the boundary between precinct 6 and 7, it is recommended the boundary of the Main Precinct LSP be modified to reflect the boundary of the BTCLSP. This is recommended on the basis of consistency with the approach recommended for other LSPs in the Byford Area and to ultimately enable a coordinated approach to be taken to the planning for the Byford Town Centre.

BSP

The proposed LSP is located within the BSP area which guides subdivision and development. On the 22 June 2009 Council considered a review of the BSP. At that meeting, Council adopted a minor amendment to provide for an operative section of the BSP. Provisions located on the map have now been included into an operative section of the structure plan. There are a number of provisions that provide guidance to development within the subject lots.

The following highlights those provisions that are relevant to the proposed LSP, identified in italics, followed by text suggesting how the provision has been addressed.

“4.4 Land within 200 metres of the Byford Trotting Complex

4.4.1 Prospective purchasers of all new residential lots created within 200 metres of any lot contained within the Byford Trotting Complex will be required to be notified that they are within proximity of the Trotting Complex and associated land uses. The 200 metres shall be measured from the dashed-line around the Trotting Complex, depicting the boundary of the Structure Plan Area.”

This matter will be addressed at subdivision stage through a condition of subdivision, requiring advice to be provided to prospective purchasers.

“6.0 Relevant Planning Considerations-Specific Precincts

Plan 15A of the Scheme defines precincts for the preparation of Local Structure Plans. The following provisions are intended to be apply to the specific precinct. These provisions shall be read in conjunction with the Structure Plan-wide provisions outlined in Section 4, the Zone-specific provisions outlined in Section 5 and the General notations outlined in Section 7.

6.6 Precinct 7

6.6.1 Any Local Structure Plans for the land abutting the south side of Abernethy Road should include measures to provide for an additional buffer between Abernethy Road and the Rural land on the north side of Abernethy Road. Such measures could include, but are not limited to, the orientation of lots, location of local public open space and attention to the local road system. The general location of Abernethy Road is shown as number 11 on the Structure Plan. “

The proposed LSP provides for R10 residential lots (minimum lot size 875m² and average lot size 1,000m²) abutting Abernethy Road, addressing the above requirement by providing lots that are sufficiently large enough to create a transition space between urban development and rural development.

“6.6.4 The final location of the primary school north of Orton Road and West of Doley Road is to be determined through the preparation and finalisation of the

Local Structure Plan. The indicative location of the primary school is shown as number 29 on the Structure Plan. “

The primary school site identified within the proposed LSP addresses this requirement. During the formal advertising of the LSP, comment will be sought from the Department of Education and Training (DET) on the acceptability of the proposed school sites.

“6.7 Precinct 8

6.7 Cardup Brook foreshore reserve has a nominal width of 30 metres. Final width will be subject to review as part of the Local Structure Plan. Land is to be ceded free of cost upon subdivision, in accordance with Western Australian Planning Commission subdivision policy. The indicative location of the Cardup Brook foreshore is shown as number 4 on the Structure Plan. “

The proponent was encouraged to revise the proposed LSP to ensure subdivision or development was not proposed within the 30 metre buffer to Cardup Brook. The proponent has revised the proposed LSP to accommodate on average a 30 metre buffer and identified the need for a Cardup Brook Foreshore Management Plan.

“7.0 General notations

7.4 The provision of land for the community purposes will need to be in accordance with Council's Community Services and Facilities Plan.”

The proponent has identified a community purposes site within the Village Centre and has worked collaboratively with Shire Officers to determine the needs of the community and the Shire. The developer has proposed a space that will accommodate a range of uses. This initiative is discussed in detail later in this report.

Strategic Assessment of the LSP

From time to time the Shire prepares a range of strategic documents to inform the preparation of a number of statutory documents, including local planning policies. In 2007 the Shire prepared the Serpentine Jarrahdale Shire Community Facilities and Services Plan 2020 (CFSP). The following provides an overview of the outcomes of that report.

CFSP

There are a range of facilities identified within the CFSP within the Byford area.

A large number of the facilities are proposed to be located within the Shire's reserves (Briggs Park) south of the proposed Byford Town Centre:

- Shire reception;
- Community development hot desk;
- BMX track upgrade;
- New storage facility;
- Briggs Park upgrade; and
- New skate park.

The adoption of the LSP does not adversely affect the Shire's ability to deliver these land uses in the future as the proposed LSP does not include the Briggs Road reserve and associated Bush Forever areas.

South of the proposed Byford Town Centre there are a number of desired land uses identified in the CFSP:

- New high school;

- New library;
- 2 x new playing fields and club house;
- Netball/basketball courts and club house; and
- Tennis courts and club house.

A number of these land uses fall within the proposed Byford Town Centre LSP and an area identified as 'High school' within the BSP. The adopted district level BSP does not necessarily support the delivery of the above mentioned land uses outside of a 'shared facilities' model. While the CFSP supports the sharing of resources there are a number of emerging implications of a 'shared facilities' model. These matters are discussed in more detail later in the report.

Fire Station

The CFSP identifies a relocated fire station outside of the proposed LSP within a 'mixed business area. During the assessment process of the proposed LSP, Shire Officers have identified an alternative preferred site.

It has been identified that a larger fire station is needed in the Byford area. The preferred location of a fire station is on a main road, next to ovals and in close proximity to a high school. The optimal area for a station is 8,000m² or larger to accommodate the buildings and vehicle parking requirements. There are obvious benefits to promoting the volunteer aspects of the fire and emergency services to teenagers when a station is collocated with the proposed high school sites. The Shire is interested in progressing discussions with the developer, DET and owners of the private school to determine if co-location is possible. It is expected that these discussions can occur during the advertising of the LSP.

Community Centre

Within the proposed LSP area a new community centre is identified and can be accommodated within the community purpose site within the Village Centre. The Shire will continue to liaise with the proponent to identify the exact requirements of the community purpose site, through the preparation of a Detailed Area Plan (DAP). With a significant portion of the site set aside for public open space and multiple use corridors, the youth centre and skate park can be appropriately located in these areas that are in close proximity to facilities but suitably removed from sensitive residential areas.

There are two new playing fields and club house identified to the west of the proposed LSP area. The two ovals are provided in accordance with the adopted BSP.

The proposed LSP provides for, or does not adversely affect the ability to deliver the majority of the proposed facilities within the CFSP. The discrepancy is where the statutory planning framework does not set aside the land required for the proposed primary school and some anomalies identified with the CFSP in relation to the number of playing fields. These matters are discussed in detail within the relevant sections of the report.

Statutory Assessment of the LSP

Operative section – Part 1

The Shire Officers encouraged the proponent to prepare an operative section to the proposed LSP to provide certainty and statutory rigor through the implementation of the LSP. An operative section provides for consistency of application which results in a better urban form outcome for the community.

Shire Officers have worked with the proponent to ensure that the provisions allow for clear and consistent interpretation. For example the structure plan is to be referred to as a local structure plan to ensure that it is clearly defined within the structuring planning hierarchy.

The proposed provisions require DAPs, for such purposes as noise, protection of trees and coordinating the development of the Village Centre. There have been additional provisions to clarify residential densities within mixed use areas. The operative section also provides a link between the proposed LSP and the specialist technical reports such as Foreshore, Landscape and Lake Management Plans. The principles and timing are defined within the operative section.

Shire Officers and the proponent have worked collaboratively to ensure the operative section provides clarity to subdivision and development in the future while also enabling the flexibility to incorporate appropriate minor modifications to the urban form over time. A level of flexibility will allow for minor variations to road locations, or lot boundaries at the detailed design stage.

The operative section states that the subdivision and development is to be generally in accordance with the LSP while more detailed design elements such as rear lane ways, rationalisation of public open space (in accordance with the LWMS), local road alignments and detailed intersection design are not expected to constitute an amendment to the LSP. These detailed design matters can be resolved through the approval of a subdivision application or adoption of a detailed area plan.

The proponent has also provided additional information in relation to the proposed retirement village and any residential density bonuses that are likely to be requested over time. Shire Officers highlighted the benefit of a holistic approach to aged care accommodation that collocates retirement village, aged and dependent persons dwellings and higher care land uses in close proximity to a Village Centre. The proponent has indicated that the desire is for a retirement village and at this point in time no density bonuses would be sought.

Many of these detailed changes were also added to the proposed LSP map with additional notations such as DAPs, highlighting the restrictions on the retail floor space, detailing dual use paths and indicative road reserves.

Modification to the BDSP

To facilitate the proposed development there are a number of modifications to existing statutory documents that are required. Notated on the BDSP is an area of land north of Cardup Brook that is covered in a red hatching, labelled “B”, indicating *“Land subject to further study – Planning to be finalised subject to the resolution of the alignment of Orton Road.”* The alignment of Orton Road will be discussed in detail later in the report however the hatching can only be removed through a modification to the BDSP. It is expected that the modification will be progressed concurrently with the proposed LSP.

Depending on the outcome of the modification and associated arrangements for Tonkin Highway design and construction, there may be a need in the future to progress an amendment to the MRS associated with the Primary Regional Road Reserve. An amendment to the MRS can take a number of years. At this point in time the urban form proposed, accommodates the existing reservations and can, as will be detailed later, accommodate the future urban form proposed if the reserve is to be lifted. It is recommended that the proposed LSP progress to advertising in its current form providing the Shire time to discuss the details of the Orton Road connection with Main Roads.

BTCLSP

The Shire has progressed structure planning within the Byford Town Centre to ensure a comprehensive approach is taken to subdivision and development within the town centre. The BTCLSP provides for a comprehensive and coordinated approach to subdivision, development and storm water management. The centre is important to the long term sustainability of the area and will provide the full range of services and facilities for the new community. The BTCLSP is expected to progress through the statutory processes in parallel with the LSP.

Based on the preliminary designs presented to community workshops it has been identified that there is a need to rationalise the boundary between the two LSPs around the high school site to the north east of the LSP. It is recommended that the LSP boundary be modified to reflect the BTCLSP. As outlined earlier a formal determination will be required by Council to define the LSP boundaries, pursuant to the provisions outlined in Appendix 15 of TPS 2.

Liveable Neighbourhoods

The following comments address the relevant provisions within Liveable Neighbourhoods and provide an assessment for consideration by Council.

Community Design

Typically land uses have been segregated and hierarchical street systems have been proposed. The primary objective today is to integrate land uses that provide for a more sustainable, safe, vibrant and efficient community. The following elements of community design are discussed for Council's consideration.

Public land use

There are a number of public land uses proposed in the LSP. In addition to the large number of parks there are district level ovals and community purpose sites that will accommodate the needs of the new community.

Community purpose site

The proposed LSP identifies a community purpose site in the centre of the Village Centre. The developer has been proactive in liaising with the community and the Shire in relation to a community purpose site. Through other land development projects, such as Ellenbrook, the developer has identified that a community hub is important to the long term sustainability of the community and local capacity building.

The Shire, with the developer, has identified that a community purpose site can provide for a range of land uses such as, but not limited to, a performing arts space, area for volunteer and not for profit organisations, library and potential youth cafe. At this point in time the Shire has identified a need for at least 2,000m² of floorspace. The exact size, location and scope of land uses within the site can be progressed through the preparation of a DAP or 'Centre Plan' for the Village Centre. The Centre Plan will provide the Shire and the developer with the opportunity to liaise and finalise the exact requirements. It is recommended that the proposed LSP identify the need for a DAP / Centre Plan for the Village Centre and highlight the requirement for the community purpose site, among other land uses. This will provide the Council with the statutory planning security that a site will be provided, yet the flexibility that is needed to refine the design to address the needs of the new community.

The proponent has identified the following:

'A 1,700 m² community purpose site has been set aside in the Revised LSP within the Village Centre. This site will function as an important community and visual focal point at the southern end of the proposed Main Street. The detailed design of the Village Centre and the location of the community purpose site have been presented to Councillors and Council staff. Whilst the proposed location of the community site has been well received, it is acknowledged that further negotiations with Council in relation to the delivery of this site are still required and remain ongoing.'

The proponent has indicated on the LSP that an area set aside for 'community' purposes is required and the detail will be finalised through the adoption of a coordinating DAP. The

Shire will, through that process, negotiate the size, location and form of the community purpose site in accordance with the Shire's CFSP. At this time it is expected that a site of at least 2,000m² is required. This will also need to be in the form of a freehold lot transferred free of cost to the Shire by the developer.

Public plaza

Located in the Village Centre is a public plaza. This area is collocated with retail, commercial and public land uses. It is in close proximity to the proposed lake and is expected to be a focal point for the community to gather and enjoy an attractive and vibrant area. The plaza assists in the creation of sense of place and assists the new community developing a sense of ownership of the Village Centre.

Open space

The proposed LSP sets aside up to 16% useable POS for the recreational purposes of the community. Due to the linear nature of the proposed multiple use corridors, all proposed lots are within a 400m walkable distance of POS. There is expected to be benefits to the health and well being of the community due to access to such a significant resource. The expectation is that the POS will be vegetated with native species that will increase the amenity of the area, provide areas for park furniture and district level ovals for recreation. Further details associated with POS are discussed later in this report.

District Ovals

There are two district level ovals proposed within the LSP which is in accordance with the BSP. There have been lengthy discussions relating to the location and provision of ovals, in particular the oval to the south of the proposed LSP, just north of Cardup Brook.

There are a range of concerns relating to that particular oval. As the oval is in close proximity to the brook, there are potential concerns that nutrients from fertilisers may leach from the oval and adversely affect the health of the brook. There is also some concern relating to location of the oval. It is located some distance from the Briggs Park facilities and there is a lack of complementary facilities in the area.

Notwithstanding those concerns, the CFSP 2020 text indicates that at least six district size ovals are required to service the expected population, ideally in groups of two or more, similar to Briggs Park. Each site was identified as needing to be 10ha in total (accommodating two ovals). Therefore the CFSP requires a minimum of four new ovals across the Byford area. The summary report (May 2008) of the CFSP expresses the preference for an additional six ovals collocated with the proposed new primary schools.

The BSP identifies four additional 'district recreation' areas predominantly collocated with the primary schools to complement the two ovals currently within Briggs Park. This is in accordance with the CFSP. The location of the land in the BSP identified for 'district recreation' does not however provide for pairs of ovals.

The proposed LSP provides for a district oval to the south of Orton Road and one collocated with the proposed primary school as identified within the BSP. There is also the potential for an oval for each high school north of Briggs Park. There are potentially four district level ovals within the proposed LSP area alone.

Based on preliminary Shire Officer and proponent discussions, the option to provide a consolidated recreational area at Briggs Park with the proposed high schools has been raised. Such a configuration may offer greater recreational benefits to the existing and future residential communities than a number of district ovals distributed across the proposed LSP.

There are however emerging concerns among a number of local governments in Western Australia in relation to the 'shared facilities' model. Experience indicates that access to

school ovals is heavily reliant on the discretion of the school Principal and may be fenced off to the public. This does not provide for an enduring sustainable community outcome and potentially means the loss of active recreation space and ovals.

At this point in time, further discussions are required with the proponent, DET and Shire before the removal of any ovals can be considered. The removal of the district level oval, if identified as being suitable, should be progressed through an amendment to the BSP which would provide the Council with the opportunity to formally consider the removal of the oval. Access arrangements for other potential ovals should also be secured through a robust legal agreement between the proponent, the DET and/or Catholic Education Office and the Shire.

In the interim it is recommended that the proposed LSP be deemed satisfactory for advertising, subject to confirmation that two full size ovals can be provided within the two 4 hectare district open space areas in the LSP. The proponent will be invited to formally request a modification to the BSP to enable the Council to consider the merits of deleting a proposed district open space in the context of recreational opportunities being provided at the proposed high schools and Briggs Park area.

Community Development Plan

The structure plan documentation highlights a Community Development Plan that has been the initiative of the developer. The Shire is supportive of the developer providing a range of services and facilities that are of benefit to the local community. Shire Officers have indicated to the developer that the Shire would like to progress further discussions in respect of the opportunities set out in the Shire's CFSP 2020 and their plans for the community, the adoption of the LSP is not however an endorsement of financial support for the program from the Shire.

Movement Networks

Liveable Neighbourhoods promotes an emphasis on connectivity, amenity and integration to achieve safe, efficient and attractive street networks. In general the proposed movement networks across the proposed LSP are in accordance with the provisions of Liveable Neighbourhoods. The road network is based on a modified grid that is oriented north south that provides excellent opportunities for passive solar orientation, and creates a highly accessible, interconnected movement pattern. The following elements of the proposed movement network are discussed for Council's consideration.

Road reserves and Closures

There are three existing road reserves within the proposed LSP that are either surplus to needs or no longer provide for the most effective road network or are needed to be slightly relocated to preserve a number of stands of vegetation.

Doley Road reserve to the north of the proposed LSP has a number of large eucalyptus trees that are a significant feature within the landscape. The proponent is proposing to move the road to locate the trees within the central median strip of the road. It is expected that the number of trees that it will preserve is greater than leaving them within the existing road reserve and therefore fronting residential lots.

The Doley Road reserve, to the south of the proposed LSP and in close proximity to the Cardup Brook, is proposed to be closed. The closure of the road will ensure that the Cardup Brook foreshore can be revegetated and rehabilitated in accordance with the Cardup Brook Foreshore Management Plan thus improving the environment associated with the brook.

A formal request to progress the closure of Doley Road has been received. Shire Officers are supportive of the partial closure to preserve the existing large stands of vegetation within the road reserve.

A portion of the existing Orton Road reservation toward the future Tonkin Highway is proposed to be closed. This will facilitate the mixed land use proposed along the Orton Road MRS road reserve. A more detailed road network will replace the small areas of Orton Road that will be closed to accommodate mixed use land development.

Plans showing the proposed road closures are with attachments marked SD041.4/10/09.

Section 58 of the Land Administration Act 1997 sets out the procedures to be followed for a road closure request, as follows:

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

Subject to formal requests being received from the proponent, it is recommended that the advertising of the three (3) road closures be progressed in parallel with the advertising of the Main Precinct LSP.

Road alignments

There have been a number of subdivision approvals granted in the BSP area. This has required the proposed LSP to be slightly modified through the minor realignment of road reserves and public open space to interface with existing subdivision approvals external to the proposed LSP area.

Abernethy Road

The width of Abernethy Road has been the subject of Council discussion and at a recent meeting it was resolved that Abernethy Road would be a 30m wide road reserve unless determined through a LSP. The proponent originally identified a 40m wide road reserve, however that has been revised in accordance with the determination of Council.

Orton Road

There has been uncertainty associated with the connection of Tonkin Highway along Orton Road to South Western Highway and subsequently the form and function of the road. A number of studies have been prepared and the following are extracts from the Orton Road Review prepared by Cardno BSD on behalf of the Shire. The review was undertaken to define the road reservation, cross-section and classification in the context of updating the Maunsell traffic modelling work for Byford, to incorporate the Tonkin Highway extension. The report identified Orton Road as a District Distributor B.

Orton Road is currently classified as a District Distributor B, under the MRWA functional road hierarchy. The definition of a District Distributor B is as follows:

District Distributor B: Performs a similar function to District distributor A roads, but with reduced capacity due to flow restrictions from access to and roadside parking alongside adjoining property. These are often older roads with a traffic demand in

excess of that originally intended. District Distributor A and B roads run between land-use cells and generally not through them, forming a grid which would ideally space them around 1.5 kilometres apart. They are managed by Local Government.

Under the provisions of the Liveable Neighbourhoods document, a 'District Distributor B' road is identified as having the following characteristics:

- Traffic volumes: Up to 6000VPD
- Frontage access: Allowed. Residential and commercial access due to its historic status. Prefer to limit when and where possible
- Recommended operating speed: 50 km /h
- Vehicles: Bus and truck route
- On street parking: Not preferred. Clearways where necessary.
- Responsibility: Local government

The report confirmed the road hierarchy and cross sections

"Road Hierarchy

Based upon the modelled traffic volumes documented in Table 2 and a review of the practical short- and long-term function of the road under both scenarios, it can be confirmed that Orton Road has been appropriately classified as a District Distributor B, under the MRWA functional road hierarchy, and can be classified as an Integrator Arterial B, under the Liveable Neighbourhoods guidelines."

"Cross section

Based upon the anticipated interim and ultimate daily traffic volumes as well as the anticipated function of Orton Road in the context of the Structure Plan, the Liveable Neighbourhoods guidelines indicate that a pavement cross-section of a minimum of 21 metres (including two 3.5 metre travelling lanes, two 1.5 metre bicycle lanes, two 2.5 metre parking bays and a 6.0 metre fixed central median) is recommended.

This recommended cross-section would require a minimum road reservation of 21.0 metres, which would accommodate a maximum daily traffic volume of up to 15,000 vpd. The 'worst case' scenario, as indicated in Section 3, indicates that the maximum daily volume of approximately 10,000 vpd would occur under the interim scenario whereby Tonkin Highway would terminate at Orton Road, which is well within the practical capacity of this recommended road cross-section."

The proponent identifies Orton Road as a lower order Integrator B with traffic volumes up to 14,000 vpd to the west and 3,500 vpd near Soldiers Road, in accordance with the Cardno BSD report. The proposed road reserve of 30 metre road is in excess of the 21 metres identified in the Cardno report and will accommodate a drainage swale that is proposed to be located within the central median.

Shire officers have a number of concerns about Orton Road connecting to South Western Highway largely relating to environmental considerations. Shire officers are not supportive of the connection and this is reflected in the proposed LSP.

Based on discussions with Council it is understood that their preferred option is for the alignment of Tonkin Highway to extend to Mundijong and connect to South Western Highway near Jarrahdale Road. Council is sympathetic and requires the preservation of the significant environmental features within the Orton Road Reserve abutting the railway reserve. They also acknowledge the advantage of reduced traffic flows in supporting an inclusive pedestrian based community within the Byford area. It is proposed that a resolution of Council will indicate to Main Roads that there is a lack of support for Orton Road to connect Tonkin Highway and the South Western Highway.

It is also understood that both Main Roads and the WAPC would be prepared to consider a formal modification to the BSP in respect of Orton Road reserve in light of the above matters.

It is recommended that a modification to the BSP be progressed concurrently with the LSP for the Main Precinct; the BSP modification would be for the removal of the 'hatching' from the BSP. Progressing a modification through statutory processes, including formal advertising, would enable all stakeholders to formally consider all matters relevant to Orton Road and for decisions to be made by Council, Main Roads and the WAPC in due course.

At the time of considering the LSP for the Byford Main Precinct for adoption, post-advertising, Council will need to carefully consider the progress achieved with the planning for Orton Road with the relevant agencies.

In light of the uncertainty about the proposed design and timing of the extension of Tonkin Highway and Orton Road, the proponent has been encouraged to demonstrate the viability and suitability of the proposed mixed use land use in the area and the degree of dependence that there is on particular road design and construction timing. The proponent provided the following:

It is acknowledged that there is a degree of uncertainty in relation to the future form and function of Orton Road and its connection with Tonkin Highway. Accordingly, there is a need for the Revised LSP to have the flexibility to accommodate a number of different scenarios for this interchange and Orton Road in general.

As depicted on the proposed Revised LSP, much of the land adjacent to Orton Road, to the west of Doley Road, has been identified as 'Mixed Use.' Given the proximity to the future interchange with Tonkin Highway, it is anticipated that traffic volumes in this location will be high (i.e. 10,000 vpd) regardless of the future form and function of Orton Road as the main feeder to the Tonkin Highway. Accordingly the designation of Mixed Use development is considered to be the most appropriate land use designation (and is generally considered to be consistent with the Byford Structure Plan). As outlined in Part 1 of the LSP, Mixed Use allows for a range of both predominantly commercial and residential land uses. Should traffic volumes (at least in the short to medium term) render commercial development unviable/undesirable in this location, then the Mixed Use zoning allows for residential development in the interim, with the ability for transition to commercial/mixed use development in the long term, if considered desirable.

Low to medium residential development has been designated along the balance of Orton Road. Given the anticipated Integrator B/Neighbourhood Connector function of Orton Road, the Revised LSP does not propose direct access from any of these lots. Residential development in this location is considered appropriate and is consistent with the Byford Structure Plan.

It is considered that these land uses are appropriate designations given the importance of Orton Road providing a connection to Tonkin Highway for the southern portion of Byford.

Shire Officers are satisfied the proposed mixed use in the area and the provisions that guide development are suitably flexible and robust to take into account a range of different scenarios. It is proposed that a DAP is required for all land identified as Mixed Use. This will ensure that more detailed design can be completed to guide development in the area.

Public parkland

Liveable Neighbourhoods identifies that regional, district and local open space can be effectively created through the adoption of structure plans and site responsive design. The public open space within the proposed LSP is highly controlled by the location of the multiple

use corridors within the BSP. The following elements of public parkland are discussed for Council's consideration.

POS

A significant portion of the proposed LSP has been set aside in POS to accommodate stormwater in accordance with the Byford Townsite DWMP. Officers have identified a number of positive attributes to these multiple use corridors; they provide passive and active POS areas, accommodate drainage and can provide a network of spaces that will allow for pedestrian and cycle movements. There is however a growing understanding of the size and extent of the area that will be required to be maintained by the Shire.

In light of these concerns the proponent has been working collaboratively with the Shire to identify opportunities to more efficiently provide POS and drainage. The proposed LSP identifies that 16.78% of the gross subdivisible area is to be set aside for POS for recreational and drainage purposes. The review of the POS figures that has been conducted had a number of objectives;

- Preserve existing significant stands of vegetation, where possible;
- Provide suitable area to accommodate drainage;
- Provide a suitable amount of land that is unconstrained to ensure 10% of land set aside to address recreational needs;
- Ensure all residential areas are within 400m of POS; and
- Reduce the maintenance impost on the Shire, where possible.

The review has been collaborative in nature with Shire officers working with the proponent's technical consultants.

A copy of the original POS schedule is with attachments marked SD041.5/10/09.

A number of residential areas have been redesigned to include existing vegetation in areas of POS, the drainage basins within the multiple use corridors have been redesigned to preserve the existing trees along the drainage corridors and trees have been preserved in road reserves. The review specifically identified a number of trees that were of interest to the Shire and a review of the urban form was conducted to accommodate them. On completion of the process little overall reduction in the POS was achieved. The proponent provided the following statement:

A total of 16.48% of the nett subdivisible area (NSA) is allocated for Public Open Space, in accordance with Table 11 of Liveable Neighbourhoods Edition 4, with 14.48% of the NSA allocated as unrestricted POS. This represents a reduction of only 0.31% and whilst this change may seem minimal, it is noted that the POS refinement process also incorporated a slight change in the POS crediting approach and physically 1.6807 ha less POS overall is now being provided.

The review preserved a number of stands of vegetation that would have been lost, reduced the overall maintenance cost to the Shire, preserved the 10% unrestricted POS provision and refined the engineering design of the drainage basins. While a lengthy task there have been a number of benefits for the Shire, developer and the community.

