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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 WEDNESDAY 27<sup>TH</sup> APRIL 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

**IN ATTENDANCE:**

**COUNCILLORS:** S Twine .....Presiding Member  
 M Harris  
 C Buttfeld  
 C Randall  
 MJ Geurds  
 T Hoyer  
 B Brown  
 A Lowry  
 A Ellis

**OFFICERS:** Ms J Abbiss .....Chief Executive Officer  
 Mr B Gleeson ..... Director Development Services  
  
 Mrs S van Aswegen ..... Organisational Development Secondment  
 Mr C Portlock ..... Acting Director Strategic Community Planning  
 Mr U Striepe .....Executive Manager Engineering  
 Mr S Wilkes .....Executive Manager Planning  
 Ms P Kursar .....Minute Secretary

**APOLOGIES:** K Petersen  
 Mr A Hart ..... Director Corporate Services  
 Mr R Gorbunow ..... Director Engineering

Members of the public – 6  
 Members of the press – 0

**2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

**Sue Lanceley – 8 Harris Place, Jarrahdale**

At the recent annual electors meetings I noticed that in the Presidents Report, the President thanks Denyse Needham, John Price and the late Kevin Murphy for distinguished contributions to the Shire during their long terms on Council. I find it disturbing that John Kirkpatrick, who resigned from Council in April in protest of the way he felt the Council treated the people of Jarrahdale during and after the storms in March 2010, did not get a mention. John Kirkpatrick had represented the Central Ward from 1995, a longer time than any of the councillors mentioned. In October 2009 he was recognised by WALGA for long and outstanding service.

My questions are:

Q1 Why was he not recognised in the Presidents report?

A1 Thank you for pointing out my oversight in the Annual Report. I apologise unreservedly to you and John Kirkpatrick.

Q2 What is the Council going to do to rectify this situation?

A2 An article acknowledging John Kirkpatrick's service will be placed in the next edition of the SJ Update which goes to every household in the Shire.

### **John Kirkpatrick – 77 Mead Street, Byford**

Since the upgrade of the halls at Byford, Jarrahdale and Serpentine and the adjusted pricing for their use, has there been for the six months prior to them being closed:

Q1 Any increase or decrease in their use, and if so, which way up or down?

A1 Due to the closure of the three halls for a number of months during renovations we cannot use 2009/10 statistics effectively to answer your question, but can confirm that the use has increased when comparing 2008/09 and 2010/11 data. Most groups have remained and where some have left others have replaced or added to the bookings.

Q2 Any increase in the amount of revenue collected for their use?

A2 Due to the closure of the three halls for a number of months during renovations we cannot use 2009/10 figures effectively to answer your question, but we can confirm that the income has already increased (even part way through the year) between 2008/09 and 2010/11 for Byford Hall and Bruno Gianatti Hall. Clem Kentish Hall income is already close to the 2008/09 total figures as of March 2011, and is anticipated to have increased by the end of June 2011.

In reply to my question at the January OCM about the number of Shire employees, it was indicated that the Shire employs 102.56 FTE. It also employs a total of 58.01 FTE in Planning, Engineering and Finance leaving a balance of 44.55 FTE.

Q3 Could I please be told which departments employ the balance of the staff and in what capacity?

A3	Corporate Services (Excluding Finance)	13.05 FTE
	Development Services (Excluding Planning)	12.90 FTE
	Executive Services	5.00 FTE
	Strategic and Community Planning	13.60 FTE

I noticed yesterday that an amount of dry branches and other flammable material against the fence of St Pauls church Jarrahdale and against the Old Post Office.

Q4 As the Shire has spent a considerable amount of money on the Church after much prompting to save this valuable historic building, could we have this material removed as soon as possible to reduce the risk to the Church and the town?

A4 Instruction has been issued to operational staff to remove the dry branches.

In reply to a question on notice, it is stated that for the years 2009 and 2010, a total of 806 building licences were issued for Byford which would equate to about 2821 extra people in the Byford area, working on 3.5 people per house. At this rate, we could reasonably expect another 450 homes this financial year 2011.

Q5 What extra sporting facilities have been provided by the Shire to accommodate these extra people?

A5 A new Junior sized Oval has been provided in the Byford Central development and should be available for competition use in early 2012. It is anticipated to have ablution and storage facilities constructed 2011/12, pending funding.

The Netball courts in Mundijong were resurfaced in early 2010 allowing all courts to be used, instead of just the two in better repair, which was putting considerable strain on the rapidly expanding Serpentine Jarrahdale Netball Club. The Mundijong Oval has also had the Change rooms upgraded to accommodate the increasing number of players in the Football and Cricket Clubs. While these facilities are in Mundijong, these three clubs' catchment includes Byford and has strong participation rates from the residents of Byford.

The Shire and Developers have also been working on a Senior Competition sized oval in the Kalimna estate, currently being constructed, which can also be used by the future Primary School that has just recently been announced by the Minister for Education. Negotiations for a Joint Use Agreement, which would aim to provide a number of playing fields and hard courts, between the Shire, the Department of Education and Catholic Education Department in the Glades are currently underway.

As you would also be aware, the Shire made the decision to build the Serpentine Jarrahdale Recreation Centre ahead of the population increase to service sporting needs.

Q6 What extra footpaths and dual use paths have been constructed to encourage them to walk or cycle in Byford?

A6. The following are new developments under construction (or have been constructed recently) within the Byford district:

1. The Glades - Multiple Use Corridor (MUC)
2. Kalimna Estate
3. Redgum Brook - (MUC)
4. Marri Park
5. Byford Central
6. Byford by the Brook
7. Byford by the Scarp

Generally, developers are required to construct footpaths on at least one side of each road. Multiple use corridors currently have interconnection within their respective developments. Ultimately, when developments along MUC's are constructed, there will be inter developmental connectivity. Further, all new roads adjoining school sites are provided with dual use paths.

### **Clayton Oud – 301 Lightbody Road, Mardella**

Over 2 weeks have passed since we have requested that Lightbody Road be graded and despite our follow up requests to the Shire for some feedback as to when this might happen, we have not received a return call to indicate when to expect grading to occur. Heading south from Mundijong Road, Lightbody Road has become almost un-driveable over this past week.

Q1 Can someone from the Shire please tell us when they intend on grading Lightbody Road?

A1 Similar gravel roads in the Shire are graded 3-4 times per annum. Lightbody Road has been graded 6 times this financial year. The upgrading of Lightbody road ie gravel sheeting of 1km is programmed for May/June of this financial year.

With regards to Royalties for Regions funding grant money expenditure on George Street and my previous questions pertaining to this matter, I will summarise my understanding of my previous questions to Council.

I have asked: *Did Council believe it could recover the Royalties for Regions Grant monies that will be used for the construction of George Street from landowners – to which the Council has answered yes.*

*What will those recovered Royalties for Regions Grant monies ultimately be used for – to which Council has responded that the recovered Royalties for Regions Grant monies will be used for the construction of George Street.*

My question to Council is:

Q2 As George Street will already have been constructed prior to the Royalties for Regions monies being recovered from landowners, specifically how will Council rechannel these recovered monies back into the construction of George Street?

A2 The Shire has only committed Royalties for Regions Funds towards the construction of George Street in the Forward Financial Plan, which are subject to approval from the relevant funding body. The monies identified in the Forward Financial Plan are not enough to complete the project, therefore any contributions that are made by developers towards the construction of George Street will enable the Shire to complete the works.

### **OCM039/03/11 - John Wieske – 85 Cardup Road, Cardup**

This question is in regard to the agenda item OCM039/03/11.

Q1 Why is it that this Council pleads with developers to apply for subdivision through the channels of this Shire as opposed to going directly to WAPC, when the evidence points to this being a very bad idea as far as outcomes?

A1 Council requires landowners to lodge an application to modify a subdivision guide plan under the requirements of Town Planning Scheme No. 2. Subdivision applications are lodged with the Western Australian Planning Commission (WAPC), who is the decision making authority on subdivision applications.

Q2 Why is it that when the owners of Lot 129 Old Brickworks Road, who, due to dissatisfaction with outcomes of Shire officers, bypassed this Shire, going directly to WAPC, at approximately the same time as we started our application for Lot 24 Beenyup Road. Why is it that they have their approval and are well on the way to getting clearances, yet we, after exerting many more hours of effort and financial costs, are still banging our heads against the wall of shire bureaucracy?

A2 A developer can lodge an application for subdivision with the WAPC at any time. The Shire can only provide advice to the WAPC with respect to subdivision applications as the final determination is made by the WAPC. If a proposed subdivision does not comply with an adopted SGP then it will not be supported by the Shire.

- Q3 Based on this evidence, what makes Council think that a developer would even bother going through the channels of the Shire?
- A3 Refer to answer 2.
- Q4 Why is it that Shire officers are not held into account in the processing of applications in their constant 'shifting of the goal posts' when it comes to requirements to satisfy approval of such applications?
- A4 Applications are assessed on the relevant statutory and policy frameworks, which are amended by the WAPC or Council, from time to time. In some cases, a change to a statutory or policy requirement will mean that the application may need to be modified.
- Q5 Why is it that when applicants ask for a meeting with Shire officers to discuss issues related to an application and such a meeting is granted, Shire officers are allowed to refuse to inform the applicant of such issues, leaving them totally frustrated and unable to subjectively find a solution?
- A5 The Shire seeks to provide information in an open and transparent manner when it is appropriate. However, there may be instances when certain information is confidential in nature and therefore cannot be disclosed to the applicant before a matter is considered by Council.

### 3. PUBLIC QUESTION TIME:

*Public question time commenced at 7.03pm*

#### Clayton Oud – 301 Lightbody Road, Mardella

The requirement for developers to fund on street parking on George Street has been removed from the Policy on the grounds that developers will already be funding adequate off street parking.