The review did identify that the district level oval to the south of the proposed LSP, which has been previously discussed, provides an opportunity to reduce the overall POS provision. If, through further consideration, the oval is deemed excessive to Shire needs then the proponent will be able to progress an amendment to the BSP to remove the identified district level sporting oval.

Based on the work completed by the Shire and proponent to date, the POS that has been set aside within the proposed LSP has been identified as being satisfactory to address the

community needs. It is recommended that the Council deem the POS provision satisfactory for advertising.

A copy of the revised POS schedule is with attachments marked SD041.6/10/09.

Vegetation

Shire Officers have consistently identified the importance of vegetation to the Council. The proponent and the Shire officers have worked collaboratively to identify where existing vegetation can be preserved. One of the objectives of the POS review was to identify and preserve existing vegetation where possible. The proponent has provided the following in support of the LSP:

“The Shire officers and the proponent’s consultant team have worked closely to identify significant trees and vegetation to be retained in the LSP design. This has included a briefing workshop held with the Shire’s officers on 3 August 2009, a meeting with the Shire on 2 September 2009, a site visit on 25 August 2009 and a final meeting with the Shire of Monday 14th September during which priorities for vegetation retention have been identified and discussed.

A field survey has been completed over the key areas identified, detailing the species and condition of vegetation in key areas. Approximately 60% of the site has been surveyed, recorded, identified and assessed to date. This has been supplemented with an aerial overlay detailing the design concept and its relationship with open space and tree groupings. This overlay has been supplemented with drainage information to ensure tree retention is maximised. The aerial overlay identifies that much of the site has been cleared with the exception of tree lines along boundary fencing, some smaller infrequent groupings around existing homes and along creek lines. A significant area of vegetation is located adjacent too, but outside of the area covered by The Glades, Byford Revised LSP.

It should also be noted, that the Structure Plan will result in a significant revegetation program through open space and streetscape landscaping. A projected total of approximately 10676 trees will be planted in LSP area. This calculation is based on the provision of 1 tree per 100 m² for POS areas, 1 tree per 6 linear metres of key streets and 1 tree every for second lot in other streets. This calculation also excludes any planting in the Cardup Brook Foreshore Reserve, which will be subject to revegetation measures as outlined identified in the Cardup Brook Foreshore Management Plan. The proponent has stated their intention to maximise tree retention where practicable through detailed design, however a definitive number of existing trees to be removed can not be identified at the LSP stage.”

The proponent has conducted a sound assessment of the area to preserve trees where possible. It is recommended Council acknowledge the process that the proponent and Shire Officers have conducted is sufficient and that the proposed 10,676 trees to be added to the area is in excess of those that will be lost. The Shire’s expectation is that the Landscape Management Plan will provide one street tree per lot increasing the proposed number of trees above that identified by the proponent. Once fully developed, the area will have a leafy green appearance in accordance with the vision of the Shire.

Landscape Management Plan (LMP)

A LMP is expected to be prepared in accordance with the requirements of the Shire, at the time of subdivision. This requirement has been included within the operative section of the proposed LSP.

Fire and Risk Management

The proponent has modified the operative section of the LSP to require a LMP to consider matters of fire risk. The LMP or Fire Management Plan (contained within) will demonstrate how fire risk has been managed, including vegetation in the multiple use corridors.

Foreshore Management Plan

Cardup Brook is the southern most boundary to the proposed LSP. Within the foreshores of the brook are a number of significant stands of vegetation. A number of places have been considered through a Section 18 determination under the Aboriginal Heritage Act and the geomorphic wetland status of the Brook. There is a need to protect the foreshore through the preparation and adoption of a management plan. The requirement for a Foreshore Management Plan for the Cardup Brook Foreshore has been included within the operative section of the proposed LSP. Where development of subdivision is proposed south of Orton Road, north of Cardup Brook and within the LSP area, a Foreshore Management Plan will be required to be prepared.

Lake

The Shire Officers and DoW have raised concerns relating to the provision of a 6,000m² artificial lake. It is standard policy of DoW to not support artificial lakes as they are considered to be an unsustainable practice. There are obviously a number of benefits namely the creation of a greater sense of place. Water bodies are often a focal point in our communities and locating retail, commercial and public land uses alongside the lake will create an added interest to the Village Centre. The water body can also be used in times of emergency as an alternative water supply to fight fires. To assist Councillors in considering the appropriateness of the lake the proponent has been requested to provide whole of life costings. The following preliminary comments have been provided:

“The proponent is currently preparing an Asset Management Plan for the Lake and surrounding POS area based on a preliminary landscape concept. The projected annual maintenance cost for the lake is \$19,352.00 and the projected annual maintenance cost for the whole of the landscape area surrounding (and including) the lake is \$126,072.95. It should be noted that these costs are preliminary and based on concept plans at this stage. The proponent and landscape consultant would like to present the Asset Management Plan to the Shire prior to formal lodgement. “

The costs associated with the lake may be considered insignificant once all the POS in the Byford area has been passed into public ownership. If the annual cost of the POS just around the lake is \$126,000, this is a small portion of the overall costs of maintaining all the POS. On final adoption of the LSP, after advertising, the WAPC would prefer the Shire to indicate they are aware of all the costs and responsibilities associated with the lake and accept those.

Further discussions with the Shire’s Engineering team have identified that a constructed artificial water body that is not functioning appropriately, can cost up to \$300,000 per year to suitably manage algae, nutrient, mosquito and midge issues. This cost was identified in a recent literature review and interview project completed by ENV Australia Pty Ltd which studied 46 perennial constructed lakes in southwest Western Australia. There are some obvious concerns relating to the cost of maintaining an artificial water body. It is proposed that the Council require Shire Officers to negotiate with the proponent to require a maintenance period is undertaken by the developer for a period that is up to 15 years, prior to the local authority taking responsibility of the lake. The 15 years is based on the anticipated life of this project.

An Urban Water Management Plan (UWMP) will be required at the subdivision/development stage. In addition to the standard requirements it is expected that an UWMP will be prepared for the constructed lake and its surrounding catchment and will further refine the urban water management design.

An UWMP for the constructed lake and its catchment is expected to include:

- Items identified in the “Better Urban Water Management” framework UWMP checklist;
- An update/refinement of the Asset Management Plan for the lake;
- Life Cycle Costs Plan (50 Years) and is to include acquisition, installation, operation, maintenance, refurbishment , discarding and disposal costs;
- Detailed management, maintenance and operation plans on the following:
 - Hydraulic manipulation;
 - Algal management;
 - Aquatic flora and fauna management (including fish);
 - Monitoring program;
 - Maintenance plans;
 - Community awareness; and
 - Landscaping and revegetation;
- Water and Nutrient Seasonal Balance;
- Pre-treatment design for water entering the lake; and
- Risk management assessment.

The Shire will request as a condition of subdivision the following documentation is to be provided:

- Detailed engineering design drawings; and
- Detailed landscape design drawings

Urban Water Management

The State government’s intent is to encourage better links between urban water management and urban built form and landscape design. The following comments in relation to the proposed Local Water Management Strategy are intended to support that policy approach.

LWMS

The proponent has prepared a proposed LWMS to accompany the proposed LSP. The LWMS is comprehensive in nature and is fundamentally based on the principles provided for within Byford Townsite Drainage and Water Management Plan.

The Shire and DoW have provided preliminary comments back to the proponent. If the LSP is considered satisfactory for advertising the LSP will be officially referred to the DoW for consideration. This allows DoW, the Shire and the proponent to address a range of more detailed matters.

The key matter that the Shire has requested the proponent address is the proposed lot connections. Based on discussions between the proponent, Shire and DoW it is proposed that the LWMS will enable a flexible approach to lot connections. Through further detailed drainage design that is required at the subdivision stage and the preparation of an UWMP the matter of lot connections will be determined. An UWMP will be required at each stage of subdivision/development in accordance with state planning policy. An UWMP will further refine the design outlined in the LWMS. The UWMP addresses how the final urban form will use and manage water. Items to be provided in an UWMP include:

- Design elements and compliance;
- Design objectives;
- Site characteristics;
- Water use sustainability initiatives;
- Stormwater and groundwater management design;
- Management of subdivisional works;

- Monitoring program; and
- Implementation plan.

The DoW had a range of matters that were identified during their preliminary assessment of the LWMS:

- Acid Sulphate Soils associated with the depth of the works associated with the construction of the lake requiring a ASS assessment and management plan to be completed;
- Water balance figures required for the Village Centre;
- The amendment to the irrigation licence for ‘top-ups’ to the lake;
- Lack of support for the constructed lake;
- Drainage that addresses the water quality of discharging from R10 lots abutting Abernethy Road;
- Width of the proposed Cardup Brook foreshore;
- Flood conveyance addressed;
- Optimal detention basin design;
- Infiltration of stormwater at the lot level for the 1 yr ARI 1; and
- Annual reporting of monitoring.

In response the proponent has provided some preliminary comments:

“The Local Water Management Strategy is currently being updated in response to comments received by both the Shire and Department of Water. As part of these updates, the LWMS will be modified to incorporate the latest changes to public open space design.

As has been undertaken within Stage 1 of The Glades, it is intended that a lot connection pit will be provided for every other lot (i.e. one connection pit will shared between two lots). This arrangement is considered adequate from a stormwater quality and quantity perspective. The provision of a lot connection pit for every lot and the requirement to provide a soakwell upstream of the lot connection is not supported, for the following reasons:

- *On-site stormwater retention will be assisted by the provision of a rainwater tank by LWP to be provided for all residential dwellings.*
- *The provision of a soakwell in the location suggested by the Shire would result in the modification of the individual geotechnical lot classifications, which in turn significantly raises building costs.*
- *The one soakwell, as required by Council, will only manage 25% of the 1 year ARI 1 hour volume on each individual lot. It is considered that the achievement of only such a small amount of storage does not warrant a change in geotechnical lot classifications and associated higher building costs.*
- *The onsite 1 in 1 year ARI bioretention functions are being provided offline to the major storm routes in public open space areas, in accordance with the LWMS.*

Accordingly, it is requested that the approach taken to stormwater lot connections within Stage 1 of The Glades, be applied across the entire Revised LSP area.”

There are some technical discussions that are required around the connection to lots that can be resolved through the detailed drainage design that will be identified within an UWMP at subdivision stage. The Shire continues to work with a range of agencies and the proponent to determine the costs associated with the maintenance of the multiple use corridors and public open space.

It is expected that these matters will be addressed through the continued refinement of the LWMS in discussions with DoW and the Shire. It is recommended that the existing report be deemed as satisfactory for advertising as part of the proposed LSP. It is recommended that

the LWMS be presented back to Council for final adoption concurrently within the LSP; this is consistent with the approach recommended in the State Government's document Better Urban Water Management.

Activity Centres

For a community to be sustainable there is a need for a range of land uses and services, including mixed used activity centres that provide for retail, commercial and civic land uses. The following elements of activity centres are discussed for Council's consideration.

Village Centre

The proposed LSP provides for a Village Centre (Large Neighbourhood Centre) in accordance with the Byford (District) Structure Plan and the Shire's Local Planning Policy 19 which indicates shopping floor space of between 3,500m² – 4,500m². The land uses that are supported in the Village Centre are a supermarket of between 2000m² to 3000m² together with a limited range of complementary small scale shops and local services such as medical facilities. The proposed Village Centre (Large Neighbourhood Centre) is also in line with the Western Australian Planning Commission's (WAPC) draft Activity Centres policy for Perth and Peel.

To ensure that the Village Centre develops according to the vision that is expressed within the proposed LSP documentation it is proposed that a DAP / Centre Plan is adopted over the extent of the Village Centre. The proponent will be required to progress the adoption of the Village Centre DAP / Centre Plan that will address a range of matters, such as, but not limited to:

- Built form;
- Staging;
- Landscaping;
- Land use (mixed land use);
- Location, size and management of public places; and
- Noise amelioration.

The requirement for a Village Centre DAP / Centre Plan will provide Council with the security that the Village Centre will progress in accordance with the master plan that has been provided by the proponent. It also provides the Shire with the opportunity to incorporate the land use provisions for the community purpose site. The proponent in response to the Shire Officer's requests has identified the boundary to the Village Centre DAP / Centre Plan on the proposed LSP map.

Neighbourhood Nodes

There are a number of neighbourhood nodes identified across the proposed LSP that are in accordance with the Byford (District) Structure Plan. These sites will provide for the day-to-day needs for the local community. The difficulty is preserving the neighbourhood nodes over time so they are not lost to residential development. The Shire proposed the use of DAPs over the neighbourhood's nodes to integrate planning provisions to preserve the neighbourhood's nodes. The proponent has modified the operative section of the proposed LSP to require a DAP over those neighbourhood nodes.

Mixed Use

Mixed land use is proposed within the Village Centre and along Orton Road to the west of the proposed LSP. The mixed use proposed within the Village Centre is considered to be suitably located to provide for a variety of land use opportunities. A mix of commercial and residential land use will attract residents and business owners to ensure that the Village Centre is vibrant and attractive. The requirement for a Village Centre DAP will enable the Shire to control the sensitive land uses in the area.

The mixed use that sleeves Orton Road provides for a flexibility of land use that is appropriate for a number of reasons:

- It can provide an opportunity for business to take full advantage of the movement economy from Tonkin Highway;
- The built form associated with shops can be more flexible than residential development that is predominately based on standard home builder developments;

In response to the Shire's concerns the proponent has modified the operative section of the proposed LSP to require a DAP over the mixed use areas.

Schools

Liveable Neighbourhoods identifies the importance of the location and size of schools. Movement networks surrounding schools are also important. The following matters relating to the schools within the proposed LSP are discussed for Council's consideration.

Primary Schools

The number of proposed primary schools is in accordance with the BSP and therefore in accordance with Shire's existing planning framework. The DET, through the advertising of the original LSP, identified a need to provide an additional school site within the BSP area; it is understood that this requirement still exists. Should Council determine that the proposed LSP is satisfactory for advertising, the documentation will be referred formally to the DET. It is expected that this matter will be resolved through the advertising process and subsequent referral of the proposed LSP to the WAPC. As part of the on going advertising process the proponent has been encouraged to liaise with the DET to achieve mutually beneficial outcomes.

The CFSP 2020 identifies the desire to co-locate two district level ovals in close proximity to the proposed primary school. While this desire has been identified within the Community Facilities and Services Plan 2020 there is little direction provided for that amount of land to be set aside within the BSP map. As discussed in detail earlier in this report the proponent has identified that there is potential benefits to having the district ovals collocated with the high school sites to the north east of the proposed LSP area. The synergies associated with ovals on the high schools, existing district level facilities and additional facilities are expected to be a greater benefit to the community than a dispersed arrangement of recreational ovals. The educational and recreational hub offers a number of opportunities that the Shire is able to explore with the land owner into the future. As outlined earlier in this report, it is recommended that the merits of combining the district open space adjacent to Cardup Brook with the other recreational opportunities at and adjacent to Briggs Park be explored through an Amendment to the BSP and for such an amendment to be progressed concurrently with the Main Precinct LSP.

High Schools

Discussions between the proponent and Shire have identified that the co-location of the State and Private high schools with the existing recreational facilities in Briggs Park provides an excellent opportunity to share facilities. As identified by the developer the sharing of facilities such as ovals, hard courts and libraries has been successful in other locations. Officers of the Shire are supportive of the DET, owners of the private school site, and the Shire working together to establish a joint facilities arrangement. Shire Officers believe this approach would support the objectives within the Shire's CFSP 2020 and would provide a net benefit to the community.

Options

There are three main options available to Council with respect to the current proposal pursuant to Clause 5.18.3 of TPS2, as outlined below:

- Option 1: determine that the Proposed Structure Plan is satisfactory for advertising;
Option 2: determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken;
Option 3: determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

It should be noted that a decision of Council on the LSP at this time will not bind Council in its decision making post-advertising, when Council will need to determine whether to approve the LSP ahead of a formal determination by the WAPC. It is recommended that the LSP be deemed satisfactory for advertising.

Conclusion

The proposed LSP is generally in accordance with the BSP, providing for a range of residential lot sizes, optimal lot orientation, a movement network that is based on a modified grid layout, considerable public open space, a proposed LWMS that is generally in accordance with the DWMP and a high level of vegetation protection across the area.

The proponent has worked extensively with Officers of the Shire to refine POS, identify vegetation and develop a master plan for the Village Centre. The LSP incorporates a community purpose site and the proponents have taken on board a range of the modifications Shire Officers identified as requiring attention through technical assessments.

The modifications to the operative section of the proposed LSP will create an obligation for the proponent to provide a range of management plans throughout the planning process, thus providing the Shire with certainty of process. The requirement for detailed area plans in the Village Centre, neighbourhood nodes and mixed use areas also provides Council the opportunity to have significant input into the detailed design of those areas.

The community is aware of the proposed LSP as the developer has been in the community for some time. Various stages of the structure plan have gained subdivision approval and subdivisional works are progressing on site. As the information proposed addresses the key considerations, it is considered appropriate to enable the community an opportunity to review the structure plan.

By deeming the proposed LSP satisfactory for advertising it enables Council to determine the community response to the proposed plan and also enables the State Government agencies to formally consider the plan and provide comment. On conclusion of the advertising period the Shire will consider any matters raised. The Shire can work with the proponent to address any concerns and further refine the plan.

Shire Officers have not identified any fundamental flaws in the proposed LSP. The matters raised within the report can be appropriately dealt with upon conclusion of advertising. The recommended resolution to Council is that the proposed LSP be deemed satisfactory for advertising with minor modifications.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. That Council:
- (i) Resolve, pursuant to Appendix 15 of Town Planning Scheme No. 2 that a local structure plan may be prepared for a portion of Precinct seven and Precinct eight in accordance with the boundary of the proposed local structure plan, subject to the boundary of the local structure plan being modified to accord with the Byford Town Centre Local Structure Plan.

- (ii) Pursuant to Clause 5.18.3.2 determine that the proposed local structure plan is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the adopted draft Byford Town Centre Local Structure Plan.
 - (iii) Pursuant to Clause 5.18.3.2 determine that the proposed Local Water Management Strategy is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the draft Byford Town Centre Local Structure Plan.
 - (iv) Pursuant to Clause 5.8.3.2 determine that a proposed modification to the Byford Structure Plan to remove notation 'B - Land subject to further study-Planning to be finalised subject to resolution of alignment of Orton Road' and the associated hatching on the plan is satisfactory for advertising.
- B. Subject to the applicant agreeing in writing to pay all costs associated with the closure of the road, Council advertise the proposed closure for a portion of Doley Road reserve, portion of Orton Road reserve and Portion of Cardup Siding Road for a period of 35 days accordance with the requirements of Section 58 of the Land Administration Act 1997.
- C. The applicant is required to facilitate the formulation and execution of a binding legal agreement between the Department of Education and Training, Shire of Serpentine Jarrahdale and the subdivider for the provision, ongoing maintenance and ongoing public access to the shared recreation facilities at the primary school site, prior to adoption of the Local Structure Plan.
- D. Request Shire Officers to negotiate with the applicant in relation to achieving the community outcomes identified within the Shire's Community Facilities and Services Plan 2020. This will include the provision of a community purposes site of at least 2,000m² in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.
- E. Request Shire Officers to negotiate with the proponent to ensure that the maintenance of the constructed artificial water body is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake.
- F. Advise the proponent that if they were to submit a formal request to modify the Byford Structure Plan to delete the proposed district open space currently depicted between Orton Road and Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park it would be considered on its merits. However, Council does have concerns relating to the ability of the proponent to adequately ensure that sustained community access to the school ovals can be achieved over the long term and the adequate provision of district level recreational areas for the Byford community.
- G. Advise Main Roads and the Western Australian planning Commission that it is not supportive of the option for extension of Tonkin Highway via Orton Road through to South Western Highway.

Committee Recommended Resolution:

- A. That Council:
- (i) Resolve, pursuant to Appendix 15 of Town Planning Scheme No. 2 that a local structure plan may be prepared for a portion of Precinct seven and Precinct eight in accordance with the boundary of the proposed local structure plan, subject to the boundary of the local structure plan being modified to accord with the Byford Town Centre Local Structure Plan.
 - (ii) Pursuant to Clause 5.18.3.2 determine that the proposed local structure plan is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the adopted draft Byford Town Centre Local Structure Plan.
 - (iii) Pursuant to Clause 5.18.3.2 determine that the proposed Local Water Management Strategy is satisfactory for advertising, subject to the boundary

- being modified to accord with the boundary of the draft Byford Town Centre Local Structure Plan.
- (iv) Pursuant to Clause 5.8.3.2 determine that a proposed modification to the Byford Structure Plan to remove notation 'B - Land subject to further study-Planning to be finalised subject to resolution of alignment of Orton Road' and the associated hatching on the plan is satisfactory for advertising.
- B. Subject to the applicant agreeing in writing to pay all costs associated with the closure of the road, Council advertise the proposed closure for a portion of Doley Road reserve, portion of Orton Road reserve and Portion of Cardup Siding Road for a period of 35 days accordance with the requirements of Section 58 of the Land Administration Act 1997.
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- D. Request Shire Officers to negotiate with the applicant in relation to achieving the community outcomes identified within the Shire's Community Facilities and Services Plan 2020. This will include the provision of a community purposes site of at least 2,000m² in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.
- E. Request Shire Officers to negotiate with the proponent to ensure that the maintenance of the constructed artificial water body is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake.
- F. Advise the proponent that if they were to submit a formal request to modify the Byford Structure Plan to delete the proposed district open space currently depicted between Orton Road and Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park it would be considered on its merits. However, Council does have concerns relating to the ability of the proponent to adequately ensure that sustained community access to the school ovals can be achieved over the long term and the adequate provision of district level recreational areas for the Byford community.
- G. Advise Main Roads and the Western Australian planning Commission that it is not supportive of the option for extension of Tonkin Highway via Orton Road through to South Western Highway.
- H. Shire Officers investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to the Brickwood Reserve and report back to Council.

Committee Note: The Officers Recommended Resolution was changed by adding condition H. The matters relating to the road closure, service period for the lake and legal requirements for the school be discussed prior to the October Ordinary Council Meeting.

New Motion:

Moved Cr Geurds, seconded Cr Murphy (proforma)

A. That Council:

- (i) **Resolve, pursuant to Appendix 15 of Town Planning Scheme No. 2 that a local structure plan may be prepared for a portion of Precinct seven and Precinct eight in accordance with the boundary of the proposed local structure plan, subject to the boundary of the local structure plan being modified to accord with the Byford Town Centre Local Structure Plan.**
- (ii) **Pursuant to Clause 5.18.3.2 determine that the proposed local structure plan is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the adopted draft Byford Town Centre Local Structure Plan.**

- (iii) Pursuant to Clause 5.18.3.2 determine that the proposed Local Water Management Strategy is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the draft Byford Town Centre Local Structure Plan.
 - (iv) Pursuant to Clause 5.8.3.2 determine that a proposed modification to the Byford Structure Plan to remove notation 'B - Land subject to further study - Planning to be finalised subject to resolution of alignment of Orton Road' and the associated hatching on the plan is satisfactory for advertising.
- B. The applicant is required to facilitate the formulation and execution of a binding legal agreement between the Department of Education and Training, Shire of Serpentine Jarrahdale and the subdivider for the provision, ongoing maintenance and ongoing public access to the shared recreation facilities at the primary school site, prior to adoption of the Local Structure Plan.
- C. Request Shire Officers to negotiate with the applicant in relation to achieving the community outcomes identified within the Shire's Community Facilities and Services Plan 2020. This will include the provision of a community purposes site of at least 2,000m² in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.
- D. Request Shire Officers to negotiate with the proponent to ensure that the maintenance of the constructed artificial water body is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake.
- E. Advise the proponent that if they were to submit a formal request to modify the Byford Structure Plan to delete the proposed district open space currently depicted between Orton Road and Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park it would be considered on its merits. However, Council does have concerns relating to the ability of the proponent to adequately ensure that sustained community access to the school ovals can be achieved over the long term and the adequate provision of district level recreational areas for the Byford community.
- F. Advise Main Roads and the Western Australian planning Commission that it is not supportive of the option for extension of Tonkin Highway via Orton Road through to South Western Highway.
- G. Shire Officers investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to the Brickwood Reserve and report back to Council.

LOST 1/7

During debate Cr Brown foreshadowed that she would move a new recommendation to include part B, to exclude all roads besides Doley Road, to delete part C and to revise part E to incorporate the ability for Shire officers, including the Director Corporate Services to negotiate with LWP on a maintenance period for the lake through the lake management plan.

Foreshadowed Motion:

Moved Cr Brown

A. That Council:

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- (ii) Pursuant to Clause 5.18.3.2 determine that the proposed local structure plan is satisfactory for advertising, subject to the boundary being

- modified to accord with the boundary of the adopted draft Byford Town Centre Local Structure Plan.
- (iii) Pursuant to Clause 5.18.3.2 determine that the proposed Local Water Management Strategy is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the draft Byford Town Centre Local Structure Plan.
 - (iv) Pursuant to Clause 5.8.3.2 determine that a proposed modification to the Byford Structure Plan to remove notation 'B - Land subject to further study- Planning to be finalised subject to resolution of alignment of Orton Road' and the associated hatching on the plan is satisfactory for advertising.
- B. Subject to the applicant agreeing in writing to pay all costs associated with the closure of the road, Council advertise the proposed closure for a portion of Doley Road reserve for a period of 35 days accordance with the requirements of Section 58 of the Land Administration Act 1997.
 - C. Request Shire Officers to negotiate with the applicant in relation to achieving the community outcomes identified within the Shire's Community Facilities and Services Plan 2020. This will include the provision of a community purposes site of at least 2,000m² in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.
 - D. Request Shire Officers, including the Director Corporate Services, to negotiate with LWP on a maintenance period for the lake through the lake management plan.
 - E. Advise the proponent that if they were to submit a formal request to modify the Byford Structure Plan to delete the proposed district open space currently depicted between Orton Road and Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park it would be considered on its merits. However, Council does have concerns relating to the ability of the proponent to adequately ensure that sustained community access to the school ovals can be achieved over the long term and the adequate provision of district level recreational areas for the Byford community.
 - F. Advise Main Roads and the Western Australian planning Commission that it is not supportive of the option for extension of Tonkin Highway via Orton Road through to South Western Highway.
 - G. Shire Officers investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to the Brickwood Reserve and report back to Council.

LAPSED FOR WANT OF SECONDER

During debate Cr Randall foreshadowed that she would move the Committee Recommended Resolution if the motion under debate was defeated.

SD041/10/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Randall, seconded Cr Murphy

A. That Council:

- (i) Resolve, pursuant to Appendix 15 of Town Planning Scheme No. 2 that a local structure plan may be prepared for a portion of Precinct seven and Precinct eight in accordance with the boundary of the proposed local structure plan, subject to the boundary of the local structure plan being modified to accord with the Byford Town Centre Local Structure Plan.
- (ii) Pursuant to Clause 5.18.3.2 determine that the proposed local structure plan is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the adopted draft Byford Town Centre Local Structure Plan.

- (iii) Pursuant to Clause 5.18.3.2 determine that the proposed Local Water Management Strategy is satisfactory for advertising, subject to the boundary being modified to accord with the boundary of the draft Byford Town Centre Local Structure Plan.**
 - (iv) Pursuant to Clause 5.8.3.2 determine that a proposed modification to the Byford Structure Plan to remove notation 'B - Land subject to further study- Planning to be finalised subject to resolution of alignment of Orton Road' and the associated hatching on the plan is satisfactory for advertising.**
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- C. The applicant is required to facilitate the formulation and execution of a binding legal agreement between the Department of Education and Training, Shire of Serpentine Jarrahdale and the subdivider for the provision, ongoing maintenance and ongoing public access to the shared recreation facilities at the primary school site, prior to adoption of the Local Structure Plan.**
- D. Request Shire Officers to negotiate with the applicant in relation to achieving the community outcomes identified within the Shire's Community Facilities and Services Plan 2020. This will include the provision of a community purposes site of at least 2,000m² in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.**
- E. Request Shire Officers to negotiate with the proponent to ensure that the maintenance of the constructed artificial water body is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake.**
- F. Advise the proponent that if they were to submit a formal request to modify the Byford Structure Plan to delete the proposed district open space currently depicted between Orton Road and Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park it would be considered on its merits. However, Council does have concerns relating to the ability of the proponent to adequately ensure that sustained community access to the school ovals can be achieved over the long term and the adequate provision of district level recreational areas for the Byford community.**
- G. Advise Main Roads and the Western Australian planning Commission that it is not supportive of the option for extension of Tonkin Highway via Orton Road through to South Western Highway.**
- H. Shire Officers investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to the Brickwood Reserve and report back to Council.**

CARRIED 7/1

Cr Twine returned to the meeting at 8.07pm and assumed the role of Presiding Member.

SD042/10/09 PROPOSED DWELLING – LOT 621 MEAD STREET, BYFORD (P08155/01)		
Proponent:	J & G Kirkpatrick	<p>In Brief</p> <p>Proposed development application for a residential dwelling involves variations to the rear setback, storeroom and location of outdoor living area required by The Glades Detailed Area Plan.</p> <p>Approval subject to conditions is recommended.</p>
Owner:	J & G Kirkpatrick	
Author:	Robina Crook - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	28 September 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	16 July 2009
Advertised:	Yes
Submissions:	None
Lot Area:	366m ²
MRS Zoning:	Urban
L.A Zoning:	Urban Development
Use classification:	Single House - Permitted
Byford Structure Plan:	Residential
Detailed Structure Plan:	The Glades Detailed Area Plan – Residential R40
Municipal Inventory:	Nil
Townscape/Heritage Precinct:	N/A
Bush Forever:	Nil
Date of Inspection:	11 September 2009

Background

The subject site is located within The Glades residential estate. A detailed area plan (DAP) was adopted by Council on 27 November 2007 for Stage 1 of The Glades Estate in Byford. The DAP was further considered at a Special Council Meeting on 6 May 2008 and ultimately substituted by way of consent orders from the State Administrative Tribunal on 20 June 2008.

The proposed development is on a cottage lot, with vehicle access via a rear lane way. The Glades DAP applies to development within the property and prescribes the location of the outdoor living area and garage among other development provisions.

A copy of The Glades Detailed Area Plan No. 1 is contained in the attachments to the agenda marked SD042.1/10/09.

An application for planning approval has been submitted and the developer is seeking variations to the following provisions of The Glades DAP:

1. Provision 5b: At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation;
2. Provision 5i: On lots designated R40 on the DAP, a storeroom of minimum 4m² floor area shall be integrated into the dwelling (i.e. under the same roof) and constructed of the same materials. This room shall only be accessible from outside the dwelling. No additional sheds or outbuildings will be permitted on these lots.

3. Provision 5j: On lots designated R40 or above, an outdoor living is to be provided on the north facing side of the lots (i.e. rear of lot).
4. Provision 6b: Rear setback: Minimum 1.5m setback for house.

The application is presented to Council for consideration as no delegated authority exists to vary the provisions under the DAP.

A locality plan and aerial photograph are contained in the attachments to the agenda marked SD042.2/10/09.

Site and elevation plans are contained in the attachments to the agenda marked SD042.3/10/09.

Sustainability Statement

Effect on Environment: The applicant has detailed a number of environmental initiatives that would largely be outside of the planning approval. The development application proposes that the house is closer to the rear boundary than is prescribed within the DAP to fit the solar panel and photo voltaic cells on the northern roofline. While not part of the planning application the applicant has detailed that they are proposing to install a solar hot water system, solar power system, air-conditioning, insulation batts, water tank and a grey water system.

Resource Implications: The location of the outdoor living area results in solar access to the dining and library areas of the dwelling which enables a reduction in the use of artificial lighting in these rooms during the day.

Social Diversity: No social group will be disadvantaged by this proposal.

Statutory Environment: Town Planning Scheme No. 2
Byford Structure Plan
The Glades Detailed Area Plan (DAP) No. 1
Residential Design Codes (R-Codes)

Policy/Work Procedure Implications: Nil

Financial Implications: If the application is refused and that decision is appealed there would be financial implications for the Council related to legal costs and officer time.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
5. Reduce green house gas emissions.
4. Governance
Objective 3: Compliance to necessary legislation
Strategies:
1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Due to the variations sought, the development application was referred to the abutting neighbours. The Shire did not receive any submissions.

Comment:

The development application has been assessed against The Glades DAP and the acceptable development standards and performance criteria contained in the R-Codes. The following will detail the variations sought and provide a recommendation to Council for consideration.

R-Codes

An assessment of the development application against the R-Codes identified that the development was in accordance with the acceptable development standards. Where the application varied the standards the DAP provided alternative development provisions.

The Glades DAP

An assessment against The Glades DAP identified the following variations.

Major opening to north

While there is a major opening provided to the northern elevation of the dwelling, it is to a non-habitable room and therefore not compliant with provision 5 b of the DAP. It is expected that the window will be fitted with obscured glass and will still provide passive solar penetration into the dwelling without any loss of privacy for the occupants. This would address the stated intent of the DAP which is to maximise solar orientation.

The relevant provision of the R-Codes is the following:

The provision of adequate direct sun to habitable rooms and open space on the development site and appropriate protection of solar access to adjoining sites and the public domain'

A strict technical interpretation of the R-Codes does not define 'indoor living area' and thus the interpretation of the living area could be questioned. The most likely intent of provision 5b is to require a major opening to a habitable room on the northern elevation of the dwelling, which the development application does not propose.

The passive surveillance opportunities that a major opening to a habitable room would provide over the lane way are not achieved, however passive solar penetration into the dwelling is arguably still achieved.

Storeroom

The development application proposes an area that is 4m², integrated into the dwelling, constructed of the same materials as the dwelling and accessed from outside the dwelling. The DAP requires that the 4m² storeroom only be accessed from outside the dwelling while the development application proposes to access the storeroom from the outside of the dwelling but also from the laundry area within the dwelling.

To prepare a development application that provides for a storeroom which is only accessible from the outside of the dwelling and is also accessible to vehicles the most logical location is along side the garage to the rear of the lot. The 6m wide garage, co-located with a 2m wide storeroom takes up nearly three quarters of the width of the 12m rear boundary. Locating the storeroom in that location limits the opportunity for an outdoor living area to be located on the northern boundary as the minimum width prescribed by the R-Codes is 4m and that does not allow for the width of required walls on garage and storeroom.

The advantages of locating a storeroom within an oversized garage is the increased access. The roller door associated with a double garage will enable larger items to be stored within the oversized garage that may not fit within a 2x2m area.

The relevant objective from the R-Codes is the following:

‘To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving resident’s needs’

As the development application provides for greater access to the storeroom area in a location that is of greater convenience it is expected that the amenity of the occupants will be increased by this variation to the DAP without loss of amenity to the adjoining landowners and not impact on the primary streetscape.

Outdoor living

The development application provides for a paved outdoor area of 23.4m² and an overall open space area of above 30m². The minimum outdoor living area within a R40 residential zone is 20m² with a minimum dimension of 4m. The area set aside for outdoor living is in accordance with the R-Codes and the DAP. The outdoor living area that is set aside is in accordance with the R20 development provisions. It is the location that is not in accordance with the DAP provisions.

If the outdoor living area was to be located to the north of the lot as per the DAP then the maximum passive solar penetration into a habitable room that could be achieved would be approximately 4m to the northern boundary, based on the maximum solar setback requirements.

The relevant objective from the R-Codes is the following:

‘To ensure that private and communal open space is set aside and landscaped to provide for attractive streetscapes, attractive settings to complement buildings, privacy, direct sun, and the recreational needs of residents’.

By locating the outdoor living area centrally there are two major openings, with the combined length of approximately 6m, that are facing north or east and are well located to enable solar penetration into the dwelling. There is an additional major opening facing south which is approximately 2m wide that will allow natural light to penetrate the dwelling. This results in 8m of windows or doors which is approximately double what could be achieved if the outdoor living area was to be located to the rear of the property.

A centrally located outdoor living area could be argued to be more useable and better integrated into the overall design of the dwelling. The most active areas of the dwelling, that being the kitchen, dining and living have easy access to the outdoor living area thus encouraging an indoor outdoor life style. In total there are more opportunities for natural light to penetrate into the core of the dwelling thus reducing the over usage artificial lighting.

The disadvantage is the loss of passive surveillance opportunities over the lane way.

Rear setback

The development application provides for a 1.1m setback to the dwelling which is in contrast to the provision of the DAP that requires a 1.5m set back to the dwelling. The development application is non-compliant by 40cm.

The specified objective under the R-Codes for boundary setbacks is the following:

'To ensure adequate protection of direct sun and ventilation for buildings and to ameliorate the impact of building bulk, interference with privacy, and overshadowing on adjoining properties'.

The proposed rear setback reduces the non-useable area. A 1.5m strip to the rear of the property is unlikely to be utilised for much more than storage of rubbish bins however the 1.1m setback still enables the required bin pads to be constructed. An advantage of the reduced set back is the additional outdoor living area that is centrally located to the development.

Conclusion

It is recommended that the application be approved subject to conditions. It is considered that the variations sought, while multiple in number, are not on the whole major and do not represent an over-development of the site. The variations will not have an adverse affect on the overall primary streetscape, adjoining landowner amenity or the amenity experienced by the occupants of the dwelling. The most significant variation is the location of the outdoor living space. While the location of the outdoor living area is not in accordance with the provisions of The Glades DAP it does provide for over 30m² (10m² above the R-Code requirement) that is well located to encourage an outdoor life style. To ensure that there is passive solar penetration into the dwelling then the requirement for at least two-thirds of the outdoor living area to be without permanent cover (an existing R-Code provision) there must be careful assessment of any proposed patio development. The intent of restricting the permanent cover of the outdoor living area would be to facilitate maximum light filtering into the dining and living areas.

The R-Codes encourage a flexible and performance-based approach to the assessment of residential development. The objectives of the R-Codes are not considered to be compromised and as such approval is recommended.

Voting Requirements: Simple Majority

Director Engineering left the meeting at 8.14pm and returned at 8.15pm.

SD042/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Brown

That Council approves the application for approval to commence development of a Single House on Lot 621 Mead Street, Byford subject to the following conditions:

- 1. Clothes line and rubbish bin storage area to be screened from public view.**
- 2. A paved bin pad is to be provided inside the lot boundary abutting the boundary to the rear lane for use on bin pick-up days to prevent the lane being blocked by bins.**
- 3. The mail box for the dwelling is to be located on the Mead Street frontage of the lot.**
- 4. All stormwater is to be disposed of via the silt trap connection point provided or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road or neighbouring properties is not permitted.**
- 5. The Residential Design Codes require that at least two thirds of the outdoor living area shall not have a permanent cover to ensure passive solar penetration to the area.**

CARRIED 8/1

Cr Murphy voted against the motion

Cr Kirkpatrick returned to the meeting at 8.18pm.

SD045/10/09 REVIEW OF DELEGATED AUTHORITY – STATUTORY PLANNING (A1047/03)		
Officer:	Simon Wilkes – Executive Manager Planning	In Brief In August 2009 Council considered the outcomes of a review of delegated authority and adopted a number of new delegations. This report provides Council with the opportunity to address an administrative error.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 September 2009	
Previously	SD128/06/09 SD023/08/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council at its Ordinary Meeting in August 2009 considered a review of delegated authority in respect of statutory planning functions. The following decision was passed:

“SD023/08/09 REVIEW OF DELEGATED AUTHORITY – STATUTORY PLANNING (A1047/03)

“That Council:

- A. *Revoke the existing delegation DS10 – Determination of applications for some minor land uses.*
- B. *In accordance with section 5.42 of the Local Government Act 1995, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in attachments SD023.2/08/09, SD023.3/08/09, SD023.5/08/09, SD023.7/08/09 and SD023.8/08/09 and entitled:*
 - *DS-08 Determination of applications for planning consent;*
 - *DS-10 Referral of proposals to the Environmental Protection Authority;*
 - *DS 12 Dealing with subdivision clearances;*
 - *DS-25 Providing recommendations on application for public works; and*
 - *DS-26 Representation at the State Administrative Tribunal.*
- C. *Requests the delegated authority register be updated accordingly.”*

Due to an administrative error, only a copy of the existing DS-10 delegation was provided as an attachment with the meeting agenda. The new DS-10 delegation (for the referral of proposals to the Environmental Protection Authority (EPA)), was not formally presented. This report provides Council with the opportunity to rectify the situation and formally consider the new delegation.

Statutory Environment:

Local Government Act 1995
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications

There are a number of existing policies that make reference to individual notices of delegated authority.

Financial Implications:

There are no direct financial implications associated with the review of the existing delegations.

Indirectly, effective notices of delegation deliver significant opportunities to improve the efficiency of the statutory functions of the organisation.

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The review of the existing delegations did not include any consultation with the community. There are opportunities for the community to provide comment on individual planning proposals; such opportunities are not proposed to be changed through the review of the existing delegations.

Comment

New delegation for referrals to the EPA

Council is a decision-making authority under the provisions of the Environmental Protection Act 1986. Where there is the potential for a significant impact on the environment, Council is required to refer proposals to the EPA for review. There are a series of guidance statements that have been issued by the EPA, which are used by decision-making authorities to determine whether an environmental impact is likely to be significant.

Once a proposal has been referred to the EPA, the decision-making authority section is precluded by Section 41 of the Act from making a determination that would have the effect of allowing the proposal to be implemented until such time as the environmental review process has concluded.

It is important that a formal delegation is established to enable officers to refer proposals to the EPA for review. Following the finalisation of an environmental review process, Council is able to resume its normal decision-making processes.

The proposed delegation (DS-10) is with attachments marked SD045.1/10/09.

Voting Requirements:

ABSOLUTE MAJORITY

SD045/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Brown
That Council:**

A. In accordance with section 5.42 of the Local Government Act 1995, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in attachments SD045.1/10/09 entitled:

- **DS-10 Referral of proposals to the Environmental Protection Authority;**

**B. Requests the delegated authority register be updated accordingly.
CARRIED 10/0**

SD046/10/09 REQUEST FOR RENEWAL OF PLANNING APPROVAL FOR THIRTEEN AGED PERSONS' DWELLINGS – LOT 121 (28) SOUTH CRESCENT, BYFORD (P05167/03)		
Proponent:	Dynamic Planning	In Brief Approval for thirteen aged persons' dwellings at Lot 121 South Crescent, Byford was issued on 19 December 2007. The development has not yet been constructed and the approval is due to expire on 19 December 2009. The applicant now seeks to renew this approval.
Owner:	Sharetime Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	9 September 2009	
Previously	SD044/11/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 14 August 2009
 Lot Area: 0.4798 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20
 Date of Inspection: July 2007

Background

At the Ordinary Council Meeting held on 26 November 2007, Council resolved to conditionally approve an application for thirteen (13) aged persons' dwellings at Lot 121 (28) South Crescent, Byford.

A copy of the location plan & aerial photograph are with attachments marked SD046.1/10/09.

A copy of the site & street elevation plans are with attachments marked SD046.2/10/09.

The Form 2 Approval was subsequently issued on 19 December 2007. As the planning approval is due to expire on 19 December 2009, the applicant is seeking to renew this approval.

Sustainability Statement

Effect on Environment: The site contains some significant existing vegetation in the front half of the lot that will generally be cleared. The applicant has endeavoured to retain the largest trees on site by locating these within the areas of Communal Open Space. It is acknowledged however that not all vegetation can be retained when developing a residential block to its maximum potential. It is considered that it may not be possible to keep the trees shown as being retained within the individual allotments (lots 3 and 4) once the development

commences as they are located adjacent to buildings. If these trees are proposed to be removed, further approval from the Shire will need to be obtained.

Solar passive design

The applicant has addressed the concept of solar passive design by locating, as best as possible, the habitable rooms within each dwelling on the northern side of the lots to obtain maximum benefit from the winter sun. Lots 8, 9 and 10 are only 10 metres wide at the northern end therefore making it difficult to design a dwelling with more than one habitable room facing north. The outdoor living areas for all lots will benefit from a northern orientation.

Resource Implications & Use of Local, renewable or recycled Resources: It is considered that local materials and products may be used during the construction of the dwellings.

Economic Viability & Benefits: The development maximises the potential of the property in accordance with the zoning of the land under Council's Town Planning Scheme No. 2 (TPS 2), by constructing 13 aged persons' dwellings on a large residential lot. This would have positive economic benefit for the local community by increasing the number of people living in the area.

Social – Quality of Life & Social and Environmental Responsibility: The property is located in close proximity to the Byford town centre, shopping areas, community facilities and public transport routes.

Streetscape and safety

The design of the three dwellings facing South Crescent avoids any negative aesthetic impacts on the area and maximises passive surveillance of the street. Each dwelling facing South Crescent has a single garage only which only occupies a maximum of 28% of the total lot frontage.

Social Diversity: The proposal will provide self contained living accommodation for residents over 55 years of age. This development is the first of its kind in Byford.

Statutory Environment:

TPS 2
Byford Structure Plan (BSP)
Byford Town Site Detailed Area Plan (DAP)
Residential Design Codes of WA (R Codes)

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

3. Retain seniors and youth within the community.
4. Respect diversity within the community.
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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

Community consultation was not undertaken during the assessment of the original application. Therefore, consultation is not considered necessary for the proposed renewal.

Comment

TPS 2 & BSP

The subject land is zoned 'Urban Development' under Council's TPS 2 and is identified as 'Residential R20' under the BSP. Under the scheme, Aged Person's Dwellings are identified as an 'AA' use within the Residential zone.

Location & Site Description

The subject land is located in the established part of Byford, east of the South Western Highway. The existing lot is approximately 0.48 ha in size and has approximately 60 metres of frontage to South Crescent and a 30 metre rear boundary that abuts a recreation reserve.

Renewal of Planning Approval

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

6.9 TERM OF PLANNING APPROVAL

6.9.1 Where the Council grants approval, that approval:

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

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

The applicant submitted a request for renewal on the 14 August 2009, thereby complying with the timeframe specified in clause 6.9.2 above. In their correspondence to Council, the applicant details the following reason as to why the development has not yet proceeded:

"Due to a variety of factors relating to capital exposure, market conditions and economic climate, our client has not been in apposition to commence the approved development without exposing themselves to an unacceptable level of risk".

The applicant now seeks to renew the approval for a further two years until 19 December 2011.

Proposed Development

The proposal seeks to develop the land with thirteen (13), three bedroom brick dwellings specifically for occupation by residents over the age of 55 years. As Aged Persons' Dwellings are generally smaller than conventional dwellings and the occupants do not usually have a high car ownership ratio, the R-Codes allow the reduction of the average and minimum site area by one third of that provided for by the code applying to the site. The proposal therefore seeks Council approval to the density bonus allowable under the R-Codes.

The proposed development comprises three units fronting South Crescent and ten units fronting an internal common driveway. A separate pedestrian path linking the northern most lots with the street is provided adjacent to the vehicular access way. Additionally, the applicant advises that the design allows for two areas of communal open space which will be landscaped by the developer.

The design of the development was primarily predicated on the preservation of six trees that were considered suitable for retention. These trees are shown on the site plan and have either been incorporated into the communal open space or located on lot boundaries to ensure their protection.

R-Codes

It is noted that since the original approval of the application in November 2007, an updated version of the R-Codes was issued in April 2008. Any assessment against the R-Codes below has been against the April 2008 version.

The R-Codes set out the requirements that need to be met for aged persons dwelling developments. The development requirements stipulated by the R-Codes cover the following areas:

- Streetscape
- Setbacks
- Open Space
- Access & Car Parking
- Site Works
- Building Height
- Privacy

The proposal complies with all requirements of the updated R-Codes, with exception to the following areas.

AREAS OF NON-COMPLIANCE WITH R-CODES

R-code Requirement	Required	Proposed
Plot Ratio (floor area of each dwelling)	Max. 100m ² Plot ratio excludes garages, carports, verandahs and stores	105.2m ² - 114.68m ²
Outdoor Living Area per dwelling	30m ² each dwelling	All units meet the minimum 30m ² except Lot 10 with 28m ²
Roof cover	Roof cover – max. 1/3	Lots 1, 2, 3, 5, 10, 12 and 13 have roof cover in excess of one third Lot 1: 37.3% covered Lot 2: 36.1%

R-code Requirement	Required	Proposed
		Lot 3: 35% Lot 5: 41.5% Lot 10: 33.6% Lot 12: 34.3% Lot 13: 34.3%
Setbacks To common driveway	Min 2.5m	Lot 5 - 2.47m Lot 13 - 2.41m
To South Crescent	Min 6.0m Min 4.5m for garage	3.0m 3.0m
To communal access way	Min 3.0m from any wall containing a major opening unless screened	Lots 5 and 13 have less than 3 metre setback from habitable room (bedroom) to access way. Lot 5: 2.47m Lot 13: 2.41m

Comment on Areas of Non-Compliance

Plot Ratio

The maximum plot ratio floor area specified under the R-Codes is 100m². The application proposes plot ratios between 105.2 and 114.68m². The applicant originally provided the following information with respect to this variation:

“The additional floor area in the proposed development could be attributed to the third bedroom, which is not standard in aged persons’ housing. The third bedroom is a deliberate inclusion to provide an attractive point of difference from other aged persons’ developments which generally have only two bedrooms.”

Where development does not meet the Acceptable Development Criteria (ie 100m²), the variation may still be approved by Council subject to it adequately meeting the relevant Performance Criteria. The Performance Criteria in respect to Aged or Dependant Persons’ Dwellings states:

“Dwellings that accommodate the special needs of aged or dependent persons and which :

- *Are designed to meet the needs of aged or dependent persons;*
- *Are located in proximity to public transport and convenience shopping;*
- *Have due regard to the topography of the locality in which the site is located; and*
- *Satisfy a demand for aged or dependent persons’ accommodation.”*

It is considered that the additional floor area represents a marginal increase on the acceptable standard and does not alter the fact that the dwellings can only be occupied by aged persons as this will be controlled by a memorial on the title. All dwellings will meet the Australian Standards and this will be enforced at the building licence stage. The land is located within walking distance to local shops and public transport routes. The topography of the site is generally flat and does not raise concerns regarding occupant mobility in and around the site. Further, the proposed development provides an ideal housing alternative for local residents who wish to remain in the area whilst down sizing from a larger property.

It is considered that the variation to the maximum plot ratio for all lots meets the relevant Performance Criteria under the R-Codes. It is therefore recommended that this variation be supported.

Outdoor Living Area & Roof Cover

The minimum requirement for the provision of 30m² of outdoor living area is provided for all lots with the exception of Lot 10. It is calculated that Lot 10 has an outdoor living area of 28m². This slight variation is considered to meet the relevant Performance Criteria which states:

“An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.”

The outdoor area for Lot 10 is accessible via the dining room and is located on the northern side of the dwelling, maximising use of the winter sun. It is therefore recommended that this minor variation to the outdoor living area be supported.

The requirement for a maximum of one third of the outdoor living area to be roofed is not met for Lots 1, 2, 3, 5, 10, 12 and 13. With each of these lots, the roofed area exceeds the one third maximum stipulation. It is recommended that a condition be included on the approval to require the alfresco areas for these lots be modified to comply with the maximum one third requirement.

Setbacks

Common Driveway

The requirement of a 2.5 metre setback from a common driveway is not met by Lots 5 and 13 where the setbacks are 2.47 metres and 2.41 metres respectively. This slight variation is still considered to meet the relevant Performance Criteria under the R-Codes which states that *“buildings setback from street boundaries an appropriate distance to ensure they contribute to the desired streetscape and provide adequate privacy and open space for dwellings”*. Therefore, the slight setback variations are supported.

Communal Access way

The R-Codes stipulate a minimum set back of 3.0 metres between the access way and any wall containing a major opening, unless screened. Lots 5 and 13 have setbacks of less than 3.0 metres. This setback is measured from the closest habitable room with a major opening (in each case being a bedroom) and the common driveway. It is recommended that the site plan be modified to achieve the minimum 3.0m setback from the common driveway to a major opening for Lots 5 and 13 unless the major openings are screened to the satisfaction of the Shire.

South Crescent

The R-Codes state that development within the R20 Residential zone should be setback from a public street 6.0 metres. However, this setback may be reduced by up to 50% (ie 3.0 metres) provided that any development forward of the setback line is compensated for by at least an equal area of contiguous open space behind the setback line. The applicant advises that given the density of development on site, it has been necessary to reduce the front setback from 6.0 metres to 3.0 metres. A street setback diagram is normally required in such instances to demonstrate that there is an equal area of open space behind the setback line as there is building forward of the setback line.

The street setback diagram for Lots 1 to 3 originally provided by the applicant does not meet this requirement. In support of this variation, the applicant provided the following justification:

- *The area of deviation or inconsistency is only minor – 8m² at most*

- *A 6m setback is not feasible with lots of this size. The R-Codes allow a reduction of the site area for aged persons' accommodation so it would follow that a reduced setback should apply in order to provide sufficient developable area on the lots*
- *The rationale for the contingent area of open space behind the 6m line is to ensure that there is sufficient open space within each development. Both the 50% open space and the outdoor living area requirement have been met so it could be construed that there is adequate open space on Lots 1 to 3*
- *There is not a consistent or established pattern of street setbacks in this area given that the lot to the west is undeveloped*
- *There are no services or easements required in the front setback of Lots 1 to 3 that may be impacted upon by the reduced setback*

A reduction in the front setback for Lots 1 to 3 is required to ensure that there is enough usable outdoor living area at the rear of the dwelling for occupant use. An increased setback to 6 metres will result in a reduced outdoor living area or result in a reduction in floor space of the units. All lots exceed the maximum plot ratio of 100m² as stipulated by the R-Codes. Therefore, it may be possible to increase the front setback by reducing the living areas of Lot 1 to 3 to 100m². It is considered however, that a reduction by approximately 12m² for each lot is unlikely to have a significant bearing on the setback distances. Further, even with these reduced setbacks, each lot is able to accommodate two cars on site as required by the R-Codes.