In relation to developer contribution to on street parking for George Street the Shire stated "there is no need and nexus that can be identified to justify developers paying for parking they do not individually create a demand for".

- Q Therefore, if there is no demand for this on street parking to service the commercial developments on George Street why is the Council so intent on spending \$540,390 on constructing this car parking?

In replying to this question, please address future correspondence to my postal PO Box address and not my street address as there is no postal delivery service in Mardella, as the Shire should fully be aware.

#### John Kirkpatrick – 77 Mead Street, Byford

- Q1 Questions for April OCM from replies to questions from March OCM. In reply to the question about sporting facilities, there appears to be no firm commitment or funding for the ablution and storage facilities in the coming year and is dependent on grant funding of some description. Is this correct?
- Q2 Also I understand that the funding for the Netball court upgrade was obtained by the netball club not the Shire, again is this correct?

Q3 In question 6 it would appear that all the footpath and dual use paths were constructed by the developers and none were built by the shire to join any of these estates up. Is this correct?

**Question on notice April OCM item SD100/04/11**

I notice that this item involves the modification of Mead Street Byford. I would draw the council's attention to the fact that Mead Street between Warrington Road and D'Agostino Road does not appear on either Street Smart Maps or on the Satellite navigation supplied to the emergency services. This delays the supply of some emergency services. We had cause to call an ambulance and it went to the old part of Mead Street by the Recreation Centre and had to be directed by phone to find the correct part of the street. In this case the delay was not serious, but it could have been in the case of an accident requiring urgent attention.

Q4 My question is, will the council address this issue urgently.

*Public question time ended at 7.10pm*

**4. PUBLIC STATEMENT TIME:**

SD092/04/11 - Sasha Martens Suite 6B, 103 Rokeby Road, Subiaco

My name is Sasha Martens. I am a Principal Hydrologist working for Hyd2o. My statement is in relation to the first Committee Report for consideration this evening - Item SD092/04/11 Adoption of the Draft Local Structure Plan – Redgum Brook Estate North (Lots 9020 and 9023 Thomas Road Byford).

My statement is provided on behalf of the landowners of Lot 9500 Thomas Road whose property is located immediately east of the Redgum Brook North Structure Plan Area. Our concern is that the Redgum Brook LSP has failed to consider and address a major district scale water management issue and this will impact on flood risk and prejudice planning outcomes for other properties.

Within the Redgum Brook North Local Structure Plan (LSP) Area near Malarkey Road (its eastern boundary), two district scale watercourses which carry large flood flows converge. Wide multiple use corridors (in excess of 50m) are provided in the Department of Water planning for each of these watercourses for flood protection. The LSP and Local Water Management Strategy for Redgum Brook North provide a multiple use corridor for one of these watercourses, however the second watercourse which flows under Thomas Road is ignored. No flow path is provided in the LSP for this watercourse which drains a very large catchment which extends into urban areas east of South West Highway. This watercourse is estimated by DoW to carry about 25 m<sup>3</sup>/s in major flood events - this is equivalent to a wall of water 25 metres wide by 1 metre deep flowing 1m every second. It is a large flow.

This issue was raised by the Department of Water during the public submissions period as a critical issue which needed to be resolved. During the Sustainable Development Committee meeting last week council officers advised that the Local Water Management Strategy (LWMS) had been updated to address public and agency submissions. This is not correct.

Last week we were provided a copy of the revised Local Water Management Strategy. With the exception of a very minor change on two figures, not a single word of text has changed apart from the issue date. This is despite a wide range of technical issues and clear errors having been identified during the public submissions period.



There have been no changes to the LWMS over a 7 month period, and it has not been approved by DoW (who only received a copy of the revised report last Thursday). The purpose of a Local Water Management Strategy is to inform the local structure planning process. The current document cannot be relied upon for this purpose. Our strong concern is that council are seeking to move forward with a structure plan which has failed to consider major district scale water issues, and does not have agency approval.

These are not issues which can be delayed to a DAP. Urban water management planning during a DAP only colours in the pictures drawn during the early stages of water planning. It is not the appropriate mechanism to start redrawing regional scale drainage routes which have been ignored at local structure planning stage.

In summary, a district scale drainage route has not been provided for in the LSP and it has not been demonstrated that any future change to this drainage route will not increase flood risk or affect current and future planning outcomes. We request that the LSP not be accepted by council until water management issues have been adequately addressed and resolved. My clients have been working with Redgum Brook North to address these issues and will continue to do so as a matter of urgency to ensure that water management issues are adequately addressed.

The LSP and Local Water Management Strategy is the correct process for resolving these issues to ensure flood protection, and fair and equitable outcomes are achieved. This has not yet occurred.

#### SD092/04/11 - Geoff Lewis, Gray & Lewis

1. I made a brief statement to the Committee last week. I will not repeat it but will provide a copy of those notes to the Councillors - and I would like to make a few further comments.
2. Despite the concerns raised by the adjoining land owner, I would just like to reiterate that we have addressed all of the issues in a thorough manner to the satisfaction of the Shire officers.
3. In respect to the drainage issue, there is a requirement under the BUWMP prepared for the Shire by GHD to allow for a flow of 62m<sup>3</sup> through the Multiple Use Corridor in Redgum Brook.
4. The Local Structure Plan (LSP) which incorporates the Local Water Management Plan (LWMP) also prepared by GHD, clearly demonstrates that this flow is accommodated for in the LSP.
5. The only issue is in respect to where the drainage/Multiple Use Corridor enters Redgum Brook from the east.
6. The adjoining owner to the east, unfortunately has still not prepared a LSP or LWMS for Lot 9500 despite our recommendation for them to do so over a period of some 5 years.
7. In the absence of a LSP to the east all we can use to locate the position of the MUC entering Redgum Brook is the BSP which clearly depicts the location of the MUC and Town Centre deviation road (San Simeon Boulevard). We have adopted this location and the Shire officers and Department of Water are satisfied with this approach. The two drainage lines through Lot 9500 have been merged into the single corridor that then flows into and through Redgum Brook Estate.

8. As we pointed out previously, the specific design issues can be further dealt with at the subsequent subdivision application and Detailed Area Plan stages.
9. It is unreasonable to defer the consideration of the LSP for Redgum Brook North any longer given that the adjoining land owner has still not progressed an LSP or LWMS.
10. We look forward to Council's support to finalise the Local Structure Plan (LSP).

#### Clayton Oud – 301 Lightbody Road, Mardella

Councils' answer to my question at last month's meeting relating to George Street now confirms that the Royalties for Region monies spent on the construction of George Street will not be recoverable from developers. It has only taken me 4 months to get this honest answer.

The truth is that the grant monies along with other public monies together totalling some \$540,000 will not be recovered and will be spent by this Council to benefit commercial property developers by providing their retail developments with on street parking.

I expect that the final cost to the rate payers will be much more than the \$540,000 as the developers weasel out of paying their share of road construction costs.

It is also clear to me that many within Council were aware that at least half the cost of constructing George Street would ultimately be paid for by Council sourced funding. I believe this because prior to releasing the policy for recovering construction costs from the developers for public comment, \$450,000 had already been committed to George Street in the Forward Financial Plan.

Councillors, I heard but one dissenting voice at the February Council meeting regarding the Council's commitment to expending vast amounts of money for the benefit of commercial property developers and I can only assume the rest of you feel that this is a good outcome for the ratepayer.

#### John Kirkpatrick – 77 Mead Street, Byford

I have read the reply to question from Mrs. Lanceley at the March OCM. I feel that there was a deliberate attempt to ignore me and belittle my efforts during the 16 years that I was on Council. A number of Council staff must have read the Annual Report prior to it going to press. As a result I feel unable to accept the apology indicated in the reply to the question.

#### **5. PETITIONS & DEPUTATIONS:**

#### **6. PRESIDENT'S REPORT:**

I hope you all enjoyed a happy, safe and longer Easter break with your families and friends.

It is with sadness that I tell you of the passing of Bernie Gilbride. Our condolences go out to his family and friends. He and his wife, Min, were a couple of significance to our area during their long lives. In 1995 ex Councillor, John Price recorded an oral history which is in our library, so see Lisa Keys for details of their various activities benefitting our Shire. This oral history tells of their lives in Jarrahdale and their huge contribution to the area. His funeral service was earlier today at the Cardup Christian Community Church in Karbro Drive. Fortunately, Bernie was able to attend our SJ celebrations for International Women's Day at

the Byford Hall on Tuesday 8<sup>th</sup> March along with other senior friends, Strelley Hardey, Peter Nairn and Ted Bett.

Also in our SJ Alcoa Mundijong library is another history from one of our senior residents. Lorna Hindmarsh, has just turned 95 and has written her memoirs of her life in Kenya. Lorna is Nancy Scade's mother and lives at the Native Tree Nursery in King Road. Her book and Bernie's oral history are both able to be perused at our library.

## **7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Hoyer declared an interest of impartiality in item OCM053/04/11 as Council's delegate to the Ratepayers Association and Residents Association and as a member. This will not affect the way he votes on the matter.