The Performance Criteria in relation to setbacks within the R-Codes state:

- *Buildings set back from street boundaries an appropriate distance to ensure they contribute to the desired streetscape; and*
- *Provide adequate privacy and open space for dwellings.*

It is considered that the reduced street setback for Lots 1 to 3 still achieves the above Performance Criteria as the variation to the setbacks will not detrimentally impact on the streetscape of the area. In fact, the streetscape is likely to be improved by having three new dwellings constructed that front South Crescent. Further, the reduced setback allows for adequate private space to be provided at the rear of the dwelling.

Although the setbacks of the dwellings can be considered at 3.0 metres, a 4.5 metre setback for the garage from the street needs to be met. This is to ensure that an additional car can be parked on the driveway without it over hanging the verge. Lot 1, 2 and 3 do not meet this 4.5m requirement.

It is recommended that the reduced dwelling setback of 3.0m be supported but that the site plan be amended to show a 4.5m setback between the street and garage for Lots 1, 2 and 3.

DAP

The DAP contains a number of provisions and requirements for new developments within the Byford Town site area. A number of these provisions are covered by the R-Codes and therefore do not need to be repeated. Further, some of the requirements relate to the construction of the dwelling themselves, addressing issues such as building materials, fencing, roof pitch and storm water disposal. These requirements are also addressed under the Building Code of Australia (BCA). It is considered that the requirements under the DAP can be imposed at the building licence stage or included as conditions of approval. It is recommended that a condition be imposed that requires all dwellings to comply with the requirements under the DAP.

Provisions not covered by the R-Codes, and the application's compliance with these provisions, are detailed below:

DAP Requirement	Proposed	Complies/Comments
Buildings setback to achieve consistency with existing streetscape	The reduced setbacks from South Crescent to the dwellings on Lots 1, 2 & 3 will not detrimentally impact on the streetscape of the area. In fact, the streetscape is likely to be improved by having three new dwellings fronting the street. As mentioned previously, setbacks to the garage are required to be 4.5m.	Condition will be imposed requiring a 4.5m setback from South Crescent to the garage.
Living rooms oriented to achieve winter sun access	The habitable rooms within each dwelling are located on the northern side of the lots to obtain maximum benefit from the winter sun. Lots 8, 9 & 10 are only 10 metres wide at the northern end therefore making it difficult to design a dwelling with more than one habitable room facing north. The outdoor living areas for all lots will benefit from a northern orientation.	Complies
Porch, verandah or fixed window awnings mandatory for front of dwelling	The floor plans and elevations supplied show a porch for each dwelling.	Complies
Roof pitch 25 degrees or more	The elevations for each dwelling show a 25 degree roof pitch.	Complies
Front fences – maximum height of 1.2m (ie regardless of whether it is open fencing or solid). Solid up to 1.2m with pillars and metal grille inserts above that height or open fencing higher than 1.2 metre is not permitted.	Front fencing details have not been provided.	A condition has been included requiring fencing details to be provided prior to the issue of a building licence.
Fencing materials – brick, hedges or open or closed timber pickets only	See above	See above
Garages and attached carports are not permitted to be forward of the front wall of the dwelling. Freestanding carports that are open on all sides may be permitted in front of dwelling.	Setbacks from South Crescent to the garages of Lots 1, 2 & 3 are required at 4.5m. This will ensure that the garage is behind the front wall on the dwelling.	The recommended condition will ensure that this provision is met.
Opening of garage or carport not to exceed 6 metres	Only single garages are proposed with maximum widths of 3.0m.	Complies
Crossovers – maximum width 4.5 metres	Crossovers to the dwelling are a maximum width of 3.0m.	Complies
Solar hot water systems only allowed to be visible from street/face street if this is north elevation.	Details of locations of hot water systems have not been provided. A condition is recommended that these structures be located to the satisfaction of the Director Development Services.	The recommended condition will ensure that this provision is met.
Bin storage, clothes drying, air conditioning, water heating and other plant to be screened from street and neighbours and noise insulation provided where close to neighbours boundaries.	Details of locations of these structures have not been provided. A condition is recommended that these structures be located to the satisfaction of the Director Development Services to prevent loss of amenity by way of noise, appearance etc. In relation to bin storage, a hard stand pick up area is preferred over a bin	The recommended conditions will ensure that this provision is met.

DAP Requirement	Proposed	Complies/Comments
	storage area (as discussed later in this report). Therefore a condition requiring the provision of a hardstand bin pick-up area of sufficient size and design to accommodate all of the bins for the individual Aged Person's Dwellings on the verge of South Crescent has been included as a condition of approval.	
Dark roofs with absorption values above 0.8 (black, dark blue, dark grey) not permitted unless addition insulation provided (greater than R2.5 efficiency)	A schedule of colours and materials for the dwellings are required as a condition of approval specifying that dark coloured roofing materials are not permitted.	The recommended condition will ensure that this provision is met.
Awnings, eaves or other permanent shade device to be provided to all north facing windows and to extend out from the window 0.4 to 0.7 times the height of the window.	Details of these have not been provided.	It is recommended that this requirement be imposed as a condition of approval.
Minimum insulation values - R2.7 for roofs and ceilings - R1.4 for walls	This requirement is covered under the BCA and will therefore be assessed as part of the building licence application.	Assessed as part of the building licence application.
Grey water re-use facilities provided for watering garden areas.	Details of watering systems have not been provided. The landscape and reticulation plan, which will include a requirement to provide details of any proposed grey water re-use facilities, that has been required as a condition of approval will cover this requirement.	The recommended condition will ensure that this provision is met.
Water Sensitive Design – reduction of paved areas to allow recharge of groundwater, rainwater tanks etc. where possible.	Details of stormwater disposal have not been provided. The Drainage Management Plan that has been required as a condition of approval will cover this requirement.	The recommended condition will ensure that this provision is met.

Officer Comment

Lot Size

The R-Codes state that a minimum lot size of 440m² and an average lot size of 500m² apply to land zoned Residential R20. However, for special purpose dwellings such as the ones proposed, the R-Codes allow the reduction of the site area by one third of that usually specified. This means that for land zoned R20, a minimum lot size of 293m² and an average lot size of 333m² applies.

The application proposes a minimum lot size of 293m² and an average lot size of 369m² which comply with the requirements under the R-Codes.

Access & Car Parking

Driveway & Pedestrian Access Way

Access to the development is proposed via a single common driveway from South Crescent. The width of the driveway as shown on the site plan varies between 4.8 metres and 5.0 metres, complying with the R-Codes requirement of a minimum width of 4.0 metres. Further, the 5.0 metre width allows vehicles to pass in opposite directions at one or more points.

Under section 6.5.5 (A5.1) of the R-Codes, a separate pedestrian access way with a minimum width of 1.2 metres is required where 10 or more individual dwellings are

proposed. The proposed path as shown on the site plan is 1.2 metres wide from South Crescent to the end of the common driveway where it then widens out to 1.5 metres between lots 9 and 10 to the rear of the property. The path will be constructed out of a different material as the common driveway to clearly delineate them from each other. Further, the path and carriageway will be constructed at the same level, without kerb, to allow additional width for overtaking if necessary. The development has been designed to allow at least 6 metres manoeuvring depth from each carport opening to the nearest impediment in accordance with the R-Codes.

It is recommended that the proposed pedestrian access way be widened to a minimum width of 2.0 metres from South Crescent to the northern boundary of the property. This widening is to ensure that sufficient room is provided for pedestrians to pass each other. The widening of the path to 2.0 metres will result in the width of the driveway being reduced from between 4.8 metres and 5.0 metres to width between 4.0 metres and 4.2 metres. This width will still comply with the minimum R-Codes requirement of 4.0 metres. In order to accommodate a 2.0 metre wide path between lots 9 and 10, these lots will need to be slightly redesigned. However it is considered that a suitable redesign can be achieved for these lots.

Therefore a condition of approval within the officer recommendation will require the pedestrian access way, from South Crescent through to the northern property boundary, to be widened to a minimum of 2.0 metres

Vehicle Parking & Manoeuvring

Each lot contains two car parking spaces as required under the R-Codes. However, the additional paved driveways for this second vehicle has not been shown for Lots 2, 3, 6, 7, 11, 12 or 13. It is recommended that the site plan be modified to show these additional driveway areas.

A significant area of paving is incorporated into the front of Lots 8, 9 and 10 to provide enough area and manoeuvring room for both cars to park within the confines of the lot and exit the lots in forward gear. It is recommended that a 1.0 metre wide landscaping strip be incorporated along the eastern edge of Lot 8 and the western edge of Lot 10 to help reduce the visual impact of the significant area of paving on both lots.

A concern with the original application was that there was not enough room provided to allow for the cars from Lots 8, 9 and 10 to reverse from the carport and exit the lots in forward gear. The site plan was previously amended and vehicle manoeuvrability diagrams provided, to show how cars would exit the garage and leave the lot in a two point turn.

It still has not been adequately demonstrated how vehicles from lots 4, 5, 6, 7, 11, 12 and 13 will be able to reverse from their driveways and leave the development in forward gear, given the current area of paved driveway for each lot. It is considered that additional paved areas will need to be provided for these lots to enable the vehicles to reverse. It is recommended that the site plan be modified to show these additional paved areas.

Fencing & Landscaping

Any fencing within the development will need to comply with the requirements of the R-Codes as well as the Byford DAP. It is considered that fencing abutting the communal access way, surrounding areas of communal open space, on either side of the access way leading to the adjoining public open space to the north and along the northern boundaries of Lots 8, 9 and 10 will need to be visually permeable above a height of 1.2 metres to enable passive surveillance of these open areas. This requirement is reflected as a condition.

Landscaping details have also not been provided within the application. The applicant has advised that it is the intention of the developer to landscape where appropriate. Generally in such developments, it is common to landscape adjacent to common access ways and in the

front yard of each dwelling. Landscaping scope and detail can be covered by an appropriate condition.

A copy of the amended site plan (Plan A) showing required changes are with attachments marked SD046.3/10/09.

Bin Storage

The R-Codes are not specific about bin storage and/or collection other than to specify that it is to be both conveniently located, easily accessible, of an adequate size and that the bins are screened from view from primary or secondary streets. SITA Environmental Solutions have previously advised that from a safety point of view, it is not recommended that the rubbish vehicles enter the development for rubbish collection. It is preferred by SITA that rubbish collection be entirely from the South Crescent frontage.

Due to rubbish collection not being able to be undertaken from within the confines of the property, a bin storage area is not considered suitable for the proposed development. Further, bin storage areas can generally be unsightly and it is considered that each resident would prefer to have their bins within the confines of their allotment for ease of use rather than having a communal area that they need to take the rubbish to.

Therefore, a condition requiring the provision of a hardstand bin pick-up area of sufficient size and design to accommodate all of the bins for the individual Aged Person's Dwellings on the verge of South Crescent has been included as a condition of approval.

Options Available to Council

There are options that are available to Council in dealing with this proposal. The options, together with the associated officer comments, are detailed below:

	Options	Officer Comment
a)	Support the request for renewal	<ul style="list-style-type: none">• The application was previously approved by Council. All that is being requested is for the approval to be renewed.• The applicant has valid reasons as to why the development has not yet progressed.• The proposal has not changed in any way since it was last approved.• The proposed development is suitable in the location proposed.• A renewal of the approval will provide the applicant with certainty that the development can progress• This is the officer recommendation.
b)	Not support the request for renewal	<ul style="list-style-type: none">• There are no valid planning reasons why a renewal should not be granted.

The officer recommendation with respect to this application is consistent with option (a) above.

Conclusion

The subject development is within the 'Residential' zone and as such the Council may exercise discretion to approve the use and grant an extension to the current approval. The proposal represents an opportunity for a small scale specialised housing development to be established within the Byford town site area and an ideal housing alternative for local residents who wish to remain in the area who seek to downsize from a larger property.

The development is deemed to comply with the Acceptable Development requirements under the R-Codes in the majority of cases and where the Acceptable Development requirements are not met the variation is considered to be relatively marginal and still satisfies the appropriate Performance Criteria. Other issues can be addressed as conditions of planning approval.

It is considered that the land is ideally suited for the proposed use, both from a demand point of view but also by virtue of its topography and proximity to local conveniences and public transport. The provision of Aged Persons' Dwellings will become more important for the Shire, and Byford especially, as Byford develops in accordance with the structure plan.

It is therefore recommended that the renewal of planning approval be granted.

Voting Requirements: Simple Majority

SD046/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

The application for the renewal of planning approval for thirteen (13) Aged Persons' Dwellings on Lot 121 (28) South Crescent, Byford be approved subject to the following conditions:

GENERAL

- 1. The following modifications being made to the site plan dated 9 November 2007 to the satisfaction of the Director Development Services, prior to the issue of a building licence:**
 - a) Garages on Lots 1, 2 & 3 being setback a minimum of 4.5 metres from South Crescent;**
 - b) Additional paved driveway areas for the second vehicle to be shown for Lots 2, 3, 6, 7, 11, 12 & 13;**
 - c) Additional paved driveway areas to be shown for Lots 4, 5, 6, 7, 11, 12 & 13 for the purpose of vehicle manoeuvrability;**
 - d) A minimum setback of 3.0 metres between the communal access way and any wall containing a major opening to be achieved unless the major openings are screened to the satisfaction of the Shire;**
 - e) A 1.0 metre wide landscaping strip to be provided for Lots 8 & 10 abutting the eastern and western lot boundaries respectively;**
 - f) The alfresco area for Lots 1, 2, 3, 5, 10, 12 and 13 to be modified so no more than one third of the Outdoor Living Area as calculated under the Residential Design Codes is covered;**
 - g) The pedestrian access way, from South Crescent through to the northern property boundary, to be widened to a minimum of 2.0 metres; and**
 - h) A hardstand bin pick-up area of sufficient size and design to accommodate all of the bins for the individual Aged Person's Dwellings to be provided on the verge of South Crescent to the satisfaction of the Director Engineering.**

Amended plans to be submitted with the building licence application.

- 2. At least one permanent occupant of each dwelling is to be an aged person over 55 or dependant person, or the surviving spouse of such an aged or dependant person.**
- 3. In relation to condition 2. above, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to issue of a Building Licence to notify owners and prospective purchasers that the use of the land is**

subject to the aged and dependant person restriction set out in condition 2 above. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land (refer to attached Info Note).

VISUAL AMENITY

4. No goods or materials are to be stored either temporarily or permanently in the parking, driveway, landscape areas or road reserves.
5. A schedule of colours and materials for the proposed dwellings shall be submitted and approved to the satisfaction of the Director Development Services prior to the issue of a building licence and before the commencement of any work or use authorised by this approval. The use of dark coloured roofing materials is not permitted.
6. The location of external fans, air conditioners and hot water systems, if provided, shall be to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise. Details to be submitted with the building licence application.

CAR PARKING & ACCESS

7. A minimum of two (2) visitor car parking bays are to be provided on-site.
8. The dimensions of car parking bays shall be a minimum of 2.4 metres wide by 5.4 metres long with the width increased by 0.3 on any side that abuts an obstruction such as a wall or fence.
9. The vehicle accessways, parking areas and crossover(s) shall be designed, constructed, sealed and drained and thereafter maintained to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
10. A 2.0 metre wide footpath being constructed from South Crescent through to the northern property boundary. The footpath is to be flush with the driveway and paved of a different material to delineate the footpath and driveway from each other. Details to be submitted with the building licence application.

FENCING & LIGHTING

11. Any outdoor display lighting or security lighting shall be located and hooded such that no additional light is cast on adjoining land or causes glare for adjacent road traffic.
12. Fencing to be provided to all side and rear boundaries of Lot 121 and each individual lot. Additional fencing to be provided as depicted on the plan marked 'Plan A' attached to and forming part of this approval.
13. No wall, fence or landscaping greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed within 3.0 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre truncation.
14. All fencing to comply with the Residential Design Codes and Byford Town site Detailed Area Plan to the satisfaction of the Director Development Services. This includes a requirement for fencing abutting the communal access way, surrounding areas of communal open space, on either side of the access way leading to the adjoining public open space to the north and along the northern boundaries of Lots 8, 9 and 10 to be visually permeable above a height of 1.2 metres. Details of all proposed fencing, including location, colour and materials used, to be submitted prior to the issue of a building licence.
15. Lighting to be provided to the communal open space areas and common property areas to the satisfaction of the Director Engineering.

LANDSCAPING & VEGETATION

16. A 1.0 metre wide landscaping strip to be provided for Lots 8 and 10 as shown on the attached 'Plan A'.
17. Prior to issue of a Building Licence for the development, landscaping and reticulation plans must be submitted and approved by the Director Strategic Community Planning, for all communal open space areas, common property areas, individual lots and road verges abutting the site. Details of any proposed grey water re-use facilities to be provided as part of these plans. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the location, name and mature heights of existing and proposed trees and shrubs. Any trees and shrubs shall be local indigenous species unless otherwise approved in writing by the Director Strategic Community Planning.
18. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
19. All trees shown in red on the site plan are to be retained unless the prior written approval of the Director Development Services is obtained.

DRAINAGE & EFFLUENT DISPOSAL

20. The preparation and submission of a Drainage Management Plan for the development to the specifications and satisfaction of the Shire. The Drainage Management Plan shall address the principles of Water Sensitive Urban Design. Details to be submitted with the building licence application. All earth works and associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire. Any direct disposal of stormwater into the Shire's drainage system to be in accordance with the 'Byford Townsite Drainage and Water Management Plan' and to be at the cost of the developer.
21. All stormwater from roofs and hardstand areas to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.
22. The development is to be connected to the Water Corporation's reticulated water and sewerage system.

BIN STORAGE

23. The provision of a hardstand bin pick-up area of sufficient size and design to accommodate all of the bins for the individual Aged Person's Dwellings on the verge of South Crescent to the satisfaction of the Director Engineering.

MISCELLANEOUS

24. The external face of the parapet walls is to be clean face brick to the satisfaction of the Shire.
25. The proposed dwellings are to comply in all respects with the Byford Town site Detailed Area Plan.
26. Awnings, eaves or other permanent shade devices are to be provided to all north facing windows and are to extend out from the window 0.4 to 0.7 times the height of the window. Details to be provided to the satisfaction of the Director Development Services and submitted as part of the building licence application.

27. A suitable clothes drying area for each lot to be provided to the satisfaction of the Director Development Services. Details to be provided with the building licence application.
28. The developer shall enter into a legally binding agreement with the Serpentine Jarrahdale Shire to the satisfaction of the Western Australian Planning Commission to contribute towards the cost of providing the common service and community infrastructure in the Byford Structure Plan as established through amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (when gazetted).

Advice Notes:

1. Provision must be made for access and facilities for use by people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1.
2. The applicant/owner is advised that the proposal is to comply with all aspects of the Building Code of Australia including fire rating; fire separation; provision of fire hydrants; hose and reel provision; the provision of disabled access/ramp and facilities; emergency lighting and signage.
3. A building licence must be applied for and issued by Council before any work commences on the site.
4. A demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
5. A Practical Completion Inspection being obtained prior to occupancy requiring an on site inspection and clearance of all outstanding conditions to the satisfaction of the Shire.
6. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
7. All dwellings are to incorporate the standards set out in AS4299 (Adaptable Housing) to the Adaptable House Class B Standard.

CARRIED 6/5

The Presiding Member used her casting vote

Crs Hoyer, Murphy, Lowry, Brown and Randall voted against the motion.

During debate Cr Randall foreshadowed that she would move a new motion with the words 'and each individual lot' to be removed from condition 12 if the motion under debate was defeated.

SD047/10/09 FINAL ADOPTION OF SCHEME AMENDMENT NO. 160 - REZONING OF LOT 5 KARNUP ROAD, SERPENTINE FROM 'RURAL' TO 'FARMLET' (P02140/09)		
Proponent:	Gray & Lewis Land Use Planners	In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 160 to rezone Lot 5 Karnup Road, Serpentine from "Rural" to "Farmlet". It is recommended that the amendment be adopted subject to modification.
Owner:	JWG Stokman & M Van Hage	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	8 September 2009	
Previously	SD082/03/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Advertised: Yes
 Submissions: Yes
 Lot Area: 12.28 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Farmlet
 Rural Strategy Overlay: Future Structure Planning Area
 Municipal Inventory: SJ12-19 (Conservation Desirable)

Background

At the Ordinary Council Meeting held on 23 March 2009, Council resolved to initiate Amendment No. 160 which proposes to rezone Lot 5 Karnup Road, Serpentine from "Rural" to "Farmlet".

Amendment 160 was advertised for public comment including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report. This report provides Council with the opportunity to consider the amendment for final approval.

***A locality plan and aerial photograph is with the attachments marked SD047.1/10/09.
 A copy of the Subdivision Guide Plan is with the attachments marked SD047.2/10/09.
 A plan showing the existing and proposed zoning is with the attachments marked SD047.3/10/09.***

Sustainability Statement

Effect on Environment: Rezoning of the property to Farmlet will enable the preservation, rehabilitation and enhancement of the property. The limited areas of remnant vegetation can be protected and additional revegetation can be undertaken on the property; this will assist in protecting biodiversity values and enable the protection of existing animal habitats and provision of additional habitats. The proposal will also enable controls to be placed on land uses able to be carried out on the land which will provide additional protection for groundwater and the Peel Harvey Coastal Plain Catchment.

The site contains two heritage buildings, which will not be affected by the proposal. A draft provision has been included in the scheme amendment text to establish a presumption against the demolition of the buildings.

Resource Implications: The subdivision may enable connection of the new lots to reticulated scheme water thereby reducing the local demand for groundwater. Although reticulated water is not available from Karnup Road, the Water Corporation have indicated that reticulated water is available in Beacham Road.

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

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations 1967
Town Planning Scheme No 2 (TPS 2)
Shire of Serpentine Jarrahdale Rural Strategy

Policy/Work Procedure Implications: Local Planning Policy (LPP) 6 - Water Sensitive Design
LPP 9 - Multiple Use Trails
Draft LPP – Revegetation
State Planning Policy SPP 2.1 - Peel-Harvey Coastal Plain Catchment

Financial Implications: All costs will be paid by the proponent.

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

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.

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Integrate and balance town planning and rural planning to maximise economic potential.

Objective 3: Effective management of Shire growth

Strategy:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Environmental Protection Authority (EPA)

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the Amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986, but nonetheless provided advice and recommendations tabled below.

Advice and Recommendations	Comments
<p>Management of Water Quality and Quantity</p> <p>It is crucial that changes in land use will not lead to unacceptable impacts on groundwater resources, water courses and wetlands. As part of detailed planning it is recommended that the treatment and disposal of stormwater be in accordance with Department of Water (DoW) Stormwater Management Manual for Western Australia (2004-2007).</p> <p>The EPA recommends that this proposal be referred to the DoW regarding advice for Best Management Practices and drainage solutions to demonstrate total water cycle management on the site.</p>	<p>Concerns are noted and will be adhered to when the land is developed. Draft provision 13 requires that drainage of the land be undertaken in accordance with the Drainage Concept Plan.</p> <p>The draft amendment was referred to the DoW for comment during the advertising period.</p>

Community Consultation

The Amendment was advertised for public comment and referred to relevant government authorities for 42 days with the advertising period closing on 10 September 2009. Advertising was undertaken in the following manner:

- Adjacent landowners and relevant government agencies were advised in writing of the proposal;
- Notices were placed on Council's notice boards;
- The proposal was made available on the Shire's website; and
- An advertisement was placed in the Examiner newspaper.

Resulting from this, seven (7) submissions from government referral authorities were received. In addition, a total of three (3) public submissions were also received.

A schedule of submissions is with the attachments marked SD047.4/10/09.

Comment

Site Description

The site has been substantially cleared of vegetation, with a small number of trees remaining in the southern quarter of the property along the Karnup Road frontage. There are two old dwellings and associated outbuildings on the property, with the eastern two buildings having some historical significance as they are listed in the Shire's Municipal Heritage Inventory.

Services

Power and telephone services are located adjacent to the site in Karnup Road and Beacham Road. The Water Corporation have advised that reticulated water is not available from Karnup Road but is available in Beacham Road. As no reticulated sewer is available, the newly created lots will be required to utilise alternative effluent disposal systems.

Proposal

The subject land is identified as 'Farmlet' under the Shire's Rural Strategy, which limits future subdivision to minimum lot sizes of 4.0 hectares. The applicant has provided the following justification in support of the application:

- *"The proposed Amendment will enable a subdivision of Lot 5 into Farmlet lots which is in keeping with the provisions and requirements of the Serpentine Jarrahdale Shire's Town Planning Scheme No.2 and Rural Strategy.*
- *It will provide a unique environment for Farmlet living whilst being within proximity to the Serpentine town site and the services it provides.*
- *The Subdivision Guide Plan highlights that access to the proposed lots will utilise the existing road system, with the provision of a cul-de-sac head at Beacham Road which will provide ease of movement for the Shire's rubbish collection trucks.*
- *The proposed Amendment will also enable the creation of a Residential zoned lot for the preservation of the two existing heritage buildings.*
- *It is considered that the amenity of adjoining landowners will not be affected by the proposed Amendment and subdivision of the site.*
- *The proposed Amendment will help satisfy the growing demand for Farmlet size lots within the Shire and will encourage tourists to the area through the establishment of the restaurant and bed and breakfast"*

Peel-Harvey Catchment – Nutrient Management

The subject lot is situated within the Peel-Harvey Catchment and as such any proposed intensification of agricultural activities requires consultation with the Department of Environment and Conservation (DEC) and the Department of Agriculture and Food to ensure that the use of the land does not involve excessive nutrient application. An appropriate provision in this regard has been included in the amendment text.

Draft Subdivision Guide Plan

The draft Subdivision Guide Plan (SGP) depicts the creation of one four hectare 'Farmlet' lot and a 2554m² 'Farmlet' lot with frontage to Karnup Road, a third 'Farmlet' lot with access via a new cul-de-sac head at the end of Beacham Road and a fourth 'Farmlet' lot with access via a battleaxe leg of Beacham Road. The proposed 2554m² 'Farmlet' lot will contain the two existing heritage cottages. The draft SGP is intended to demonstrate how the land may be developed in the future and provide a planning context for the Scheme Amendment. A formal determination on the SGP is now required as the Scheme Amendment is presented to Council for final approval prior to being forwarded to the Western Australian Planning Commission (WAPC) for consideration.

It is recommended that the draft SGP be adopted by Council, subject to the modification as detailed within the Schedule of Submissions and within the officer recommended resolution.

Options Available to Council

There are three main options available to Council in respect to this application. These are:

- Adopt the amendment without modification;
- Adopt the amendment subject to modifications; or
- Refuse to adopt the amendment.

The officer recommendation with respect to this application is consistent with option (b) above.

Conclusion

The rezoning of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet' is in keeping with the intention of the Rural Strategy and is within the 'Farmlet' policy area under the Strategy.

The draft SGP indicates the creation of three future 'Farmlet' lots, of approximately 4 hectares in size with one small lot at 2554m². The lot boundaries reflect existing vegetation and the existing dam on the property.

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

It is therefore recommended that Scheme Amendment No. 160 to rezone Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet' be adopted by Council subject to modifications.

Voting Requirements: Simple Majority

Executive Services Support Officer left the meeting at 8.44pm.

SD047/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Randall

A. Council endorses the schedule of submissions in Attachment prepared in respect of Amendment No. 160 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

B. Adopt the Subdivision Guide Plan, accompanying Amendment No.160, subject to the following modifications:

1. Modifying the building envelope location on proposed Lot 1 to be setback 65 metres from the southern property boundary of proposed Lot 1.
2. Modifying the building envelope location on proposed Lot 2 to be setback 60 metres from the western property boundary of proposed Lot 2.

C. The amendment be modified as follows:

1. Including an additional provision 16 as follows:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a "moderate to low" acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.

D. Subject to C above, to the satisfaction of the Director Development Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Inserting in Appendix 4C Farmlet Zone the following:

- a) Rezoning Lot 5 Karnup Road, Serpentine from “Rural” to “Farmlet”.
- b) Amending the Scheme Map by delineating Lot 5 Karnup Road, Serpentine within the Farmlet Zone and identifying it as F13.
- c) Including Lot 5 Karnup Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
13.	Lot 5 Karnup Road, Serpentine	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables Restaurant (existing heritage cottage adjacent to Karnup Road only) Holiday Accommodation</p> <p>All other uses are prohibited.</p> <p>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</p> <p>5. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</p> <p>6. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation</p> <p>7. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>8. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>9. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council.</p> <p>10. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20% of the land with indigenous trees, shrubs, ground cover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 1800 stems</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>per hectare within and along water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner.</p> <p>11. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>12. The subdivider shall erect internal fencing adjacent to revegetation areas to the satisfaction of Council. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fencing and shall prevent entry of stock into deep rooted vegetation areas.</p> <p>13. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with the Drainage Concept Plan provided prior to the commencement of on-the-ground-works. The easements and reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>14. The existing heritage cottages adjacent to the Karnup Road frontage are to be retained and protected from damage at all times.</p> <p>15. Multiple Use Trails within property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p>

- E. Authorise the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.**
- F. Advise those persons who lodged a submission during the comment period of Council's decision.**

CARRIED 10/0

SD049/10/09 PROPOSED SHOWROOM DEVELOPMENT – LOT 3 (#821) SOUTH WESTERN HIGHWAY, BYFORD (P00404/02)		
Proponent:	Lenz Nominees Pty Ltd	In Brief The applicant seeks approval for seven proposed showrooms on Lot 3 (#821) South Western Highway, Byford. It is recommended that the application be referred to the Western Australian Planning Commission with a recommendation for approval.
Owner:	Faye Lenz and Lenz Nominees Pty Ltd	
Author:	Robina Crook - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	29 September 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 9 October 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: 0.361ha
 L.A Zoning: Commercial
 MRS Zoning: Urban
 Byford Structure Plan: Highway Commercial
 Rural Strategy Policy Area: MRS / Structure Plan Urban and Future Urban Areas
 Date of Inspection: 11 September 2009

Background

The applicant lodged an application for seven concrete tilt up showrooms on Lot 3 (#821) South Western Highway, Byford. After discussions with Shire officers the applicant lodged revised plans on 25 August 2009.

The revised development proposes seven tilt up showrooms approximately 250-300m² in area, 32 car parking bays (including 2 disabled), a vegetated verge fronting South Western Highway and a reduced vegetated verge along George Street. Access is proposed from both South Western Highway and George Street. Car parking is sleeved between the built form and the buildings are built up to the boundary.

The Shire Officers raised a number of matters in relation to the original built form proposed which will be discussed in detail later in this report.

A locality and aerial plan are contained in the attachments to the agenda marked SD049.1/10/09.

A copy of the revised development plans for seven showrooms is with the attachments marked SD049.2/10/09.

The matter is presented to Council for consideration due to its location, in close proximity to the Byford Town Centre.

Sustainability Statement

Effect on Environment: There are a number of existing native trees on the property. A number of trees are shown to be retained within landscaping areas along the South Western Highway frontage and additional trees are proposed within the car parking area and along the street verge. It is considered that as much vegetation is being retained as is practicable.

Economic Benefits: Sites within the Highway Commercial zone should be developed for purposes that complement the retail and other services provided in the proposed Town Centre. This application provides for showrooms which is a commercial use that is in accordance with the proposed and existing development provisions.

Social – Quality of Life: The development will provide for a range of commercial land uses in close proximity to new and existing residential areas in Byford.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS2)
Byford Structure Plan 2005 (BSP)
Byford Townsite Detailed Area Plan (BDAP)

Policy/Work Procedure Implications:

Local Planning Policy (LPP) 19 - Byford
Structure Plan Area Development
Requirements

Financial Implications:

If the application is refused and the decision is appealed, there would be financial implications to Council related to legal costs and officer time.

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:

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

3. Design and develop clustered neighbourhoods in order to minimise car dependency.

2. Environment

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

Strategies:

1. Implement known best practice sustainable natural resource management.

2. Respond to Greenhouse and Climate change.

3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The application was referred to affected landowners, community associations and relevant State Government agencies for comment prior to being presented to Council for determination. Six affected landowners, Main Roads and the Byford Progress Association and Byford Community Link Group were consulted in late 2008, between 18 November and 16 December 2008. There were two objections and one comment made in relation to the proposed development.

The Byford Progress Association raised concerns relating to main street principles and built form. The adjoining landowner raised concerns relating to anti-social behaviour, security of land, access rights and vegetation on site amongst other things.

Main Roads highlighted their concerns relating to access from the site to South Western Highway. This will be discussed in detail later in the report.

A copy of the submissions is with attachments marked SD049.3/10/09.

Comment

An assessment of the proposed development was completed against the existing development provisions, being Town Planning Scheme No. 2 (TPS2), Byford (District) Structure Plan 2005 and the Byford Townsite Detailed Area Plan (DAP). This assessment identified a number of key concerns. These concerns were raised with the applicant for consideration. In response the applicant lodged revised plans with additional justification.

There are a number of matters that are required to be addressed through the assessment process namely:

1. Drainage;
2. Landscaping and vegetation;
3. Materials, finishes and built form
4. Walls on boundary
5. Rear access to businesses
6. Plot ratio / site coverage
7. Central car parking

8. Height
9. Set backs
10. Screening of refuse point
11. Signage strategy
12. Foot path
13. Main Roads/access arrangements

Many of the above listed matters can be effectively and efficiently dealt with through appropriate conditions of development. The key matter relates to the submission provided by Main Roads and the ability for the Shire to determine the application. This will be discussed in full later in the report.

1. Drainage

The initial development application failed to demonstrate how the development would accommodate drainage on site. Subsequently the applicant has indicated that the stormwater is intended to be disposed of on site through sumps and soakwells located within the car parking and landscaping areas. Some preliminary calculations in relation to the total impervious area and the volume, sizes and number of soakwells and sumps have been provided. The 'proof of concept' and key design principles have been established and are considered acceptable and consistent with the Byford Townsite Drainage and Water Management Plan. The applicant proposes to provide further details prior to the commencement of works. It is recommended that an Urban Water Management Plan be a condition of development approval to ensure that the proposed development is able to conform to the Shire's requirements.

2. Landscaping and vegetation

The site is largely undeveloped and is covered with large stands of vegetation. The applicant has been encouraged to provide information in relation to the species and their condition to assist the Shire in determining the application. In response the applicant has identified that the revised development will provide approximately 610m² (approximately 16% of the site) of landscaped area which is in excess of the required 10% landscaping provision within TPS2 and the 15% within the DAP. The applicant indicates that where the existing vegetation is located within the proposed landscaping areas, those stands will be preserved. In addition to the 10 metre wide landscaping strip along South Western Highway the applicant has proposed 16 street trees and 6 additional shade trees within the car parking area and a 2 metre wide landscaping strip along George Street.

Table 1: Landscaping

	Site area (m ²)	Requirement		Proposed
	3,610	Percentage of site	Area (m ²)	Area (m ²)
TPS2		10	361	610.11
DAP		15	541.5	

It is recommended that a Landscaping Management Plan be required as a condition of approval to coordinate the preservation of existing trees on-site, where possible, the planting of native species and the drainage requirements with the Urban Water Management Plan.

3. Materials, Finishes and Built Form

In accordance with the provisions contained within the DAP, there is a greater control of materials, finishes and colours of development in this location. The design provisions detailed within the DAP encourage a contemporary design aesthetic, basic forms, quality materials and a high level of articulation are encouraged.

The use of concrete tilt up is permitted if the developer can demonstrate the following characteristics:

- Articulation;
- Detailing;
- Ample provision of windows;
- Texturing;
- Bas-relief designs or public artworks;
- Brick headers around windows and doors; and
- Design devices to accentuate openings.

While the proposed development provides for a level of articulation the detailed finishes have not been provided to date. It is recommended that a condition of approval require the applicant to provide a greater standard of finish such as brick headers around windows and doors, greater articulation on the George Street façade such as awnings and texturing of the concrete tilt up to the satisfaction of the Director Development Services.

The provisions of the DAP also indicate that intense or lurid colours shall not be used and preference is for muted neutral backgrounds with mid-range accents. Strong colours are to be the exception rather than the rule. The DAP indicates that inspiration for colours can be taken from the local soils and vegetation.

The applicant has provided details relating to the colour scheme which is based on the Australian Pink and Grey Galah. The walls will be similar to the Unitex Textured –Velvet (Salmon colour) and the Verandahs – Colorbond – Windspray or Bushland. The applicant is encouraged to provide the Shire with a sample of the Unitex Textured – Velvet which is understood to be a salmon colour, at the time of providing a full schedule of material, finishes and colours.

The applicant has provided a partial list of the materials, finishes and colours. It is recommended that the Director Development Services be delegated to approve the schedule of materials and finishes on receipt of satisfactory details associated with the colouring of the recessed panels, posts, verandah beams and canopies.

The articulation that is required on each façade is guided by the provisions of the DAP. The applicant has been requested to provide greater articulation along the western façade addressing George Street. The interface with George Street is important. Over time it is expected that George Street will have more of a pedestrian focus than is currently provided for. To ensure that an appropriate streetscape is developed the Shire encourages more interest, therefore more articulation along the western façade of the development. The applicant has provided the following response.

“The building façade is based on the Australian character bull-nosed custom orb verandahs and formed posts have been placed to the North / South and partially across the east elevation. The tilt up panels include projecting mouldings, rebates and recessed panels which will visually break the panels up into sections which can be textured or painted in different shades and colours.”

The articulation that has been provided to the east is also encouraged to the west where a setback from the lot boundary is provided. If development is proposed on a nil lot alignment then awnings are encouraged as a design element that will provide articulation, interest and protection from the elements for the pedestrians. The applicant has also been encouraged to provide a built form finish that is more angular and more in keeping with the contemporary design aesthetic and basic forms that are promoted in the DAP.

It is recommended that a condition of development be the requirement to provide additional details in relation to materials, finishes, design elements and articulation of the façade and

that the Director Development Services is delegated to liaise with the applicant to achieve a satisfactory outcome.

A copy of the schedule of colours is contained in the attachments to the agenda marked SD049.4/10/09.

4. Walls on boundary

The Byford DAP indicates that the setbacks to side boundaries are to be determined by the Shire. The applicant has indicated that the development will be built up to the north and south boundary. This general design layout was discussed with the Shire Officers in May 2008. The applicant prepared a concept that showed built form to the boundary, car parking centrally located and landscaping along South Western Highway.

A copy of the preliminary design concept is contained in the attachments to the agenda marked SD049.5/10/09.

There are advantages to providing built form up to the boundary. The proposed walls on the boundary, once fully developed, will reduce the number of small unusable spaces between buildings. These small areas between buildings can be dark and become an area for dumping, storage of unwanted items and anti social behaviour. It can result in a streetscape that is uninviting. Where the applicant can successfully identify that any unloading and loading of goods can occur within the existing car parking area, then it is recommended that the Shire be supportive of development to the boundary.

5. Rear access to businesses

The applicant has been encouraged to demonstrate to the Shire where the proposed businesses can safely and conveniently load and unload goods. Traditionally the loading and unloading of goods would occur to the rear of the tenancy or in a dedicated area. As previously stated the applicant has provided details indicating that the Shire Officers supported walls on boundary. While it is difficult to determine the strength of the Shire's support at the time, the applicant has indicated that the Shire Officers did not raise any concerns. It is recommended that the Shire be supportive of a design solution that provides for loading and unloading, that is not forward of the built form, provides for the appropriate turning circles and is safe and convenient.

The applicant has revised the plans to demonstrate that the design can accommodate the movement of goods in and out of each showroom. The proposed development provides for double doors and wider verandahs. A loading and unloading bay that is 7,000m x 3,500m (9,500m x 4,000m actual area) has been incorporated into the revised plans. There are however concerns relating to the proposed location of the loading bay and the ability for drivers to reverse and turn larger vehicles safely within the space provided. These concerns are linked to Main Roads refusal to allow access onto South Western Highway. The current location of the loading bay would not be suitable if access to South Western Highway was not achieved. The access to South Western Highway will be discussed in detail later in the report.

It is recommended that the plan be revised to address loading and unloading areas to the satisfaction of the Director of Engineering.

6. Plot ratio / Site coverage

The applicant has demonstrated that the proposed development provides for 1,828.31m² of gross leasable floor area, which represents 50.64% coverage of the site. The gross leasable floor area only includes the showroom floors. The first floor office is not included in gross leasable floor area neither are the toilets, stairs, external walls or the verandahs. By reducing the showroom area by 23m² then the application will be compliant with the provisions of TPS 2. It is recommended that the total area of the showrooms be reduced by 23m².

Alternatively, it is open to Council to support a variation to the development standards set out in TPS 2, after it has carefully considered the provision of Clause 5.2 – discretion to modify development standards.

7. Central car parking

Officers are supportive of the sleeving of car parking between the proposed built form to reduce the proliferation of open car parking areas forward of the development. This is supported by the provisions of the DAP and allows for a 10 metre wide landscaping strip to dominate the development along South Western Highway. The applicant proposes the provision of 32 parking car bays. This is not in accordance with the TPS2 car parking provisions. The 32 car parking bays address the showroom requirements however does not address the office requirements. An additional 3 car parking bays are required to be provided.

Table 2: Car parking

Use Class	Total GLA (m²)	Car parking ratio (TPS 2)	Car parking bays (required)
Showroom	1,828.31	1 per 60m ² GLA	31
Office	123.60	1 per 40m ² GLA (with min. of 2 per office unit)	4
			35

If however the showroom area is reduced by 23m² in accordance with TPS2 provisions then a total of 34 car parking bays are required.

Table 3: Revised car parking provisions

Use Class	Total GLA (m²)	Car parking ratio (TPS 2)	Car parking bays (required)
Showroom	1,805.31	1 per 60m ² GLA	30
Office	123.60	1 per 40m ² GLA (with min. of 2 per office unit)	4
			34

The applicant has revised the development application to more effectively accommodate for disabled access. One of the disabled car parking bays has been relocated to be closer to the ramp, central to the development, which will increase accessibility.

Notwithstanding the DAP provisions to provide all parking on site, the Shire has indicated that there is the ability for the applicant to utilise on street car parking to address the shortfall in car parking requirements. The Shire has previously, in April 2009, approved development that places car parking within the road reserve, for a range of commercial and retail land uses at Lots 10, 11 and 12 South Western Highway and Lot 104 Larsen Road, Byford. Within that application 90 car parking bays were placed in the road reserve. It is expected that approximately 14 car parking bays may be placed within the road reserve for this development application.

It is recommended that the access, loading bay/s, refuse point and car parking (including disabled access) be revised to address the concerns raised. The flexibility of locating customer car parking within the George Street road reserve will enable the applicant to more efficiently design the access to the site.

It is recommended that the plan be revised to address the provision of car parking bays to the satisfaction of the Director of Engineering.

8. Height

A variation to the height provisions within TPS2 is sought by the applicant. A small portion of the second storey is over height, by approximately 30cm. A height variation of that magnitude is not expected to have a detrimental effect on adjoining landowners. The second storey is approximately 13 metres from the lot boundary and will not overshadow the adjoining landowners property.

9. Set backs

Detailed drainage design through the preparation of an urban water management plan will need to ensure protection of vegetation that will be retained.

The DAP prescribes setbacks along South Western Highway. It indicates that to the north of the Central Core retail area, new development shall be set back from the kerb of the Highway carriageway a minimum of 15m. The proposed development addresses this provision.

The portion of the setback that is located within the subject site (10m wide strip) is proposed to be landscaped in accordance with the requirements of the DAP. The landscaping strip not only supports the 'leafy green' entry statement to the Shire along South Western Highway it will assist in improving water quality in the area. It is expected that drainage infrastructure located in the landscaping strip will provide for on site infiltration. The required Urban Water Management Plan will detail how this is achieved.

The set back to the side boundary, as previously discussed, is to be determined by the Shire. The side setbacks have been discussed within the 'Walls on boundary' section of this report.

As the lot has dual frontage there is no rear to the lot. The applicant has been encouraged to either set the development back from George Street and provide for a vegetation area, or bring development up to the boundary line and provide for a nil set back with awnings over the road reserve. The nil setback to George Street would support the vision for the Byford Town Centre providing for a main street type development. There are however issues with providing a refuse point, appropriate loading and unloading areas and access to the site which will compromise the streetscape that is desired in that location. A small scale intimate streetscape may not be able to be achieved as Main Roads has refused to support access onto South Western Highway.

In conjunction with the location of car parking within the road reserve, refuse point, loading and unloading and access to site it is expected that the development can be revised to appropriately address George Street and support as many of the main street principles as is possible.

It is recommended that the plan be revised to address the interface with George Street to the satisfaction of the Director Development Services.

10. Screening of refuse point

Officers have raised concerns in regards to the location of the refuse point along George Street. The future planning for the area identifies George Street as a main pedestrian street with the Byford Town Centre. Ensuring that an appropriate streetscape is achieved through the provision of awnings and a footpath along George Street is key to establishing the long term vision for the area. Ensuring that the bin store area does not detract from that vision is difficult to achieve when a nil set back is also encouraged.

Rubbish collection from South Western Highway is not a viable option. Main Roads is unlikely to be supportive of waste collection from South Western Highway as Main Roads is not supportive of any access to the lot from South Western Highway. It is therefore expected that the collection of rubbish will most likely be achieved off George Street. This is likely to detract from the main street type development that is envisaged in the area. In an attempt to ameliorate the adverse affects of a highly visible bin area, it is recommended that the Shire require the location of the refuse point to be considered along with the redesign of the access and loading bays.

It is recommended that the plan be revised to address the location of the refuse point to the satisfaction of the Director Engineering.

11. Signage Strategy

The applicant has been encouraged to provide a signage strategy that is in accordance with Local Planning Policy 5 – Control of Advertisements (LPP5) and the DAP. The applicant did provide some additional documentation however it is not in accordance with the Shire's policies.

Within LPP5 the 'created roof' signage that has been proposed is permitted on determination of a planning application supported by a 'Simple signage strategy'. The documentation provided to date does not address these specific documentation requirements. The applicant is encouraged to lodge a separate application to gain approval for the signage strategy that is proposed. The intent of adopting a signage strategy for the development is to ensure that future businesses have a greater understanding of the signage requirements and will result in reduced non-compliant signage in the area.

The DAP also has a range of development provisions in relation to signage. The following signs are prohibited:

- Building signs above roof
- Building signs projecting
- Off-building signs pylon
- Off-building signs hoardings
- Tethered off-building signs
- Off-building signs product display

The signage is to be simple and restrained. It is only to be the business name, principal activity and street address. Third party advertising is not permitted. The signs must also be of appropriate colour and location. The applicant has not proposed any prohibited sign types or any third party signage.

Based on these development standards the documentation has not yet demonstrated compliance with LPP 5. It is recommended that as a condition of approval, the applicant be required to lodge a simple signage strategy in accordance with LPP5 and obtain separate development approval for the signage prior to any signs being erected on site.

12. Foot path

To ensure a highly pedestrian assessable town centre and commercial precinct the applicant is encouraged to provide a foot path along George Street. The provision of a footpath along George Street is proposed to be a condition of development.

13. Main Roads

As the development abuts a Primary Regional Road Reserve within the Metropolitan Region Scheme the Shire has referred the application to Main Roads. In November 2008 Main Roads provided formal correspondence indicating that the development was unacceptable in its current form. They did indicate that a revised plan that provided for only a single cross over to George Street would be acceptable.

A copy of Main Roads correspondence is with attachments marked SD049.6/10/09.

As restricting access to South Western Highway is in conflict with the general intent of the DAP the Shire contacted Main Roads to discuss the matter. Again, Main Roads was reluctant to modify its response. Main Roads highlighted that as South Western Highway is a freight route and where development is proposed they would seek to restrict access where an alternative access could be achieved. They indicated that Main Roads policy encourages businesses to have drive way access to a local authority road, service road or adjacent land owners to reduce the number of crossovers to South Western Highway.

Further discussions with Main Roads have recently resulted in a similar response. The Shire has been in contact with Main Roads with an option to restrict access to the site to customer vehicles (all vehicles below class 3) from South Western Highway. The Shire highlighted the fact that access to and from the South Western Highway can only be left in left out due to a median strip controlling vehicle movements. Main Roads reviewed the situation and reiterated their refusal to allow access to South Western Highway. They indicated until there is an access strategy prepared then they will continue to restrict access to South Western Highway.

The applicant has indicated their frustration because in February 2003 an application for a strata title was granted conditional approval and the following condition was applied.

1. Notification to be placed on the title of the subject property stating that temporary ingress and egress from South Western Highway will only be permitted adjacent to the northern boundary of the property. Such access is to be permitted only until such time as George Street is constructed and available for access purpose, at which time access to South Western Highway will be reduced to ingress only.

A copy of WAPC approval is with attachments marked SD049.7/10/09.

The access to South Western Highway is not isolated to this development and it will have a significant effect on a number of land owners within the proposed Byford Town Centre Local Structure Plan (LSP). Main Roads have taken part in the workshops associated with the proposed LSP and will be provided with the opportunity to provide a formal submission during the advertising period, if the LSP is deemed satisfactory for advertising. As part of that process it is expected that a suitable outcome will be achieved. In the interim, the proponent is waiting on a determination of the application.

Restricting access to South Western Highway is of concern to the Shire for a number of reasons:

- It is in conflict with the Shire's DAP;
- It reduces the ability of the landowner to enjoy the full potential of the land as access is removed from the only existing movement economy;
- It reduces accessibility to the lot for end users;
- Awaiting for a access strategy to be prepared that is supported by all the landowners and stakeholders in the area is expected to be a lengthy and expensive process; and
- It appears that previously in 2003 the WAPC was satisfied that ingress to the lot was suitable.

As the subject lot is abutting a Primary Regional Road Reserve within the Metropolitan Region Scheme (MRS) an application within or abutting the MRS is to be determined by the Western Australian Planning Commission (WAPC) unless delegated to the local authority or other local authority.

“Notice of delegation to local government of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads Reservation.

Development applications that are on land that abuts or that are fully reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to Main Roads WA or the Department of Planning and Infrastructure, where required for comment and recommendation, before being determined by the local government....”

*Government Gazette
19 December 2008*

This section of South Western Highway is considered to be a Category 2 road. Within the delegations it states that ‘No vehicle access is permitted’ and the referral public authority is Main Roads WA. Based on the delegation the proposed development was referred to Main Roads for comment. Main Roads are not supportive of the application as it provides vehicle access.

Pursuant to Schedule 1 (b) of the delegations:

“Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination. “

It is therefore recommended that the development application be forwarded to the WAPC for determination along with the recommended development conditions and reasons for supporting access to South Western Highway for this lot.

Byford Town Centre Local Structure Plan

Due to the proximity of the site to the proposed Byford Town Centre the Council is recommended to consider the application within the context of the strategic planning for the area. The proposed Byford Town Centre LSP will guide development and subdivision once formally adopted by the Council and the WAPC.

The proposed Byford Town Centre Design Guidelines that are expected to be progressed in accordance with the proposed LSP to provide further refinement of land uses. Within the Byford Town Centre Design Guidelines the subject lot is identified as being located in the Town Centre East Precinct:

“Within the Town Centre East Precinct land uses that are preferred are; retail, office, café, civic facilities, showrooms and residential.”

Therefore the proposed showroom land use is in accordance with the design guidelines. The preferred building height is 1-2 storeys which is proposed. “

The set back to South Western Highway is proposed to be reduced to 3m, which is in conflict with the DAP. The applicant has proposed a 10m landscaping strip in accordance with the DAP. There is a requirement for the active uses to address South Western Highway, George Street and the transit station forecourt. This is a slight variation on the DAP, which also encourages active areas to orientate toward the centrally located car parking. Nonetheless the proposed development does address both street frontages. The proposed

development is in accordance with the car parking provisions which encourages car parking to be provided on George Street and placed perpendicular to South Western Highway and George Street in between developments. The proposed development is in accordance with the proposed provisions of the draft Byford Town Centre Design Guidelines.

The proposal for a showroom development is also in line with the Shire's Demand Analysis for Employment Generating Land Study and as such is encouraged. The Demand Analysis recommends that for the Shire to achieve a diverse and balanced economy, the Shire should focus on, investing in and further attracting a diversity of development types and employment opportunities.

Town Planning Scheme No. 2

Within Town Planning Scheme No. 2 the land is zoned 'Commercial' and 'Showroom' is a permitted land use that Council may, at its discretion permit. As is demonstrated above the development is generally in accordance with the provisions of TPS2. Where the development has not achieved the development standards within the Scheme an appropriate development condition has been proposed.

Byford (District) Structure Plan

The Byford District Structure Plan guides development in the Byford area and within the plan the lot is identified as 'Highway Commercial'. It is typical for land located within a structure plan area to be zoned 'Urban Development' to require the preparation and adoption of a guiding structure plan. In this particular situation the land is zoned 'Commercial' within TPS2 and therefore the commercial development provisions within TPS 2 apply.

Notwithstanding the above the proposed development could be considered to be in accordance with the Byford (District) Structure Plan. While the development provisions for 'Highway Commercial' are not defined within the Byford District Structure Plan or TPS2, the name suggests more bulky, larger scale goods are proposed within this location.

Reference is made to Local Planning Policy 19 – Byford Structure Plan Area Development Requirements (LPP19). Within LPP19 'Showroom' is a permitted use within 'Highway Commercial' and development of the land is guided by the Byford DAP.