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

### **8.1 Ordinary Council Meeting – 28 March 2011**

**Moved Cr Brown, seconded Cr Hoyer**

**The *attached (E11/1382)* minutes of the Ordinary Council Meeting held on 28 March 2011 be confirmed.**

**CARRIED 9/0**

### **8.2 Sustainable Development Committee Meeting – 15 March 2011**

**Moved Cr Harris, seconded Cr Brown**

**That the minutes of the Sustainable Development Committee Meeting (E11/1928) held on 15 March 2011 be confirmed.**

**CARRIED 9/0**

### **8.3 Corporate Governance & Asset Management Committee Meeting**

**Moved Cr Hoyer, seconded Cr Randall**

**The minutes of the Corporate Governance & Asset Management Committee Meeting (E11/1079) held on 15 March 2011 be confirmed.**

**CARRIED 9/0**

**REPORTS OF COMMITTEES:**

SD092/04/11 ADOPTION OF DRAFT LOCAL STRUCTURE PLAN – REDGUM BROOK ESTATE NORTH (LOTS 9020 AND 9023 THOMAS ROAD, BYFORD) (A1621)		
Proponent:	Grey and Lewis Planning Consultants	In Brief
Owner:	Thomas Road Developments Pty Ltd	A draft Local Structure Plan for the Redgum Brook Estate North was deemed satisfactory for advertising by Council at its meeting of 28 September 2010. The draft Plan has since been advertised for public and agency comment.
Author:	Consultant Senior Planner	
Senior Officer:	B Gleeson - Director Development Services	
Date of Report	23 March 2011	
Previously	SD024/09/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	This report provides the opportunity for Council to consider the submissions received and several key issues.
<b>Delegation</b>	<b>Council</b>	It is recommended that the draft Local Structure Plan be adopted subject to a series of modifications

Date of Receipt: 31 March 2010  
 Advertised: Yes  
 Lot Area: 24.96 hectares  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential R20, Multiple Use Corridor, Neighbourhood Centre  
 Date of Inspection: June 2010

**Background**

On the 17 July 2005, the Shire adopted the proposed Local Structure Plan (LSP) for the Redgum Brook Estate. This LSP excluded the land on the north side of the proposed Multiple Use Corridor (MUC) as this land was identified as being subject to further investigation under the Byford District Structure Plan (BDSP).

A LSP was subsequently submitted to Council for the land on the north side of the MUC, being Lots 9020 & 9023 Thomas Road, Byford. The LSP has been intended to provide a framework for the future development of the site.

Council at its meeting of 28 September 2010 resolved to determine that the LSP was satisfactory for advertising, subject to a series of modifications. The LSP was subsequently updated by the proponent in accordance with the Council resolution. Public comment was invited from affected residents and government agencies, with the submission period closing on 13 December 2010.

This report provides Council with the opportunity to note the submissions received during the advertising period and determine whether to adopt the LSP, pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 (TPS2) with or without modification.

This report also provides Council with the opportunity to note the decision of the Western Australian Planning Commission to support the proposed 'minor modification' to the Byford District Structure Plan, with respect to the removal of the hatching over the subject land.

***A copy of the LSP statutory text and map, as advertised for public comment, is with attachments marked [SD092.1/04/11](#)***

### **Sustainability Statement**

#### ***Effect on Environment:***

##### *Water Management*

The LSP needs to comply with the Byford Townsite Drainage and Water Management Plan (DWMP) which focuses on environmental sustainability as part of the urbanisation of Byford. The Local Water Management Strategy (LWMS) submitted with the draft LSP demonstrates general compliance with the DWMP, however there are a few changes that are required to the documentation.

##### *Vegetation & Flora*

The draft LSP incorporates a detailed flora, fauna and environmental assessment which has helped guide the layout of the LSP. The LSP has attempted to retain as much vegetation as possible, whilst allowing for the land to be suitably filled to adequately deal with drainage issues.

***Resource Implications:*** The LSP seeks to integrate principles of water sensitive urban design into the future development. The LWMS has been prepared in accordance with best practice and sustainability principles. The proposed density of development also represents an efficient use of land while being in accordance with the character of the surrounding proposed urban development.

For the subdivision to proceed, it would be anticipated that a reasonable amount of clean fill would be required to achieve required groundwater separation, consistent with the principles set out in the DWMP. With respect to financial resources, the subdivision would have an on-going impact on the Shire with respect to the maintenance of assets within road reserve areas and proposed areas of public open space (POS). The level of asset provision and maintenance is not considered to be over and above the general level of provision within the Byford Area.

***Use of Local, Renewable or Recycled Resources:*** The reuse of drainage and stormwater runoff in the irrigation of public open space will be required.

***Economic Viability:*** The draft LSP focuses on environmental and resource sustainability and appropriate neighbourhood design through the clear commitment to environmental sustainability and water sensitive urban design as established under the LWMS.

***Economic Benefits:*** The draft LSP is considered to offer economic benefits through the development of an appropriately scaled local centre on Thomas Road which generally accords with the BDSP.

The developer will be required to contribute in the future, towards community facilities and services for the Byford area. This will be achieved through the preparation and adoption of a Developer Contribution Plan (DCP) to implement the Shire's adopted Community Facilities and Services Plan. A DCP has been adopted by Council for traditional infrastructure (roads, POS etc).

***Social – Quality of Life:*** The draft LSP is considered to be socially responsible through a dedication to environmental sustainability and an integrated neighbourhood design which

promotes social interaction. In relation to solar orientation and street block layout, a majority of the streets are aligned north/south and east/west allowing for good solar passive design potential.