Byford Townsite Detailed Area Plan (DAP)

The adopted DAP provides a general framework and principles for the development of the subject site. The land is situated within Character Area H – Highway Commercial which, as per the Byford Structure Plan, is proposed to accommodate showrooms, bulky goods, offices, medical centres, consulting rooms and the like. An assessment of the proposed development against the DAP has been progressed. The key matters have been previously discussed at length in the comment section of this report.

Options

There are primarily four options available to Council, as outlined below:

Option 1 – Approve and approval with conditions

This option is not recommended as the delegations associated with the implementation of the Metropolitan Region Scheme do not allow the Shire to determine the application if access to South Western Highway is preserved.

Option 2 – Approve with condition to remove access to South Western Highway

This option would be to refuse access to South Western Highway and provide suitable development conditions to address the range of development matters raised within this

report. By refusing access to South Western Highway the Shire is delegated to deal with the application after referral to Main Roads.

This action is not recommended as it does not resolve the issues relating to access to South Western Highway for this applicant or other landowners abutting South Western Highway.

Option 3 – Refuse

This option is not recommended as the landowner has proposed land use in accordance with the existing statutory provisions (TPS2). The minor development matters that have been raised can be appropriately dealt with through conditions on development.

Option 4 – Refer to the WAPC for determination, providing a supportive recommendation.

This option is recommended for a number of reasons:

- The process is in accordance with the requirements of the Western Australian Planning Commission delegations;
- Shire officers are not supportive of restricting access to South Western Highway as required by Main Roads and therefore cannot determine the application in accordance with the delegation;
- The proposed land use is in accordance with TPS2;
- The development is generally in accordance with the adopted DAP;
- The land use is in accordance with the Byford (District) Structure Plan;
- The land use is in accordance with LPP19;
- The development is generally in accordance with the proposed Byford Town Centre design guidelines; and
- The applicant has entered into discussions with the Shire to determine the most appropriate built form. The proposed development reflects the design concept that was proposed.

Conclusion

It is critical that the proposed development is assessed and determined pursuant to the statutory provisions that are currently in place. If Council agrees that access to South Western Highway should be provided, then the Shire is not delegated to determine the matter and the application is to be forwarded to the WAPC.

The current statutory framework is TPS2 and the proposed development generally complies with the scheme. The other policies, structure plans and design guidelines are not statutorily binding and only provide guidance. The key issues associated with the development have been discussed in detail and it is expected that with appropriate conditions and a revised car parking and access plan an appropriate built form outcome can be achieved.

The proposed development provides for commercial activity within an appropriately zoned location that will support the strategic vision of providing for a sustainable community. The development will promote economic activity, which will in turn support the Byford area.

It is recommended that the application be referred to the WAPC for determination. It is also recommended that the Shire forward a recommendation that the development be conditionally approved and provide the WAPC with recommended conditions.

Voting Requirements: Simple Majority

SD049/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Brown (proforma)

A. That Council, pursuant to Schedule 1 (b) of the Notice of delegation to local government of certain powers and functions of the Western Australian

Planning Commission relating to the Metropolitan Region Scheme, refer the development application for seven showrooms on Lot 3 (#821) South Western Highway, Byford to the Western Australian Planning Commission for determination.

- B. That Council, provide the Western Australian Planning Commission with a recommendation that the seven showrooms on Lot 3 (#821) South Western Highway, Byford be approved subject to conditions that will ensure conformity with the Town Planning Scheme No. 2 and other relevant planning policies.**
- C. That Council, endorse the following recommendation of approval with conditions to be forwarded to the Western Australian Planning Commission for their consideration along with the development application.**
- D. That the application for approval to commence development of seven showrooms on Lot 3 (#821) South Western Highway, Byford be approved subject to the following conditions:**

PLANNING

- 1. A revised plan be prepared to address the access, car parking, loading bay and refuse point matters to ensure an appropriate interface with George Street to the satisfaction of the Director Engineering.**
- 2. A revised plan be prepared to reduce the total showroom floor area to accommodate the plot ratio provisions within TPS 2.**

AMENITY

- 3. The external walls of the building are to be natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located, included on the external face of the walls fronting South Western Highway and George Street. A schedule of colours, finishes, materials and architectural features are to be submitted and approval by the Director Development Services prior to the issue of a building licence.**
- 4. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.**
- 5. All sewerage wastes and water pipes to be concealed within the building.**
- 6. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.**
- 7. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.**
- 8. All deliveries are to take place within the boundaries of the premises after 6.00am and before 7.00pm on week days.**

LOADING BAY

- 9. All loading and unloading to take place within the boundaries of the lot.**

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

- 10. 34 Car parking bays (including disabled parking spaces) to be provided in accordance with a revised plan to the satisfaction of the Director Engineering.**
- 11. Two (2) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.**
- 12. George Street shall be upgraded at the expense of the developer to incorporate landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and**

- satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
13. The George Street car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
 14. Car parking constructed within the George Street road reserve by the developer to support this development is not to extend beyond the northern and southern boundary of Lot 3.
 15. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
 16. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
 17. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie disabled) bays, existing and proposed vegetation is to be submitted for approval prior to the issue of a building application by the Director Engineering. The design shall incorporate permeable paving to achieve Water Sensitive design outcomes.
 18. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
 19. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering and maintained at all times.

EXTERNAL LIGHTING

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

STORMWATER

22. An Urban Water Management Plan and detailed technical drawings and specifications for the property area are to be submitted for approval by the Council's Director Engineering prior to the commencement of works and shall thereafter be implemented.
23. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

BIN STORAGE AND PICK-UP

24. The development is to be provided with suitably screened enclosures for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999 prior to the occupation of the development. The location of the enclosure is to be to the satisfaction of the Director Development Services

SIGNAGE

25. Prior to the commencement of works, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
26. No signs are to be displayed in the road reserve at any time.

LANDSCAPING

27. A landscape plan for the entire development site, including all car parking areas, must be submitted (in duplicate) for approval by the Director Strategic Community Planning prior to the commencement of works and thereafter implemented. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - (a) The location, name and mature heights of proposed trees and shrubs;
 - (b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - (c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
28. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.

FENCING

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

USE OF PREMISES

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

ENGINEERING

32. The applicant/owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or back filling has been adequately compacted
33. Site works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, calculations, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction;
34. The developer is to erect signs on the site for the duration of the development, visible from South Western Highway and George Street to the satisfaction of the Director Development Services. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the name and phone contact details of the principal contractor and supervising engineer;

35. No earthworks (including batters) shall intrude into any other land which abuts the site;
36. Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments;
37. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area;
38. Before the commencement of site works, the applicant shall submit to the Shire for approval 1 x Environmental Management Plan that addresses the criterion set out in the 'A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia – Department of Environmental Protection Perth, Western Australia November, 1996';
39. Where the Applicant has engaged a consulting Engineer, the supervision fee shall be 1.5% of the total contract value of construction work, if no consulting Engineer is engaged; the fee shall be 3% of the value of all construction, furthermore; both scenarios attract GST, and
40. The Applicant shall pay in full; 125% of the value of construction of crossovers for Lot 3; to the Shire in the form of a Bank Guarantee bond – this will be retained until such time that the crossovers subject to the development application have been constructed to the satisfaction of the Director of Engineering.

ENVIRONMENTAL HEALTH

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

VEGETATION

42. Trees as identified on the approved plans are to be protected at all times.
43. A bond in the form of a bank guarantee to the value of \$5,000 shall be provided to the Shire prior to the issue of a building licence, to ensure the protection of trees on the property in accordance with the approved plan. Upon the completion of the construction works and after satisfactory inspection of the property by the Shire, the bond can returned.
44. All protected trees in accordance with the approved plan must be fenced off during the construction period.

Advice Notes:

1. The applicant shall submit, at the time of application for a building license, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, to the satisfaction of Council.
2. The facility is required to comply with the Health (Public Buildings) Regulations 1992.
3. No indigenous vegetation and trees shall be destroyed or cleared except by the proponent obtaining the prior consent of the Council in writing, where such vegetation is dangerous or where the clearing is required to accommodate approved developments.
4. All activity at the site is to comply with the Environmental Protection (Noise) Regulations 1997.
5. The relevant vegetation clearance permits are required from the Environmental Protection Authority.
6. A building licence must be applied for and issued by Council before any work commences on the site.

7. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
8. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
9. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
10. Staff and public toilets to be ventilated in accordance with the provisions of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
11. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
12. A “suitable screened enclosure” referred to in Condition 28 means an enclosure:
 - (a) of sufficient size for the number of receptacles to be used;
 - (b) constructed of similar materials to the approved development;
 - (c) fitted with a tap connected to an adequate supply of water;
 - (d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - (d) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - (e) which is easily accessible to allow for the removal of the receptacles.
13. The applicant is advised that the Landscape Management Plan must include the provision of semi mature trees to ensure that shade in the carpark and landscaping amenity is provided in a reasonable period of time.
14. In relation to Condition 10, car parking bays can be provided on the property as well on the George Street road reserve, immediately abutting the subject property.
15. Council’s expectation for the southern wall will be appropriately architecturally designed to accommodate the amenity for the adjoining property.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed with the addition of Advice Note 15. This was deemed a minor amendment by the Presiding Officer and did not change the intent of the recommendation.

SD052/10/09 ICLEI PROGRAM PARTICIPATION, THE SEREG “SWITCH YOUR THINKING” BUSINESS PLAN AND THE INDICATIVE LOWER SERPENTINE CATCHMENT PLAN (A1016)		
Proponent:	Shire of Serpentine Jarrahdale	
Officers:	Chris Portlock - Manager Environmental Services	In Brief For Council to consider: <ul style="list-style-type: none"> • Participation in the International Council for Local Environmental Initiatives (ICLEI) Programs • The endorsement of the SEREG switch your thinking! Business Plan • The endorsement of the Indicative Lower Serpentine Catchment Management Plan.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	18 September 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the local provisions of the Local Government Act.	
Delegation	Council	

Background

The Cities of Armadale and Gosnells and the Serpentine Jarrahdale Shire have been working in a regional partnership as the South East Regional Energy Group (SEREG) since 1999, through the International Council for Local Environmental Initiatives’ (ICLEI) Cities for Climate Protection (CCP™) campaign and the Street Lighting Program to reduce greenhouse gas emissions in the south east region.

The purpose of this report is therefore threefold:

1. To obtain Council support for a change in strategic approach as far as participation in ICLEI programs, projects and campaigns is concerned.
2. To obtain Council’s endorsement of the Indicative Lower Serpentine Catchment Management Plan as an achievement of Milestone 2 of the Water Catchment Milestone Program and
3. To obtain Council’s endorsement of the updated SEREG Business Plan 2009/10 – 2011/12

SEREG switch your thinking! Business Plan (2009/10 – 2011/12) is with the attachments marked SD052.1/10/09.

The Indicative Lower Serpentine Catchment Management Plan is with the attachments marked SD052.2/10/09.

Sustainability Statement

Effect on Environment: The changing participation in ICLEI will see controlled expansion of cost effective opportunities to replicate projects piloted by Serpentine Jarrahdale Shire and SEREG in other local government areas thus enhancing the built environment and minimizing environmental damage through best management practice. The proposal stands to further increase the efficiency of energy and water use and reduce greenhouse gas emissions and to support renewable energy technology.

Resource Implications: The proposal will help minimize resource and energy use and provides opportunity to promote renewable energy technologies, passive solar design, waterwise initiatives and has the potential to result in a reduction in the use of non-renewable resources.

Use of Local, renewable or recycled Resources: Locally available energy and water use efficiency initiatives in the Serpentine Jarrahdale Shire, Peel Region and South East Metropolitan Area have the potential to be promoted and used by local businesses and will be supported as a result of the Shire endorsing the SEREG Business Plan.

Economic Viability: The proposal is economically viable and has the potential to incorporate its external costs in terms of energy and water efficiencies. It also has the potential for financial benefit to the Shire.

Economic Benefits: Economic benefits to the Shire and the community include cost savings in reducing expenditure and maximising opportunities for attracting funding sources. The SEREG Business Plan and Lower Serpentine Catchment Management Plan will generate extra income for the various programs.

Social – Quality of Life: Quality of life will be improved by reducing greenhouse gas emissions slowing down global warming and conserving water within the Serpentine Jarrahdale Shire and wider community.

Social and Environmental Responsibility: The SEREG Business Plan and Lower Serpentine Catchment Management Plan have been designed to be socially and environmentally responsible through building up the local and regional community to enable greater participation by the local community in the implementation of the various programs.

Social Diversity: The adoption of the SEREG Business Plan and Catchment Management Plan does not disadvantage any social groups and provides for diversity in our community with increased opportunity for mentoring by community members to expand the diverse array of ways and means to include energy and water efficiency in homes and businesses across the broader catchment, region and Country.

Statutory Environment: Not applicable.

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

Financial Implications: The cost of participation in SEREG and the ***switch your thinking!*** Business Plan Implementation is \$15,175 plus Planet Footprint \$4,345. Total budgeted funds to be paid at the end of this year is \$19,520. In previous years, an additional cost of \$1,650 applied for ICLEI membership.

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.
4. Reduce water consumption.
5. Reduce greenhouse gas emissions.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate Change.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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.

Comment:

The CCP™ campaign now no longer exists and continued participation in the Street Lighting Program will not currently be to the Serpentine Jarrahdale Shire's benefit until Street Lighting Trial results are available from the Cities of Armadale and Gosnells' Street Lighting Trials. To date Serpentine Jarrahdale Shire have benefitted immensely from participation having progressed through all possible ICLEI CCP™ Milestones. The Shire and partner SEREG Councils will continue to focus on developing and implementing greenhouse gas reduction initiatives through the ***switch your thinking!*** program, which continues to be guided by the SEREG ***switch your thinking!*** Business Plan.

Participation in the ICLEI Water Campaign (Milestone 3 Local Action Plan) is however, still continuing as well as participation in the ICLEI Water Catchment Milestone Program (Milestone 2 Draft Lower Serpentine Catchment Management Plan). Participation also includes the Integrated Sustainability and the Climate Change Campaigns which currently do not have Milestones. Participation in both of these has been in the form of Pilot Projects where funds have become available. As the Western Australian Department of Water are

contributing to the Water and Catchment Campaigns currently, there are likely to be at least two more years of funding available for these Campaigns to run.

Due to financial constraints, participation by the SEREG Councils in ICLEI membership programs and campaigns has needed to be cost effective such as those funds attracted through the Catchment Module participation, which is complementary to the State government's Water Quality Improvement Plan for the Peel Harvey Catchment. SEREG are also now in a good position to help other local governments in both WA and Australia wide, with picking up where the Cities for Climate Protection campaign has left off, as well as with Climate Change Mitigation of greenhouse gas emissions in partnership with the Western Australian Local Government Association (WALGA). To this end SEREG has developed an updated Business Plan 2009/10 – 2011/12.

The Serpentine Jarrahdale Shire has financial constraints and there is a need to be cost effective and strategic with campaign, program and project participation. The Shire also needs to adapt to making the most of changing financial external funding opportunities. Participation in various campaigns, programs and projects have been extremely beneficial in giving the Natural Environment a head start with the Shire's Plan for the Future because Local Actions in the majority of the Focus areas have already been identified by Council with documents such as the Biodiversity Strategy, Greenhouse Gas Reduction Action Plan and the Water Campaign Plan.

Contributing either membership fees or fees associated with participation in further programs currently cannot be justified and the focus is on ways of generating more funds through various means. Environmental Services has a great deal of confidence in the SEREG ***switch your thinking!*** Business Plan and see the Indicative Serpentine Lower Serpentine Catchment Management Plan being very strategic in continuing to develop partnerships with the Peel Harvey Catchment Council and the State Government Department's involved in rolling out the implementation of the Water Quality Improvement Plan for the Peel Harvey Catchment.

Participation in the ICLEI Cities for Climate Protection (CCP™) is therefore considered of no further benefit to the Shire and Council is requested to endorse a new strategic approach as per the officer recommendation.

Voting Requirements: Simple Majority

SD052/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

That Council:

- 1. Discontinue its membership of ICLEI but still participate in the ICLEI Water Campaign including the Catchment Module which are being funded by the State Government Water agencies.**
- 2. Endorses the SEREG *switch your thinking!* Business Plan 2009/10 to 2011/12.**
- 3. Endorses the Indicative Lower Serpentine Catchment Management Plan as the basis for the preparation of a draft management plan for Council consideration to advertise for public comment.**

CARRIED 10/0

SD053/10/09 DRAFT LOCAL PLANNING POLICY NO 4 – REVEGETATION POLICY (A0979)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief
Officer:	Chris Portlock - Manager Environmental Services	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	To adopt the Draft Local Planning Policy – revegetation for advertising to invite public comment in accordance with Town Planning Scheme No. 2.
Date of Report	28 September 2009	
Previously	SD104/06/08	To achieve improved revegetation outcomes in urban and rural areas as part of the planning approvals process.
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the local provisions of the Local Government Act.	
Delegation	Council	

Background

The Draft Local Planning Policy No. 4 – Revegetation (the policy) has been developed to set the standards for landscape and revegetation requirements within the Serpentine Jarrahdale Shire. The policy will help with the reduction of nutrients and sediment export, increase resilience of existing native plants and provide habitat for local native plants and animals including linking communities and creating habitat corridors for avifauna. The policy will also provide screening for crops or shade for stock in rural areas and provide amenity, privacy, isolation or remoteness for private or public lands.

The purpose of this report is to introduce the draft policy and request its adoption for advertising purposes to invite public comment in accordance with Town Planning Scheme No 2.

A copy of the Draft Local Planning Policy No. 4 - Revegetation is with the attachments marked SD053.1/10/09. (Trim Ref E09/4680)

Sustainability Statement

Effect on Environment: Landscape and Vegetation establishment, maintenance and management enhances the environment (built and natural).

Specifically and generally the reduction of nutrients and sediment export to the Peel Harvey Estuary can occur. With deep rooting perennial vegetation an increase in aquifer recharge can also result. The quality of storm water runoff can also be enhanced.

Landscape amenity, sense of place, place making and local identity can be celebrated through revegetation. An increase in habitat quantity and quality can occur by the creation of new, and enriched habitats and corridor linkages.

Local native plantings and associated animals and bird life can be brought back to areas resulting in greater recognition, preservation and protection of biodiversity and the gene pools of local flora and fauna that result. Vegetation also provides screening and shade for stock in rural areas, and privacy, isolation or perception of remoteness in residential or other public lands.

Biodiversity:

- enhancement of indigenous flora and fauna

- site disturbance is reduced with landscape design and associated revegetation

Energy Use/Greenhouse Gas Emissions:

- plantings offset greenhouse emissions,
- encourage and provide opportunity for energy efficiency with plantings in strategic locations taking into consideration solar orientation.

Water Quality: stormwater management, waterways management

- water management in construction
- water sensitive urban design in stormwater management
- minimise use of fertilisers and other contaminants
- maximum infiltration of water on site

Air Quality: The policy implementation results in reduction of emissions to the environment including solid, liquid, gas, noise and electromagnetic radiation

Heritage and Culture: The heritage and cultural issues can be addressed through revegetation using species of some significance to groups of people such as indigenous or European communities.

Resource Implications:

Energy Use: renewable energy credits with plantings (carbon sequestration/carbon neutral), and passive solar design eg facing the building north utilizing deciduous trees for blocking the hot summer sun.

Water Use: water sensitive urban design eg stormwater tanks, swales, increased infiltration, reduced areas of lawn in preference for plantings including sedges and rushes.

Land: Plantings minimise or offset use of land for buildings and can protect and enhance biodiversity values through increasing resilience.

Non renewable Resources: Ways in which we are minimising the use or impact from of non renewable resources include carbon sequestration.

Waste: Minimise waste in the process which would go to the air, recycling and reuse of waste includes cleaning of air and water by plants and trees revegetated.

Use of Local, renewable or recycled Resources: The proposal uses locally available or produced resources including plants and associated landscape products from local nurseries both within the Shire of Serpentine Jarrahdale and the Peel and south east metropolitan region.

Revegetation creates renewable materials over non renewable particularly in relation to trees and timber. The use of recycled materials associated with revegetation relates mostly to air and water purification.

Economic Viability: The policy and its implementation may not be economically viable in a way that incorporates its external costs, although this is possible with some species which may have value for timber, seed collection and quality of life, visual or aesthetic reasons, adding land value or tourism recreational value or offset values to the shire.

External Costs include: pollution from transport or car dependence, removal of biodiversity (flora and/or fauna), land and waterway pollution, reduction in quality of life of residents eg, increase noise, pollution, increased resource use eg energy and water consumption. There are no costs, monetary and non monetary that the community or council will incur as a result of this policy or its implementation.

Future ongoing maintenance costs are minimised as a result of this policy.

Economic Benefits: The policy and its implementation can provide economic benefits to the community such as beautification and tourism. The policy and its implementation could generate tourism and provide local amenity and resources where otherwise not available.

Social – Quality of Life This proposal/issue improves the quality of life for the community through a cleaner and greener environment.

Planning/Subdivisions: Landscape designing which embraces native revegetation takes into consideration solar access, POS, good design for crime prevention, retention of existing vegetation, access to services eg local shops, public transport, noise etc.

Assets: Good landscape design integrates planning and revegetation for quality roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, cycleways

Finance: Equitable cost structures to all residents eg rates and council support of community projects is often incorporated in landscape and revegetation design and management.

Council activities: Landscape planning, revegetation and design often allows communities to be involved, provision of events and training, support of groups/committees through provision of landscaped revegetated public open spaces.

Social and Environmental Responsibility: Revegetation can be socially and environmentally responsible through capacity building of the community and enabling full public participation in planning and management.

The policy and its implementation includes revegetation projects which create opportunities for the community to participate and will often foster partnerships.

Social Diversity: The policy and its implementation does not disadvantage social groups and may provide for diversity in our community with plants and trees reintroduced. The policy and its implementation caters for all sectors of society eg diverse housing stock, and disabled access to all facilities through landscape and revegetation design mechanisms.

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

Policy/Work Procedure Implications: There are work procedure implications directly related to this proposal in terms of preparation of landscape and revegetation management plans using this policy and its implementation.

Financial Implications: There are financial implications to Council related to advertising costs for this policy.

Strategic Implications: This policy 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.
2. Develop good services for health and well being.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategies:

3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

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.
3. Encourage protection and rehabilitation of natural resources.
5. Reduce green house gas emissions through carbon sequestration.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

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 3: Effective management of Shire growth

Strategies:

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.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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:

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

Community Consultation:

The draft Local Planning Policy – Revegetation will be advertised for 21 days to invite submissions. Staff consultation will be ongoing with development of detailed prescriptive guidelines.

Comment:

The Draft Local Planning Policy – Revegetation outcomes are:

- Clear expectations through provision of a structured approach to guide and monitor revegetation and restoration;
- Greater practical application for establishment, maintenance, monitoring and adaptive management of revegetation and restoration;
- Tested and reviewed set of actions or recommendations based on existing successful model landscape and revegetation management plans; and
- Higher consistent standard of integrated documentation and information management on revegetation and restoration techniques.

It is recommended that Council adopt the Draft Local Planning Policy - Revegetation for advertising purposes.

Voting Requirements: Simple Majority

SD053/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

That Council

1. **Adopts the draft Local Planning Policy No. 4 – Revegetation pursuant to Clause 9.3 (a) of Town Planning Scheme No. 2.**
2. **Invites comment on the draft Local Planning Policy No. 4 – Revegetation for a period of not less than 21 days, by way of:**
 - a) **a notification being placed in a local newspaper for two consecutive weeks;**
 - b) **a notice being placed at the Shire’s Administration Centre;**
 - c) **letters being sent to relevant Government agencies;**
 - d) **a notification on the Shire’s website; and**
 - e) **a letter being sent to the Urban Development Institute of Western Australia**

CARRIED 10/0

SD054/10/09 ADOPTION OF DRAFT BUILT ENVIRONMENT POLICY NO. G914 – LOCALITY FUNDING FOR TOWNSCAPE PROJECTS (A1631)		
Proponent:	Not applicable	In Brief A draft Locality Funding Policy has been prepared to provide a framework for the provision of funding for townscape development projects. It is recommended that Council adopt the draft Locality Funding Policy and nominate four Councillor representatives from separate wards to be part of the 2009/2010 Community Funding Program Working Group.
Owner:	Not applicable	
Author:	Heleen Muller – Senior Strategic Planner	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	24 September 2009	
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 objective of the Locality Funding Policy is to seek Council support for townscape development in the Shire. Council also recognises the pivotal role community groups and organisations play in developing vibrant and diverse communities.

The Locality Funding Policy provides guidance through an annual funding program, to assist organisations with townscape projects in the localities of Oakford, Byford, Mundijong, Serpentine, Jarrahdale and Keysbrook. The provision for the Locality Funding Program is \$35,000 per annum per locality. Further to the policy, a work procedure will also be developed which will include guidelines and criteria needing to be met for considering applications and allocating funding.

A copy of the draft Locality Funding Policy is with the attachments marked SD054.1/10/09.

Sustainability Statement

Effect on Environment: The policy will have a visual aesthetic positive impact potentially on all six localities within the Shire. The potential projects will enhance the Shire’s built environment in line with the Shire’s Plan for the Future vision.

Resource Implications: The policy will be absorbed into the current process being followed by the Community Funding Program. Some additional officer time across a number of teams will be allocated to the Locality Funding Program.

Use of Local, renewable or recycled Resources: It is expected through implementation of the policy through approved projects the use of resources may include local, renewable or recycled resources.

Economic Viability: The policy seeks to ensure that all projects result in a safe, accessible and inviting visual enhancement to each locality’s built environment, resulting in attracting more visitors and increased prospects of economic viability.

By having a clear policy framework in place, the preparation of proposals (by applicants) and the assessment of applications (by Council) will be more efficient and effective, reducing financial risk to the different parties involved.

Economic Benefits: The policy seeks to provide more opportunities for recreation and beautification of the Shire. The policy will enable seed funding to attract further funds to beautify the six localities’.

Social – Quality of Life: The policy seeks to recognise the community's need to have an aesthetically pleasing environment within which to live, work, recreate and relax. Funding will be allocated to projects which may have a high benefit to the built environment and make public places more aesthetically pleasing.

Social and Environmental Responsibility: The policy seeks to ensure that the determination of developments within Shire localities' takes into consideration the need for townscape enhancement whilst also enhancing the environment through landscaping.

Social Diversity: The policy seeks to recognise social diversity and improve living, working or visiting the Shire by allocating seed funding to stipulate townscape enhancement. The use of public art will be encouraged to express the local flavour of each locality, in accordance with place making principles.

Statutory Environment: No relevant policies

Policy/Work Procedure Implications:

The policy is intended to provide guidance to the Townscape Funding Program Working Group processing applications for townscape seed funding. A work procedure which includes guidelines and criteria are being developed to complement the policy. The guidelines and criteria will be used when considering applications.