Noise attenuation with lots abutting the Tonkin Highway extension is proposed to be dealt with through a recommended modification to the statutory section of the LSP. These lots will be required to address noise attenuation in accordance with State Planning Policy 5.4.

**Social and Environmental Responsibility:** The draft LSP was advertised to the community in accordance with the TPS 2, thus enabling comment and involvement by local and interested residents.

**Social Diversity:** The draft LSP provides for diversity in lot sizes ranging from R20 (average 500m<sup>2</sup>) to R30 (300m<sup>2</sup>) with three (3) R30 grouped housing sites. This diversity in lot sizes will promote social mix in the eventual development of the area.

**Statutory Environment:** The draft LSP has been advertised for public and agency comment pursuant to TPS 2 and is now presented to Council for determination, prior to being forwarded to the WAPC for their determination.

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

**Financial Implications:** A standard application fee was paid by the proponent for the progression/assessment of the local structure plan.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		3		Maximise the preservation of existing trees and vegetation.	
		5	Restore	Establish and enhance waterways and bush corridors.	
		6		Establish increased levels of natural vegetation in urban and rural environments.	
		12	Protect	Prevent the further loss of "local natural areas".	
		16	Quantity	Promote and implement water conservation and reuse.	
			17		Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
			18		Identify and implement opportunities for detention and storage of stormwater.
			20	Quality	Improve and maintain surface and ground water quality.
			22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			23		Enforce the adoption of "better urban water management".

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		21	Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
	<b>Infrastructure</b>	38	Roads and bridges	Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		3		Enable the provision of a range of facilities and services for families and children.
		13	Safe	Achieve a high level of community safety
		14		Develop and implement crime prevention strategies.
	<b>Places</b>	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		32		Ensure community spaces and places are

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				accessible and inviting.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
<b>OUR COUNCIL AT WORK</b>				
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.

### **Community Consultation:**

The Local Structure Plan was advertised for public comment, with submissions invited until 13 December 2011. A total of 7 submissions were received during the advertising period.

***A schedule of submissions is with attachments marked [SD092.2/04/11](#)***

### **Comment:**

There are a number of key issues which need to be addressed in progressing finalisation of the draft LSP for Redgum North. The following sections identify each issue, provide a brief explanation, identify and discuss different options to address each issue and provide a recommended path forward.

### **Noise**

During the advertising of the draft LSP, a submission was received from Main Roads Western Australia (MRWA) requesting the preparation of a noise assessment given the proximity of the subject site to Tonkin Highway and Thomas Road. The applicant has since provided a noise assessment prepared in accordance with the WAPC's State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4).

The noise modelling detailed within the report shows a significant impact from predicted noise levels, well above the SPP 5.4 noise criteria from Thomas Road and the future Tonkin Highway extension. To ameliorate the noise impacts, the noise report recommends the construction of noise walls along Thomas Road and Tonkin Highway up to a height of 2.2m. The report also recommends the application of "quiet house" design to new dwellings and the use of earth bunds is also discussed.

While noise walls, are effective at reducing noise they also present concerns from an amenity, safety and maintenance perspective. In the interests of achieving an appropriate interface and minimising visual impact a noise wall alone may not be considered an appropriate outcome.

The aim is to attain an appropriate balance between noise attenuation for new dwellings and appropriate design outcomes for the subject site and surrounding area. The Shire's Environmental Health section has reviewed the noise report and has concurred that noise walls or earth bunds will be required to achieve an appropriate level of noise reduction, especially given the location of the site in proximity to the intersection of Thomas Road and Tonkin Highway, which will carry an increasing volume of traffic in the future, including heavy vehicles.



***A copy of the Noise Assessment report is with the attachments marked [SD092.3/04/11 \(IN11/281\)](#)***

To achieve such an outcome, Shire staff recommend that the draft LSP be modified, prior to submission to the WAPC, as follows:

- The LSP Map being modified to identify a noise wall and/or earth bund to be provided along the northern and western boundaries of the LSP area between the Mixed Use zone site and the Multiple-Use corridor;
- The LSP Map being modified to identify a noise wall along the northern boundary of the LSP where Residential zonings adjoin or abut Thomas Road; and
- The LSP Statutory Section being modified to include a new section relating to noise, which will require:
  - i) The above noise walls or earth bunds to be constructed at the time of subdivision, be subject to screening vegetation and in the instance of noise walls, be treated with an appropriate finish and colour to improve their functionality and appearance; and
  - ii) The implementation of quiet house design principles through the preparation of DAPs and through the subsequent development approvals process and/or other methods as deemed appropriate with Shire staff.

Modifications are recommended to the statutory section of the LSP.

***A copy of the LSP map detailing the location of the proposed noise wall is with the attachments marked [SD092.4/04/11](#)***

### **Interfaces**

The Redgum North LSP area is located to the south of the land zoned Special Rural under the Shire's TPS 2, and identified as "Residential and Stable (minimum 2ha lots)" under the Rural Strategy. The land has been developed in a special rural manner with larger lots usually entailing a residential dwelling and associated outbuildings catering for equine uses. A series of bridle trails traverse the land and significant vegetation plantings usually align with property boundaries.