Financial Implications: Council budgets \$35,000 per locality per annum which is transferred to reserve and is used to fund various projects as identified each year.

Examples of projects funded to date are community halls, Forest Green and storage facilities at Oakford Community Centre.

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:

5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategies:

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

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:

6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

5. Harness community resources allocation to support sustainable outcomes.

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

Strategies

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

Community Consultation:

Not applicable.

Comment:

The policy provides guidance through an annual funding program to assist organisations for townscape projects in the localities of Oakford, Byford, Mundijong, Serpentine, Jarrahdale and Keysbrook. The nominal provision for this program is \$35,000 per annum per locality. Further to the policy, a work procedure is being developed which includes guidelines and criteria to help facilitate the funding outcomes.

When the policy is approved Council needs to establish a Townscape Funding Program Working Group (TFPWG), consisting of four Elected Members, at least two Strategic Community Planning Officers and two officers from Engineering (Design- and Operations Teams). The TFPWG will assess all applications in terms of the Shire's Plan for the Future. The townscape assessment criteria will allow projects to be assessed consistently across Plan for the Future vision categories which aim to give higher priority to projects which are aligned with the Shire's strategic vision and with sustainable outcomes in the built environment.

Applications for funding will only be considered for projects on land owned by the Shire, or vested within the Shire and when the applicants, have public liability insurance. Funds which are not allocated in any one financial year will remain in the relevant localities' townscape reserve fund and will accumulate until projects are approved by Council. Funds are not transferable between different localities' reserve funds.

Conclusion

Having regard to the objectives outlined above, it is recommended that Council adopt the Locality Funding Policy.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

1. Adopts Locality Funding Policy No. G914.
2. Nominates Cr, Cr, Cr and Cr representing each ward to be part of the 2009/2010 Townscape Funding Program Working Group.

LOST 2/5

Committee Recommended Resolution:

That item SD054/10/09 be deferred to the October Ordinary Council Meeting to ensure Councillors from each ward are present.

Committee Note: The Officers Recommendation was changed to defer the item to the October Ordinary Council Meeting to ensure Councillors from each ward are present.

SD054/10/09 COUNCIL DECISION:

Moved Cr Randall, seconded Cr Harris

- 1. Adopts Locality Funding Policy No. G914.**
- 2. Nominates Cr Randall, Cr Hoyer, Cr Brown and Cr Buttfeld representing each ward to be part of the 2009/2010 Townscape Funding Program Working Group.**

CARRIED 6/4

Crs Kirkpatrick, Murphy, Geurds and Hoyer voted against the motion.

During debate Cr Hoyer foreshadowed that he would move to adopt Locality Funding Policy No. G914 with modifications if the motion under debate was defeated.

The meeting was closed to members of the public at this point in accordance with S5.23.(2)(d) of the Local government Act 1995 to allow Council to discuss confidential item SD055/10/09.

SD055/10/09 CONFIDENTIAL - RECONSIDERATION OF PYLON SIGN LOT 2 SOUTH WESTERN HIGHWAY, BYFORD (P01760/05)		
Proponent:	Bernadini Pty Ltd	In Brief The applicant has lodged an application for review with the State Administrative Tribunal against the refusal of an application for a proposed pylon sign. The SAT has invited Council to reconsider its decision under Section 31 of the SAT Act 2004. It is recommended that Council reaffirm its original decision.
Owner:	As Above	
Author:	Casey Rose – Planning Assistant Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	17 September 2009	
Previously	SD087/04/08 SD120/06/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Committee/Officer Recommended Resolution:

That Council:

- A. Note the requirements of the Petroleum Pricing Regulations.
- B. Having noted the particular circumstances surrounding the application and having considered three (3) options put forward by the proponent, advise the proponent and the State Administrative Tribunal that Council wishes to re-affirm its original decision in refusing the proposed development.
- C. Advise the proponent and the State Administrative Tribunal that in the context of the Petroleum Pricing Regulations, that Council would be prepared to consider an off-building sign provided that it did not exceed 4m².

New Motion:

Moved Cr Randall, seconded Cr Harris

That Council:

- A. Note the requirements of the Petroleum Pricing Regulations.**

- B. Having noted the particular circumstances surrounding the application and having considered three (3) options put forward by the proponent, advise the proponent and the State Administrative Tribunal that Council wishes to re-affirm its original decision in refusing the proposed development.
- C. Advise the proponent and the State Administrative Tribunal that in the context of the Petroleum Pricing Regulations, that Council would be prepared to consider an off-building sign provided that it did not exceed 4m2.
- D. The Shire wishes to retain the rural character of the Byford Townsite to the maximum extent practicable. Accordingly, the choice of colours is an important consideration. The Shire would like to advise the State Administrative Tribunal and the proponent that the colours for signage should take inspiration from local soils and vegetation, should not be garish and strong colours should be limited in use.

LOST 6/5

The Presiding Member used her casting vote
Crs Randall, Lowry and Buttfield voted for the motion

During debate Cr Brown foreshadowed that she would move the Committee/Officer Recommended Resolution if the motion under debate was defeated.

SD055/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Geurds

That Council:

- A. Note the requirements of the Petroleum Pricing Regulations.
- B. Having noted the particular circumstances surrounding the application and having considered three (3) options put forward by the proponent, advise the proponent and the State Administrative Tribunal that Council wishes to re-affirm its original decision in refusing the proposed development.
- C. Advise the proponent and the State Administrative Tribunal that in the context of the Petroleum Pricing Regulations, that Council would be prepared to consider an off-building sign provided that it did not exceed 4m2.

CARRIED 6/4

Cr Randall voted against the motion

The meeting was re-opened to the public.

CGAM025/10/09		WEST AUSTRALIAN CLUBMAN CUP RALLY – PROPOSAL TO USE JARRAHDAL E HERITAGE PARK AS A SERVICE PARK (P05576/44)
Proponent:	Light Car Club of WA (Inc)	In Brief Council is requested to give consent to the Light Car Club of WA for use of part of Jarrahdale Heritage Park for a service park for the final round of the West Australian Clubman Cup Rally.
Owner:	Shire of Serpentine Jarrahdale	
Author:	Louisa Loder – PA to Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	24 September 2009	
Previously	CGAM027/10/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Light Car Club of WA (Inc) seeks Council consent to utilise a section of the Jarrahdale Heritage Park as a service park for one day over the period of the West Australian Clubman Cup Rally.

The Light Car Club of WA is proposing to conduct a car rally in the area to the east of Jarrahdale on Saturday 14 November 2009 as the final round of the West Australian Clubman Cup Rally Championship (Darling 200 Rally). They held the same event at the Jarrahdale Heritage Park last year and the event was a success with no negative feedback from the community and no incidents recorded.

Given the geographic location and the resources available for the race, the event organisers have identified an area of Jarrahdale Heritage Park and access to the old office building as being suitable for a service park. The service park would entail a headquarters management centre, servicing of vehicles, and a refuelling station. It is not recommended that the old office building be used due to the condition of the building.

Last year the license fee of \$200 was given to the Serpentine Jarrahdale Landcare Centre for their verge tree planting program to offset carbon emissions. The West Australian Clubman Cup Rally organisers have requested that the bond remain at \$2,000 as a result of their good record from past events.

Sustainability Statement

Effect on Environment: Servicing of any of the vehicles will be carried out on tarpaulins within the Jarrahdale Heritage Park.

Resource Implications: Infrastructure, such as roads under the care and control of the Shire, will need to be reinstated satisfactorily following the event.

Use of Local, renewable or recycled Resources: The proposal would provide the use of local stores by event organisers, participants and spectators.

Economic Viability: There will not be ongoing costs or funding required for the Shire in the future.

Economic Benefits: The proposal will provide economic benefits to the community, where event organisers, participants and spectators utilise local businesses.

Social – Quality of Life: All servicing and refuelling of vehicles will be in a central controlled area. The quality of life would not be hindered from this proposal.

Social and Environmental Responsibility: The applicant is required to obtain necessary approvals from relevant state government agencies including the WA Police Service, Department of Environment and Conservation and Water Corporation of WA.

Social Diversity: The proposal does not disadvantage any social groups within the community. It aims to cater for all sectors of the community.

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

Policy/Work Procedure Implications: Not Applicable

Financial Implications: The proposal does not have an impact on budgeted income or expenditure in the current year. The event will have indirect benefits to the Shire through tourism and media exposure.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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.
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.

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:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

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.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The applicant would be required to notify effected land property owners.

Comment:

- Sport and recreation;
- Indigenous and other cultural values;
- Equine expertise; and
- Commercial tourism, wildflower and seed picking.

Terms of Reference were developed at the inception of the group (2003) to describe the roles and responsibilities of the RAG members with respect to Council, Shire staff and the RAG itself. These had not been updated since 2003 and so the group thought it prudent to undertake a review to ensure the Terms of Reference remain relevant to Shire procedures and processes.

A copy of the amended Terms of Reference, with amendments included as tracked changes is with attachments marked CGAM026.1/10/09 (E09/6004)

Sustainability Statement

Effect on Environment: The RAG ensures the Shire's natural assets are managed in such a way as to protect and enhance biodiversity whilst also meeting the needs of the community. The amendments to the Terms of Reference more clearly guide the way the group is able to do this.

Resource Implications: The RAG protects biodiversity through the development, implementation and review of reserve management plans.

Social – Quality of Life: The efficient running of the RAG ensures that the Serpentine Jarrahdale Shire contains well managed reserves that allow for the retention of biodiversity and public and community group access where appropriate.

Social and Environmental Responsibility: The RAG consists of community members and allows them to provide valuable input into reserve planning, whilst also empowering them to engage and represent the broader community in reserve management.

Social Diversity: The amendments to the Terms of Reference for the RAG allow for greater representation from a wider diversity of community members by permitting temporary membership from relevant stakeholder groups during the development of management plans for specific reserves.

Statutory Environment:

This group is an Advisory Committee for which there is no statutory environment. The Committee provides advice only from a group selected to best represent a cross section of the community.

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:

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.
5. Value and enhance the heritage character, arts and culture of the Shire.

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.
5. Protect built and natural heritage for economic and cultural benefits.

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.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism 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.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Community Consultation:

Not required.

Comment:

Although involving only subtle changes, the recommended amendments to the Terms of Reference for the RAG will result in a clearer definition of the Group's roles and responsibilities in the process of preparing, implementing and monitoring reserve management plans. The amendments will also allow broader community representation within the Group from relevant stakeholder groups when management plans are being developed for specific reserves.

The RAG performs an invaluable voluntary role, providing an essential link to the community and bringing a wealth of history and knowledge to the management of Shire vested reserves. Endorsing these Terms of Reference changes will ensure the group remains relevant and is able to achieve tangible outcomes.

Voting Requirements: Simple Majority

CGAM026/10/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Brown
Council endorses the amended Terms of Reference for the Reserves Advisory Group, as outlined in the attachment CGAM026.1/10/09 (E09/6004).
CARRIED 9/0
Cr Geurds was not present and did not vote

Cr Geurds and Director Corporate Services returned to the meeting at 9.36pm.

CGAM027/10/09		REQUEST FOR SPEED TO BE REDUCED ON JARRAHDAL ROAD, JARRAHDAL (R0002-02)
Proponent:	Councillor John Kirkpatrick	In Brief Request for a reduction of the speed limit from 60km/h to 50km/h on Jarrahdale Road. The amendment to speed zoning through the Jarrahdale Townsite on Jarrahdale Road will ensure a safer environment for all road users.
Owner:		
Author:		
Senior Officer:		
Date of Report	12 October 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM027/10/09 COUNCIL DECISION/Committee/Councillor Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Butfield
That Council write to Main Roads WA and request that the existing speed limit of 60km/h be reduced to 50km/h on Jarrahdale Road between Nettleton Road and Kingsbury Drive, Jarrahdale.

CARRIED 10/0

CGAM029/10/09 SUBMISSION TO THE STATE GOVERNMENT WASTE MANAGEMENT COMMISSION (A0283)		
Proponent:	Cr Kirkpatrick	In Brief This item seeks endorsement to hold a workshop to enable the Shire to make an independent submission to the State Government Waste Management Commission.
Owner:		
Author:		
Senior Officer:		
Date of Report	20 October 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM029/10/09 COUNCIL DECISION/Committee/Councillor Recommended Resolution:

**Moved Cr Harris, seconded Cr Kirkpatrick
That the Council hold an evening workshop and make a submission to the State Government Waste Management Commission.
CARRIED 10/0**

AC005/10/09 FINANCIAL MANAGEMENT REVIEW REPORT (A0001)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the Auditors Report and the Management Report for the financial year ended 30 June 2009.
Owner:	Not applicable	
Officer:	Casey Mihovilovich Executive Manager Finance Services	
Senior Officer:	Alan Hart Director Corporate Services	
Date of Report	1 October 2009	
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

Pursuant to Sections 7.2, 7.3 and 7.9 of the Local Government Act 1995, local governments are required each year, to have the accounts and the annual financial report of the Council audited by an auditor appointed by the local government.

Council's Auditor, UHY Haines Norton, has provided Council with the Audit report and Management Report for the financial year ended 30 June 2009.

A copy of the Independent Audit Report is attached and marked AC005.1/10/09 (IN09/12634).

A copy of the Management Report is attached and marked AC005.2/10/09 (IN09/12635).

A copy of 2009 Financial Report is attached and marked AC005.3/10/09 (E09/6129).

Statutory Environment:

Section 7.2 of the Local Government Act 1995 states that *“the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”*

Section 7.3 of the Local Government Act 1995 states *‘A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor’.*

Section 7.9 (1) of the Act states *“An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) The Mayor or President,*
- b) The CEO of the local government, and*
- c) The Minister.”*

Policy Implications:

There are no Policy Implications.

Financial Implications:

A budget provision has been made in the 2009/2010 budget to accommodate the costs associated with the audit.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation
Strategies:

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

Community Consultation:

No community consultation is required for this item.

Comments

At the completion of the audit, UHY Haines Norton advises that there are no major non-compliance issues that have been identified.

UHY Haines Norton has advised that there are no management issues in their Management Report for the financial year ended 30 June 2009.

It is recommended that the Audit Committee:

1. Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2009;
2. Receive the Management Report and note no management issues raised; and

3. Receive the Audited Annual Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2009.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That the Audit Committee:

1. Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2009;
2. Receive the Management Report and note no management issues raised.
3. Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2009.

Committee Recommended Resolution:

- A. That the Audit Committee:
 1. Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2009;
 2. Receive the Management Report and note no management issues raised.
 3. Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2009.
- B. That the Chief Executive Officer, Director Corporate Services and Executive Manager Financial Services be congratulated on the outstanding quality of the Financial Statements for the year ended 30 June 2009.

AC005/10/09 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Harris

- A. That the Audit Committee:
 1. **Adopt the Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2009;**
 2. **Receive the Management Report and note no management issues raised.**
 3. **Receive the Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2009.**
- B. **That the Chief Executive Officer, Director Corporate Services and Executive Manager Financial Services be congratulated on the outstanding quality of the Financial Statements for the year ended 30 June 2009.**
- C. **That the Chief Executive Officer, Director of Corporate Services, Executive Manager Financial Services and their respective staff, be commended for the industry leading standard of the detailed work that has resulted in the Management Report and the Financial Report from the Shire's Independent Auditor.**

CARRIED 10/0

Council notes:

- **The Committee Recommended Resolution was changed with the addition of part C.**
- **In presenting the reports, the representative of the independent auditor stated that their firm audits 60-70 local governments in WA and this audit result places Serpentine Jarrahdale in the top two or three local governments in management control and financial recording.**
- **The auditors comments on the Current Ratio where if adjusted by excluding the liability for leave entitlements (the liability is calculated for the purposes of including a figure in the Annual Financial Statements at 30 June each year, but never actually paid) and current loan repayments, the index would be greater than 1.0 which indicates the Shire is financially sustainable.**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM007/10/09		SUBMISSION ON DISCUSSION PAPER – DEVELOPMENT ASSESSMENT PANELS (A1171)	
Officer:	Brad Gleeson – Director Development Services	In Brief The Department of Planning released a discussion paper on Development Assessment Panels (DAPs). The State Government has outlined its intention to establish DAPs to determine prescribed development applications. This report provides Council with the opportunity to submit a response to the discussion paper.	
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	20 October 2009		
Previously	Not applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

In March 2009, the Department of Planning (DoP), released a discussion paper titled “Building a Better Planning System”. The paper establishes nine principles for better planning:

Timeliness - The planning system needs to have timelines to provide certainty and avoid delays.

Efficiency - The planning system should not only be affordable and at reasonable cost to the proponent and the community but be efficient in an economic sense – that is, it should encourage optimal investment outcomes for the economy as a whole.

Simplicity - The planning system should be user friendly, understandable and avoid overlapping or conflicting requirements.

Transparency - The planning system needs to be clear, open and accessible.

Sustainability - A sustainable planning system integrates economic, social and environmental outcomes to protect the natural and built environments and recognise that future generations are stakeholders in the planning process.

Accountability - There needs to be clear and enforceable accountabilities and responsibilities in planning processes.

Fairness - The planning system needs to be considered fair by all stakeholders to ensure equity, minimize disputes and ensure confidence in decision-making. A process for an independent review of decisions is an important part of a fair planning system.

Consistency - Uniform and standard planning requirements and processes ensures certainty, effectiveness, transparency and simplicity.

The paper introduced the concept of Development Assessment Panels (DAPs). In the Shire’s submission to the DoP, concern was raised about the need to ensure that the ‘significance’ and ‘regional nature’ of proposals is properly defined. Where an assessment panel is established, adequate opportunities for the local government (LG) to provide input are clearly essential. The Shire’s submission strongly opposed the establishment of DAPs for matters of local significance.

The DoP released a further discussion paper for public comment on 11 September 2009, outlining the State Government's position that it intends to introduce a new planning approvals process across the State. Submissions are invited until 2 November 2009.

It is proposed that for certain classes of development, powers to determine applications will be taken from local government and given to government appointed DAPs.

This report outlines the proposal as described in the Discussion Paper and provides comments on each significant aspect.

A copy of the Discussion Paper and Development Assessment Panel Question and Answers paper is with attachments marked OCM007.1/10/09 and OCM007.2/10/09.

Justification for Proposal

The argument presented commences with the March 2009 consultation paper (Building a Better Planning System). This paper raised the prospect of DAPs in the following terms:

“in cases of major projects that are likely to face significant approval delays and may be highly contentious, and in cases where major projects are proposed but there is limited local government technical capacity to undertake an appropriate level of assessment, DAPs are being considered, as have been established in other States.”

The discussion paper notes that “submissions received on the consultation paper were supportive of the concept of development assessment panels and the proposal to introduce them in WA for specific classes of development.”

Justification is also drawn from the objectives of the Council of Australian Governments (COAG) reform agenda, the interstate Development Assessment Forum and “leading practice” elsewhere. Precedent is used by citing the NSW, South Australian and Victorian systems.

Comment:

The concept of DAPs outlined in the discussion paper released in March 2009, is quite different to what is proposed now. The use of DAPs in exceptional circumstances, to assist smaller local governments in country areas with major resource projects, was generally considered to be a good idea. The current proposal is now much different to what was earlier understood.

In NSW such panels may be established, but for quite specific situations where a Council has failed to comply with its obligations, is corrupt or the council seeks assistance. In South Australia such panels have been established and this would appear to be the precedent employed for WA. In Victoria, legislation relating to DAPs has recently been rejected by its Upper House.

Dual approvals

The argument has been presented that because approval may be required under a regional planning scheme and a local planning scheme, an applicant is required to submit duplicate applications. The local government (LG) is required to refer a copy to the Western Australian Planning Commission (WAPC) for determination and the matter is also determined under its local scheme. Dual approvals can be problematic resulting in conflicting results and review by the State Administrative Tribunal (SAT). The dual approval system is resource hungry, time consuming and expensive to applicants.

Comment:

Although dual approvals do exist for some forms of development, they are in the minority.

Only where such delegations are not in place (for instance for the Swan River Trust) or where the LG and a state authority do not agree, is the matter referred to the WAPC for decision.

Minor and Major Development Applications (Das)

The discussion paper states that minor DAs are subject to the same process as complex DAs, thus wasting resources. LGs, particularly small and country ones, are distracted from addressing strategic issues by a focus on minor DAs. Lack of technical expertise in LGs results in having to employ consultants resulting in further delay.

Comment:

It is certainly not the case that minor and major DAs are dealt with in the same way. Complex DAs are dealt with by more senior officers and minor DAs by less experienced officers. Every part of the assessment takes cognisance of the significance and complexity of the DA. Where possible, minor DAs in the Shire are fast tracked by planning staff. Taking away the decision making function from LG will not affect the assessment process and may in fact increase approval times.

Assessment takes too long

The development industry claims that the DA process takes too long and this is particularly the case for large scale non-complying development. Large scale developments can also be controversial. DAPs can improve this process due to the role of independent experts.

Comment:

The main stages in the DA assessment process would not be affected at all by the proposed introduction of DAPs. If the assessment process requires public consultation, referral to government agencies or additional technical advice this will occur prior to any report being submitted to the DAP for decision. This is overlooked in the discussion paper which focuses on “leading practice”.

Introduction of DAPs

The Discussion Paper explains that a provision will be introduced into legislation to provide that where a DA is of a class prescribed it shall be determined by a DAP. The decision made by the DAP would have the same status as if it had been made by the LG or the WAPC.

Local DAPs (for the City of Perth) and Joint DAPs (for groups of smaller LGs) will be established. It is proposed that the Serpentine Gardendale Shire will join the Metropolitan South-East Joint DAP with Gosnells, Armadale, Canning, South Perth and Victoria Park.

Such a system will enable LGs and the WAPC to focus more on strategic planning rather than the administration of them. DAPs will not undermine the decision making role of LGs as decisions by the DAPs will be determined within the local policy framework set by local government.

Comment:

The Discussion Paper does not explain how the additional resources for strategic planning will be realised. The assessment of the DA by local and state government officers will be exactly the same as it is currently, requiring the same or greater resources. A totally separate and expensive system to determine some applications will be created, while the existing processes for LG and the WAPC will continue for those applications not going to the DAP.

Joint DAPs

Joint DAPs are to be established where the Minister believes a LG does not have sufficient case load to support an individual Local DAP. The justification is to enable metropolitan LGs to focus their resources on strategic planning and policy by providing an alternative decision maker for complex DAs.

Comment:

An enhanced opportunity to focus on strategic planning will not materialise because there will be no change to the reporting requirements. The assessment will be undertaken by officers in the normal way. The difference will be that the officer will be required to report to a DAP for one application and to Council for another. For the DAP, additional time will be expended in explaining Scheme details better understood by the individual Council.

Criteria for Referral to DAP

DAPs will determine applications for a particular class and value of development. It is proposed that the following applications valued at over \$2 million would be determined by the DAP:

- Commercial, retail and office development
- Mixed use development
- Industrial development
- Grouped or multiple dwellings over 10 units
- Non complying grouped and multiple development over 10 units
- Aged and dependent persons dwellings
- Infrastructure proposals
- Applications requiring dual approval
- Strategic land uses
- Public works
- Hospitals, universities and non government schools

Single houses (complying and non-complying), less than 10 complying grouped or multiple dwellings and minor applications are exempt.

Comment:

The matters to be determined by DAPs include a number of DAs currently delegated by Council to planning officers. The Discussion Paper does not mention delegation arrangements currently in place. If it is proposed that such arrangements would be disbanded, clearly this would hinder the efficiency and timeliness of decision making.

DAP Establishment

DAPs are to comprise of five members, with a specialist chairman and two other specialists with two members from the relevant LG. The two LG members will rotate when it concerns the respective LG. In the six LGs of the South East Joint DAP there will be 12 LG members who will rotate into the DAP as their applications are determined.

Members will be appointed for two years by the Minister based on criteria for selection set down in Regulations. If a LG fails to nominate, the Minister may appoint two members to represent the local community.

DAP meetings will be open to the public and applicants can make submissions and are permitted to make a presentation. A record of meetings is to be kept with a secretariat to support the DAP drawn from LGs on a 6 month rotation. There will be a requirement to produce annual reports.

Council staff will be required to prepare reports and recommendations to DAPs. The planning officer will be required to present the report. Reports to the DAP will be required up to 55 days after an application is lodged.

The State will establish a secretariat role in the DoP to monitor panel approvals. There will be obligatory training of members to be managed through the DoP.

Members will receive a sitting fee. It is estimated that this would amount to \$400 for a member and \$500 for the Chairman. LG elected members on the DAP will not be paid. DAPs are expected to meet fortnightly in high growth areas.

DAPs may give advice on appropriate scheme amendments.

Appeals would be to SAT in the normal way. The LG or WAPC would be the respondent on resulting reviews lodged to SAT. The LG or WAPC would be responsible for administering any conditions imposed by a DAP or resolving disputes. The Minister may call in any application of state or regional significance (as he can already in the event of appeals).

Comment:

Up to 12 Councillors and respective staff may have to attend in rotation at the site of the DAP sitting. This is not an efficient use of time.

While it is reasonable that panel members be paid, LG members will not receive sitting fees as their role is considered in keeping with their position. This is somewhat inequitable.

The administration of DAPs will clearly impose an additional burden on LGs and the DoP. There will be a completely new burden arising from organising agendas, taking minutes, keeping statistics, reporting, training members and so on. There will be a need to review development application fees to pay for these additional costs unless it is intended that the ratepayer subsidise developers.

While it is noted that DAPs can give advice on scheme amendments, it is not clear what status this advice may have.

Benefits of DAPs

Nine areas of benefit are presented in the Discussion Paper – these are outlined and commented on below:

1. Timeliness – due to savings from being the only decision making body where dual assessment is required.

Comment:

There are relatively few dual approvals, so there is little advantage here.

2. Efficiency – one decision maker to determine the application means fewer costs and fewer government resources.

Comment:

Dual approvals are few, but there will be the same need to consult all agencies in the assessment process. It will be less efficient to introduce an additional body to service.

3. Simplicity – elimination of need for dual approvals.

Comment:

What is not stated is that it introduces greater complexity with a totally new approval authority alongside the existing WAPC and LG who continue to determine applications not referred to the DAP.

4. Transparency – decisions by DAPs will be transparent and accessible. Elsewhere it is asserted that “current LG delegation arrangements are not readily available”.

Comment:

WAPC decisions are currently not transparent and accessible. Shire planning decisions made under delegated authority are reported to Council.

5. Sustainability – independent experts and elected members should ensure a sustainable decision.

Comment:

There is no apparent reason why the proposed system would be more sustainable than the current system.

6. Accountability – reporting regularly to the Minister, members being subject to a strict Code of Conduct and voting trends being recorded.

Comment:

This may be an improvement upon the current WAPC decision making process, but all these matters are already strictly covered by Councils operating under the Local Government Act 1995. The DAP process will significantly reduce the role of elected members and hence the community, in the decision making process for major developments in the Shire.

7. Fairness – Applicants will be able to seek a review to SAT.

No additional rights are bestowed to those currently available.