Planning for the Shire has an embedded principle of seeking to maintain rural character. This vision is being carefully considered in the planning and design of new urban development, especially where it abuts adjacent rural land. Based on the current draft LSP Map for Redgum North, interfaces with adjacent rural land to the north will consist of:

- Commercial development;
- Public open space (including remnant vegetation);
- Low and medium residential development;
- Slip-lane style roads;
- Noise walls/earth bunds; and
- Composite residential/service lots.

To ensure an appropriate interface, it is considered that modifications to the draft LSP are required. In this regard, it is recommended that the applicant demonstrate that through the use of:

- Vegetation (ie. boundary planting, street tree planting in road reserves, planting along walls, planting as part of earth bunds etc.);
- Noise wall finishes and colours;
- Open space; and/or
- Other methods as deemed appropriate with Shire staff;

An appropriate interface is to be achieved between urban development within Redgum North and surrounding rural land. It is considered that provisions can be built into the LSP Statutory Section and Map to require an appropriate interface treatment to be achieved through the preparation of detailed area plans and through the subsequent subdivision and development process. Modifications are recommended to the statutory section of the LSP.

### **Composite Development**

The draft LSP proposes composite residential/light industrial development where the subject site abuts Tonkin Highway and Thomas Road. This form of development is not readily provided for in the Shire's TPS 2, and as such, the draft LSP proposes to apply a Special Use zone titled Composite Residential/Light Industrial.

Composite development is premised on the co-located development of a residential dwelling and light/service industry use on the same lot. Configuration of such development varies greatly but usually incorporates a residential dwelling to the street frontage of the lot, with the industrial use being located to the rear. This form of development is often utilised to provide an appropriate interface where residential development immediately adjoins an industrial area. In the context of the Redgum North LSP, composite development is proposed near Tonkin Highway and Thomas Road, as standard residential development is not considered appropriate in this area based on noise and amenity considerations.

The use of this zone and form of development has been applied in various areas of Perth, with varying degrees of success, usually coming down to matters of land use, design and access. As the proposed composite area will be located in close proximity to a major gateway to the Byford urban area, as well as integrated within a largely residential development, it is considered that significant detailed land use and design control will be required to ensure an appropriate outcome.

The current draft LSP Statutory Section identifies that for composite development, the provisions, standards and requirements of the Light Industry zone apply, and propose that a single residential dwelling also be permitted, allowing for the residential component of the development. It is also identified that all development will be in accordance with a DAP.

Shire staff believe that these provisions should be modified to require the preparation of a DAP(s), prior to subdivision or development, providing development control and land use provisions for the area. It is not considered that all land uses permitted within a Light Industry zone would necessarily be appropriate within a composite development, especially given the existence of residential development on the same lot and in the surrounding area. In terms of providing guidance to the applicant or future drafter of the DAP(s), it is considered that the following matters should be listed in the draft LSP Statutory Section as needing to be addressed:

- The establishment of a development vision/objectives;
- Land use control – industrial land uses which can appropriately co-locate with residential development and surrounding residential areas;
- Setbacks – between industrial and residential uses on the same site and other setbacks generally;
- Interface treatments – between industrial and residential uses and surrounding lands;
- Access and safety;
- Noise;
- Building envelopes;
- Lot size; and
- Any other matters as deemed relevant by the Shire to ensure an orderly and proper land use and development outcome for the site and surrounds.

Modifications are recommended to the statutory section of the LSP.

### **Mixed Use Development**

The draft LSP proposes two mixed use development sites at the intersection of Kardan Boulevard and Thomas Road. The Statutory Section of the LSP identifies that development and land use on the mixed use sites is to be in accordance with the requirements of the Commercial zone. However, to permit mixed use development outcomes incorporating residential and commercial development, the Statutory Section proposes to include single, grouped and multiple dwellings as discretionary land uses. Several other commercial based land uses are also proposed as discretionary including shops, home business, home occupation, educational establishment and residential building. The provisions further identify that development is to be in accordance with a detailed area plan and the maximum residential density will be R60.

The Byford DSP does not specifically provide for commercial or mixed use development at the Kardan Boulevard and Thomas Road intersection. This is due to the whole of the Redgum North LSP area being identified as subject to further study. However, when viewed in the context of the spacing of other neighbourhoods nodes along Thomas Road, it is considered that the site is suitable for a small-scale mixed use development.

The applicant has prepared a concept plan for the site which proposes numerous car-based land uses such as fast food outlets, a car wash and service station. Further discussions with the applicant have indicated that their envisaged land use outcome has by no means been locked in at this stage and will likely be subject to further investigation.