8. Consistency – confusion surrounding dual approvals to be eliminated and criteria for selection of applications will be set out in regulations. DAPs will make decisions in accord with the current planning framework.

Comment:

Decisions are made in accordance with the current framework now.

9. Suitability – Panels to determine matters of State significance or from non performing local governments.

Comment:

The proposal that DAPs will determine matters of state significance or from non performing local governments or those with limited expertise was originally canvassed in the March

2009 Paper, since then the proposal has been extended to a point far beyond the original concept.

Delegation

Delegation of planning decisions has resulted in increasing numbers of DAs being determined by officers where applications are in accordance with Council policies and the Town Planning Scheme. It is not clear from the Discussion Paper whether all local government delegation arrangements will be disbanded and if so how this will occur. It is considered the proposal has not dealt with in any degree of detail, the current processes in LG, to deal with matters under delegated authority.

It is currently not known exactly how many DAs would be referred to the DAP. With increasing growth in the Shire, particularly in the urban areas, more development will occur that will need to be referred to the DAP.

Sustainability Statement

Resource Implications: There would be resource implications for the Council with an increase in administrative processes.

Economic Benefits: It is not expected that there will be any real economic benefit to applicants under the DAP process.

Social – Quality of Life: There is significant risk that the DAP will make decisions that are not aligned to the Council's Plan for the Future, policies and community expectations.

Social and Environmental Responsibility: There is significant risk that the DAP will make decisions that are not aligned to the Council's vision for the Shire.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Local Planning Policies

Policy/Work Procedure Implications:

Current and future Shire local planning policies and work practices will need to be reviewed.

Financial Implications:

There are implications to the Shire from the need to fund the administration and sitting fees of members of the proposed DAPs. There could be significant budget implications if it is intended that delegation arrangements are to be overridden and reports presented to DAPs that would currently be delegated.

Strategic Implications:

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

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. Encourage protection and rehabilitation of natural resources.
3. Reduce green house gas emissions.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

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 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The proposal is currently out for community consultation.

The DAPs system, as proposed, is a radical philosophical change that will adversely affect the balance of community responsibility on decision makers, effectively sidelining the community and unfairly removing their representatives from their core function, i.e. local decision making for the greater good of the community (public interest), whilst tipping the scales in the favour of the development industry (personal interest/gain). Clearly the analysis to justify this approach was made without taking into consideration the social cost to a local community being denied the opportunity to exercise control over its own destiny. The protection of the local flavour of each unique locality will be watered down by so called “experts” who do not, and will never have, the local knowledge and understanding required to make informed decisions that are to the best possible advantage of a local community and its future generations.

The lack of extensive community consultation is both alarming and disappointing. Not only is the proposed change to the DAPs system radical in nature, but it has been done without proper and appropriate community consultation by the State Government. Furthermore, the speed at which the changes to the WA Planning System are occurring is of great concern, as the WA community is by and large unaware of the sweeping changes, let alone its implications. Timeframes allowed to make submissions are so onerous; it does not allow LGs to appropriately and effectively consult with their local communities either. The community consultation process is therefore not considered transparent and fundamental changes will unjustly be made to the WA Planning System without the support of the broader WA community in favour of profit driven developers. The fundamental question needs to be asked, is it the State government’s role to make policy in the interests of the community or to serve those who make financial contributions to their political parties.

Options:

Council could:

1. Make a submission objecting to DAPs as described in the Discussion Paper.
2. Make a submission supporting DAPs as described in the Discussion Paper.
3. Not make a submission on the Discussion Paper.

Conclusion:

The new process would add enormous pressure on Planning staff to deal with complex planning applications in a very short period of time. The Shire would have up to 55 days to forward a recommendation to the DAP. The current processes including community consultation, referral to Government agencies, planning assessment and writing reports to Committee/ Council and decision making, must occur in this period time. Current standard scheme provisions permit 90 days for this process to occur.

DAPs will add to red tape not reduce it. It creates a new planning assessment process to deal with less than 2 percent of planning applications.

The Discussion Paper takes the form of an outline of what the government has determined to do. To date there has not been proper input from local government. The proposal fundamentally changes the planning system from one that was designed to serve and protect the community interest to one that serves the development industry and it needs to be strongly opposed. Of particular concern with the discussion paper is the obvious lack of knowledge and understanding of the planning process, delegation arrangements and practical decision making inherent throughout the report which has now been published under the auspices of the State Government.

Contrary to the arguments presented in favour of DAPs in the Discussion Paper they will not result in cost, time or resource savings. Their establishment would be based on a false premise of concerns relating to the ubiquity of dual approvals and would not tackle the main reason for delays in the planning process being slow responses by state government agencies, particularly environmental agencies and incomplete applications at the time of submission. The slow response times from State Government Departments should be reviewed, in particular the DoP should review the slow responses to structure plans, subdivisions and town planning scheme amendments. Moreover, if the real concern is that some Councils are not performing this should be dealt with separately through a capacity building program rather than setting up a new burdensome system that penalises all LGs.

Arguments presented in favour of DAPs in terms of transparency of decision making purely underlie a lack of awareness of the requirements of the Local Government Act and processes that have been in place within local governments for some years.

A submission should be made in the strongest terms to object to the proposal and contest its main supporting arguments.

Voting Requirements: Simple Majority

OCM007/10/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

- 1. Council endorses a submission being lodged with the Department of Planning strongly opposing the introduction of Development Assessment Panels for the reasons outlined in this report.**
- 2. Council advises the Western Australian Local Government Association accordingly.**

CARRIED 10/0

OCM008/10/09		COUNCIL MEETINGS AND SERVICES OVER THE CHRISTMAS AND NEW YEAR PERIOD (A0023-02)
Proponent:	Serpentine Jarrahdale Shire	In Brief Confirm the schedule for Committee and Council meetings and arrangements for the Council Administration, Operations Centre and Library in Mundijong over the Christmas and New Year period.
Owner:	Not applicable	
Author:	Lisa Fletcher – Personal Assistant to Chief Executive Officer	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	14 September 2009	
Previously	OCM009/10/08; CGAM016/09/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

The following dates have previously been circulated for Committee and Council meetings for the month of December 2009:

15/12/09 Sustainable Development and Corporate Governance and Asset Management
28/12/09 Ordinary Council Meeting

It is proposed that Council advertise the following change to the above dates to accommodate the Christmas and New Year period:

21/12/09 Ordinary Council Meeting

Office Hours over the Christmas Period:

This year the Christmas Public Holidays will be Friday, 25 December 2009, Monday, 28 December 2009 and Friday, 1 January 2010.

With regard to the Mundijong Administration and Operations Centre and the Mundijong Library, in 2008 all offices were closed from 2.00pm on Wednesday, 24 December 2008 to Thursday, 1 January 2009 (inclusive).

It is suggested that this year the office close over the Christmas period from 2.00pm on Thursday, 24 December 2009 to 1 January 2010 (inclusive) with staff taking accrued leave entitlements for these three (3) days and that Council advertise the closing of the office for this period.

Council's endorsement of closing the Shire Administration Centre for this period is sought.

Sustainability Statement

It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. With the office remaining open on Monday, 21 December to Thursday, 24 December 2009 this will allow residents to complete any last minute business prior to the Christmas break. It is believed that this closure will be an active

demonstration to staff of the family friendly workplace and recognition of their efforts during another year of hyper-growth.

Statutory Environment: Local Government Act

Policy Implications: CSP22 Family Friendly Workplace

Financial Implications: Staff leave has been included in the 2009/2010 budget.

Strategic Implications:

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Dates are to be advertised in accordance with the Local Government Act, at the Administration Centre, Library and a local newspaper.

Comments

◆ **Committee and Council**

The Committee and Council dates as follows will be advertised for December 2009:

1 x Ordinary Council meeting – Monday, 21 December 2009

The Committee and Council dates as follows will be advertised for January 2010:

2 x Committee Meetings – Tuesday, 19 January 2010

1 x Ordinary Council Meeting – Monday, 25 January 2010

◆ **Christmas Period**

It is intended that the variations to opening hours for the Mundijong Administration and Operations Centre and Mundijong Library will be advertised and the offices will be well signed to indicate the closure over this period.

Over the Christmas period, as per previous years, it will again be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

Voting Requirements: Simple Majority

Officer Recommended Resolution

1. Council agrees to the following meeting and administrative arrangements over the month of December 2009 and January 2010 and that they be advertised accordingly to the public:
 - a) The meeting for December 2009 will be as follows:
21/12/09 Ordinary Council Meeting
 - b) The Mundijong Administration Centre, Operations Centre and the Mundijong Library to be closed from 2.00pm on Thursday, 24 December 2009 to Friday, 1 January 2010 (inclusive).
 - c) The meetings for January 2010 will be as follows:
19/01/10 Sustainable Development and Corporate Governance and Asset Management
25/01/10 Ordinary Council Meeting
2. Council notes that over the Christmas period it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

OCM008/10/09 COUNCIL DECISION/New Motion

Moved Cr Brown, seconded Cr Buttfield

1. Council agrees to the following meeting and administrative arrangements over the month of December 2009 and January 2010 and that they be advertised accordingly to the public:
 - a) The meeting for December 2009 will be as follows:
21/12/09 Ordinary Council Meeting
 - b) The Mundijong Administration Centre, Operations Centre and the Mundijong Library to be closed from 2.00pm on Thursday, 24 December 2009 to Saturday, 2 January 2010 (inclusive).
 - c) The meetings for January 2010 will be as follows:
19/01/10 Sustainable Development and Corporate Governance and Asset Management
25/01/10 Ordinary Council Meeting
2. Council notes that over the Christmas period it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

CARRIED 10/0

Council Note: The Officer Recommended Resolution was amended by changing part b to read 'Saturday, 2 January 2010'.

OCM009/10/09		LOGGING IN MUNDLIMUP COUPE No.3 (R0268)
Proponent:	Councillor Sheila Twine	In Brief A councillor motion of which notice has been given has been received which recommends that Council requests that logging pursuits in the Mundlimup Coupe No. 3 are suspended and that the townsite of Jarrahdale be protected from these destructive pursuits by a five kilometre buffer.
Owner:	Department of Environment and Conservation	
Officer:	Not applicable	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	23 October 2009	
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

Mundlimup Coupe No. 3 is situated to the East of Jarrahdale, between Balmoral Road and Jarrahdale Road. At its closest point it is 1km from the township post office.

The Chief Executive Officer wrote to the Minister for Forestry on 8 September 2009 pointing out the multiple threats to the forest around Jarrahdale and the associated effect on the developing tourism industry in the area. To date no reply has been received.

Previously, Minister Redman was also asked to visit with the Council so that it could apprise him what is at stake due to the proposed logging.

Earlier in the year, the Forest Products Commission harvested logs in the Cobiac Coupe (completed in August 2009). This was not objected to, by either locals or the Serpentine Jarrahdale Shire, as it did not contain the valuable educational, recreational and research assets which are a feature of the Mundlimup Coupe.

On 17 May 2009, Minister Constable (Minister for Tourism and Education) launched the initiative, 'Serpentine Valley' to boost tourism in the Shire. The proximity to Perth to afford day trippers access to passive and health giving recreation within Serpentine Jarrahdale Shire is a key component of the "Serpentine Valley" tourism strategy.

The developing recreation area of the Jarrahdale Heritage Park, featuring the rich timber history, is a tourism initiative of the Serpentine Jarrahdale Shire in conjunction with the National Trust of Australia and the local community to help build a viable economic base for the township.

Assets in the Mundlimup Coupe No. 3

Education and history - Mundlimup Timber Trails are used by many primary and secondary school groups to observe and appreciate logging practices from the 1800s. The trails contain sawpits, log landings, timber tramways, notched stumps and many interpretive signs.

Research - the Forest Department (now Department of Environment and Conservation [DEC]) has Incremental Measurement Plots, dating from 1928 with much information as to growth patterns of Jarrah trees in thinned and non thinned situations. With a drying climate, the comparisons with current incremental rates will provide on going data for DEC and for the wider community to study.

Iconic Trails - the long range Munda Biddi Cycle Trail is internationally acclaimed and advertised to bring overseas visitors to Western Australia, and it is located through the Mundlimup Coupe No. 3. Likewise, The Bibbulmun Track (long range iconic Walking Track) is accessed through the Mundlimup Coupe via the Balmoral Trail.

Discovery Forest - a partnership between the Water Corporation, DEC and the Serpentine Jarrahdale Shire funded a scoping study to set the ground work for a Discovery Forest. A detailed submission has now been sent to Water Corporation and DEC. Two of the Discovery Forest 'stops' are within the Mundlimup Coupe No. 3. A further initiative being considered for the area is the concept of a 'Living Museum' in which forest experiences, information and research will be offered to students and the general public.

Community opinion

A local group has formed entitled 'Jarrahdale Forest Protectors' with the aim of stopping the current logging proposal. The group is running various awareness raising events, including tree sponsorship, walks with picnics, and manning stalls with displays to spread the word of the destructive nature of native forest logging.

Conclusion

Jarrahdale has lost much of its economic activity with the closing of the bauxite mining and the Bunnings timber mill. It now needs to concentrate on building an alternate economic base. Tourism appears to be a way forward and the Mundlimup Forest with its natural beauty and rich milling history is a prime component of this direction. To log such a valuable asset in close proximity to the developing tourist precinct seems counter-productive.

The metropolitan area, with its rapidly expanding population will require more, not less, easily reached destinations to enable these increasing numbers of people to access and enjoy recreation and health-building days in our forests. Studies focussing on obesity and depression are finding great benefits in passive recreational pursuits. Latest figures from the Exercise, Recreation and Sport Survey (ERASS) show recreation to have grown at four times the rate of organised sport in WA in the last 3 years (12% as opposed to 3%). Jarrahdale's proximity to Perth can play a major role in providing venues for this passive recreation and eco tourism. The Shire has a role in lobbying the State for the prevention of damage to the very asset on which this depends.

This proposal is consistent with the Shire's Plan for the Future and the Natural Environment objective of Defend our Scarp and Forest from Inappropriate Uses.

OCM009/10/09 COUNCIL DECISION/Councillor/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Harris

- 1. Council adopts a policy position of seeking a five kilometre buffer from logging of native forests and other destructive pursuits around the Jarrahdale townsite and in particular objects to logging of the Mundlimup Coupe No.3.**
- 2. Council requests that the Department of Environment and Conservation and the Forest Products Commission cease planning to harvest jarrah saw logs in the Mundlimup Coupe No. 3.**
- 3. The Minister for Forestry be informed of the resolution and be requested to instruct the Forest Products Commission to desist with planning to log the Mundlimup Coupe No. 3.**

CARRIED 9/1

Cr Kirkpatrick voted against the motion.

Council Note: The Councillor/Officer Recommended Resolution was changed with the addition of the words 'of native forests' to part 1. The Presiding Officer advised that this was a minor addition which did not change the intent of the recommendation.

The meeting was closed to members of the public in accordance with S5.23.(2)(a) of the Local government Act 1995 at this point in time to allow Council to discuss confidential item OCM010/10/09.

OCM010/10/09 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER CONTRACT (H0053)		
Proponent:	Joanne Abbiss – Chief Executive Officer	In Brief Council required that the CEO's KPIs be agreed by 30 October 2009. A workshop was held with councillors on Friday, 16 October 2009 and it is proposed that the CEO's Performance Criteria be amended in accordance with the outcomes of the workshop.
Owner:	Not applicable	
Author:	Joanne Abbiss – Chief Executive Officer	
Senior Officer:	Not applicable	
Date of Report	21 October 2009	
Previously	OCM007/09/09	
Disclosure of Interest	The Chief Executive Officer declares a Financial Interest in this item in accordance with the Local Government Act 1995.	
Delegation	Council	

OCM010/10/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

That Council agrees to the amendment of the Performance Criteria in Annexure 2 of the Employment Contract of the Chief Executive Officer in the terms of confidential Attachment OCM010.1/10/09 and authorises the Shire President to execute an agreement with the Chief Executive Officer to that effect.

CARRIED 10/0

The meeting was re-opened to the public.

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM011/10/09 INFORMATION REPORT		
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	15 September 2009	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM011.1/10/09 COMMON SEAL REGISTER REPORT – SEPTEMBER 2009

The Common Seal Register Report for the month of September 2009 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM011.1/10/09.**

OCM011.2/10/09 POLICY FORUM – 6 OCTOBER 2009

The following items were discussed at the 6 October 2009 Policy Forum:

Topic / Subject
Presentations
Townscape Funding Program Draft Policy Working Group
Tonkin Highway Extension
Waste initiatives
The Glades - proposed Local Structure Plan
Issues / Clearing House & Report on Progress
Report on progress of Council and Committee resolutions
Report on Councillor correspondence
Telecentre proposal to construct a new Community Resource Centre next to Mundijong Hall
Statutory Planning
Public transport planning in Byford
Local Structure Plan – Briggs Road, Byford
Thomas Road concept plans
Development Assessment Panels
Developer Contribution Plan update
Planning and Compliance update
Briefing on major developments, subdivisions, local structure plans and detailed area plans

OCM011.3/10/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 30 SEPTEMBER 2009 (A1164)

In the attachments marked OCM011.3/10/09 (IN09/12907) is the minutes of the South East Metropolitan Zone Meeting held on 30 September 2009.

OCM011.4/10/09 WALGA PEEL ZONE MINUTES – 1 OCTOBER 2009 (A1164)

In the attachments marked OCM011.4/10/09 (IN09/12905) is the minutes of the Peel Zone Meeting held on 1 October 2009.

OCM011.5/10/09 WALGA STATE COUNCIL MINUTES – 7 OCTOBER 2009 (A1164)

In the attachments marked OCM011.5/10/09 (IN09/13544) is the minutes of the WALGA State Council meeting held on 7 October 2009.

OCM011/10/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Buttfield, seconded Cr Harris
The Information Report to 23 October 2009 is received.
CARRIED 10/0

10. URGENT BUSINESS:

The Presiding Member accepted an item of Urgent Business.

COUNCIL DECISION

Moved Cr Harris, seconded Cr Buttfield
Council makes a submission to the WA Electoral Commission regarding its disappointment in the preparation and the format of the Ballot papers for the recent Local Government elections.
CARRIED 9/1
Cr Hoyer voted against the motion

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Cr Randall

Q. Why was the 2005 Byford Structure Plan which showed the blocking off of Larson Road at Thatcher Road changed?

A. The 2005 Byford Structure Plan did not show the 'blocking off' of Larsen Road. A reconfiguration of the road network was contemplated in the 2006 review of the BSP, however this review was discontinued in February 2007. The operative text to the Byford Structure Plan does include the following text:

'6.3 Precinct 4

6.3 Intersection treatment of new Town Centre District Distributor Integrator 'B' Road and Larsen Road is to be reviewed as part of the Local Structure Plan. The indicative location of the District Distributor Road is shown as number 3 on the Structure Plan.'

Accordingly, the intersection treatment will need to be considered when the Local Structure Plan for Lot 3 is presented to Council in due course.

12. CLOSURE:

There being no further business, the meeting closed at 10.12pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 23 November 2009

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD036/10/09 DEVELOPMENT SERVICES INFORMATION REPORT		
Officer:	Jason Robertson – Manager Building Services, Tony Turner – Manager Health and Ranger Services and Simon Wilkes - Executive Manager Planning	In Brief Information report.
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	23 September 2009	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD036/10/09 Committee Decision/Officer Recommended Resolution

**That the Development Services Information Report be received.
CARRIED 7/0**

SD040/10/09 PROPOSED OVERSIZE OUTBUILDING LOT 9001 (78) BRUNS DRIVE, DARLING DOWNS (P05987/02)		
Proponent:	Gable Construction	In Brief Planning approval for an oversize shed in a Landscape Protection Area. It is recommended that the application be conditionally approved.
Owner:	Claire Rhodsmith	
Officer:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	10 September 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

SD040/10/09 Committee Decision/Officer Recommended Resolution:

That the application for Approval to Commence Development for an oversized outbuilding on Lot 9001 (78) Bruns Drive, Darling Downs be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or**

- the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
 3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.
 4. A schedule of materials and colours is required to be submitted for approval prior to the issue of a building licence. Zincalume, white or off- white colours are not permitted.

Advice Notes:

1. The outbuilding is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.

2. A building license is required to be issued for the development.

CARRIED 7/0

SD043/10/09 PROPOSED VERGE TREE REMOVAL - LOT 589 HOFFMAN WAY, BYFORD (P08080/02)		
Proponent:	Redink Homes Pty Ltd	In Brief An application to remove one tree from the verge of Hoffman Way has been received. The removal of the tree is supported.
Owner:	M Braffman and D Turner	
Author:	Gillian Leopold – Planning Support Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 September 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD043/10/09 Committee Decision/Officer Recommended Resolution:

That Council:

1. Pursuant to The Glades Stage 1 Detailed Area Plan clause 5L, approve the removal of one (1) tree within the road verge adjacent to Lot 589 Hoffman Way, Byford.
2. Grant Development Approval pursuant to Town Planning Scheme No. 2 for the proposed removal of the one (1) tree within the road verge adjacent to Lot 589 Hoffman Way, Byford subject to the following condition:
 - (i) The landowners shall plant two local native trees on the road verge with a minimum size of 45 litres by 30 June 2010 in a location as approved by the Director Strategic Community Planning.

CARRIED 7/0

SD044/10/09 PROPOSED VERGE TREE REMOVAL - LOT 590 HOFFMAN WAY, BYFORD (P08081/02)		
Proponent:	Aaron Michalak	In Brief An application to remove one tree from the verge of Hoffman Way has been received. The removal of the tree is supported.
Owner:	As Above	
Author:	Gillian Leopold – Planning Support Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 September 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD044/10/09 Committee Decision/Officer Recommended Resolution:

That Council:

1. Pursuant to The Glades Stage 1 Detailed Area Plan clause 5L, approve the removal of one (1) tree within the road verge adjacent to Lot 590 Hoffman Way, Byford.
2. Grant Development Approval pursuant to Town Planning Scheme No. 2 for the proposed removal of the one (1) tree within the road verge adjacent to Lot 589 Hoffman Way, Byford subject to the following condition:
 - (i) The landowners shall plant two local native trees on the road verge with a minimum size of 45 litres by 30 June 2010 in a location as approved by the Director Strategic Community Planning.

CARRIED 7/0

SD048/10/09 PROPOSED LOCAL STRUCTURE PLAN – LOT 7 ABERNETHY ROAD, BYFORD (A1662)		
Proponent:	Greg Rowe & Associates	In Brief This report provides Council with the opportunity to consider an LSP for Lot 7 Abernethy Road, Byford. It is recommended that the LSP not be deemed satisfactory as issues associated with a future Water Corporation service corridor remain unresolved.
Owner:	Hiep Van Le	
Officer:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 September 2009	
Previously	Nil.	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD048/10/09 Committee Decision/Officer Recommended Resolution:

That Council:

- A. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for 7 Abernethy Road, Byford, documentation dated 4 August 2009 and plan dated 24 July 2009 is not satisfactory for advertising for the following reasons:**
- (i) Issues surrounding the Water Corporation Service Corridor, as articulated in Clause 7.8 of the Byford Structure Plan, remain unresolved.**
 - (ii) Progressing the Local Structure Plan ahead of the resolution of issues relating to the Water Corporation’s Service Corridor would be contrary to the principles of orderly and proper planning.**
- B. Encourage the proponent to work with the Water Corporation to resolve outstanding matters relating to Lot 7 Abernethy Road at the earliest opportunity.**

CARRIED 7/0

SD050/10/09 PROPOSED ANCILLARY ACCOMMODATION - LOT 22 MASTERS ROAD, DARLING DOWNS (P04793/01)		
Proponent:	GJ and HJ Moore	In Brief Application for the construction of ancillary accommodation with a connection distance greater than 10 metres. Approval is recommended.
Owner:	As Above	
Officer:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 September 2009	
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 CGAM064/02/08	

SD050/10/09 Committee Decision/Officers Recommended Resolution

That the application for approval to commence development of Ancillary Accommodation on Lot 22 Masters Road, Darling Downs be approved subject to the following conditions:

- 1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.**
- 2. In relation to condition 1. above, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 1. The Section 70A Notification shall be prepared by the Shire’s**

- solicitors to the satisfaction of the Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire’s solicitors’ costs shall be met by the applicant or the owner of the land
3. The ancillary accommodation is to be constructed in a manner to ensure the building is fixed and located in a permanent manner.
 4. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
 5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
 6. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.

Advice Note:

1. A building licence is required to be issued prior to the placement of the building in the land.

CARRIED 7/0

SD051/10/09 LOCAL STRUCTURE PLAN - LOT 9 ABERNETHY ROAD, BYFORD (A1523)		
Proponent:	Roberts Day Group	In Brief A Local Structure Plan has been prepared for Lot 9 Abernethy Road, Byford. The Local Structure Plan has been adopted by Council and approved by the Western Australian Planning Commission. It is recommended that Council adopt the Local Structure Plan pursuant to Clause 5.18.3.15.
Owner:	Australand	
Officer:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 September 2009	
Previously	SD116/06/08 SD096/04/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD051/10/09 Committee Decision/Officer Recommended Resolution

That Council:

- A. Adopt the Local Structure Plan ‘map’, ‘operative text’ and Local Water Management Strategy for Lot 9 Abernethy Road, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 as provided in attachments SD051.2/10/09, SD051.3/10/09 and SD051.4/10/09

- B. Notify the proponent, the Western Australian Planning Commission, all relevant state government agencies and those persons who lodged a submission during the formal advertising of the Local Structure Plan for Lot 9 Abernethy Road, Byford of Council’s decision to adopt the Local Structure Plan pursuant to Clause 5.18.3.5 of Town Planning Scheme.**
- C. Make arrangements for the Local Structure Plan for Lot 9 Abernethy Road to be made available for inspection by any member of the public during office hours.**
- D. The applicant be required to facilitate the formulation and execution of a binding legal agreement between the Department of Education and Training, Shire of Serpentine Jarrahdale and the subdivider for the provision, ongoing maintenance and ongoing public access to the shared recreation facilities.**

CGAM023/10/09 MONTHLY FINANCIAL REPORT – SEPTEMBER 2009 (A0924/07)		
Proponent:	Shire Serpentine Jarrahdale	In Brief To receive the September 2009 Monthly Financial Report
Owner:	Not applicable	
Author:	Belinda van de Linde - Developer Contribution Finance Officer	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	25 September 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM023/10/09 Committee Decision / Officer Recommended Resolution:

That Council receives the Monthly Financial Report for September 2009, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM024/10/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period of 15 August 2009 to 20 September 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 September 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM024/10/09 Committee Decision / Officer Recommended Resolution:

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 15 August 2009 to 20 September 2009, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

CGAM028/10/09 INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report to 25 September 2009.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 September 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM028/10/09 Committee Decision / Officer Recommended Resolution:

That the Information Report to 25 September 2009 be received.
CARRIED 7/0

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