### ***A copy of the proposed concept plan is with attachments marked [SD092.5/04/11](#)***

Given the land use and development outcome for the Mixed Use site has yet to be confirmed, it is not considered appropriate at this stage to include LSP statutory provisions which identify specific land use and planning controls. Rather, Shire staff propose that the LSP Statutory Section be modified to require a DAP to be prepared and approved for the Mixed Use site, addressing:

- Development design;
- Land use;
- Residential density;
- Floorspace and distribution (retail and non-retail);
- Traffic, access and safety; and
- Any other matters as deemed relevant by the Shire to ensure an orderly and proper land use and development outcome for the site and surrounds.

This approach will ensure flexibility and avoid the need for the LSP to be modified at a later date if the landowners' development and/or land use intentions for the site change.

Local Planning Policy No. 19 – Byford Structure Plan Area Development Requirements establishes a planning framework for neighbourhood nodes and identifies a maximum net lettable retail floor area of 300m<sup>2</sup>. This floorspace limitation is set to ensure that neighbourhood nodes, such as the proposed Mixed Use site, do not detract from nearby commercial centres. Shire staff therefore consider that this retail floorspace limitation should be included in the LSP Statutory Section.

Currently LPP19 is being used as an interim measure until Amendment 171 to the Shire's TPS 2 is gazetted. Amendment 171 proposes to introduce new zones into TPS 2 due to there being a number of land use classifications contained within the Byford District

Structure Plan (BDSP) and Local Structure Plans that are not contained within TPS 2. The insertion of these additional zones will provide appropriate guidance for land use permissibility for the Byford Structure Plan area. It is considered that Amendment 171 will be presented to Council for final adoption in the coming months.

In considering revised traffic modelling recently undertaken for Byford, and based on the potential for Abernethy Road to cul-de-sac at Tonkin Highway, it is expected that Kardan Boulevard will handle significant volumes of traffic in the future.

***A copy of the Main Roads WA & SJ Shire 2031 Regional Traffic Model is provided with attachments marked [SD092.6/04/11](#) (IN10/19614).***

This will have a significant impact on intersection design, access and safety, especially in the context of development of the mixed use site. The Shire's Engineering section has advised that traffic signals may be required at the Kardan Boulevard and Thomas Road intersections and that additional traffic devices or movement restrictions may be required for the mixed use site and first intersection to the south of Thomas Road.

As the form, nature and scale of development on the mixed use site has yet to be determined, it is difficult to address and identify through the LSP, what traffic and access arrangements will be required. As such, Shire staff believe that the most appropriate path forward will be to require the preparation of a detailed traffic assessment in conjunction with the DAP and at the development application stage.

Modifications are recommended to the statutory section of the LSP.

### **Upgrading of intersection at Thomas Road/Kardan Boulevard**

As discussed above, the Shire's Engineering section has advised that traffic signals may be required at the intersection of Kardan Boulevard and Thomas Road to cater for envisaged traffic volumes and future commercial development on the proposed Mixed use sites.

Under the draft Byford Development Contribution Arrangement (DCA), the Kardan Boulevard and Thomas Road intersection is proposed to be upgraded to provide for a channelised intersection. This intersection treatment was based on the Redgum North site being developed for residential purposes and did not take into account a Mixed Use development at the intersection. No Mixed Use site or neighbourhood node is identified in Redgum North by the Byford DSP.

As such, Shire staff have identified the need to clarify funding arrangements in the instance of traffic signals being required at the intersection, catering for additional traffic accessing the Mixed Use site.

Options discussed included:

- Modifying the draft Byford DCA to include the traffic signals within the Byford DCA for the Kardan Boulevard and Thomas Road intersection; or
- Requiring the landowner/developer of the Mixed Use site to pay for or install the traffic signals.

The Shire's Engineering section has advised that additional traffic movements and access to the Mixed Use site will likely necessitate traffic signals. As such, it is considered that there is a clear need and nexus between the traffic signals and Mixed Use site.

On this basis, Shire staff believe that it is reasonable to require the landowner/developer to:

- Pay a contribution reflecting the cost difference between the channelisation and traffic lights; or
- Install the traffic lights and seek a reimbursement through the DCA equivalent to the cost of channelisation.

This requirement will be enforced through a condition of development approval.

## Vegetation

Significant areas of remnant vegetation are located within the Redgum North area, mainly around the multiple use corridor and the proposed Local Centre site. The LSP Map identifies certain areas of vegetation to be retained where possible and the Shire's Environmental section is in support of the vegetation being retained due to its environmental benefits and landscape and amenity values.

To facilitate vegetation retention within the LSP area, it is proposed to require modifications to the LSP Statutory Section as follows:

- Landscaping plans/strategies for public open space and multiple use corridors are required to demonstrate the retention of existing and significant vegetation.
- Detailed area plans for land containing existing and significant vegetation are to require its retention.
- The preparation of a detailed area plan for the Local Centre site is to require retention of existing and significant vegetation.

## Byford District Structure Plan Modification

In considering the draft LSP for Redgum North at its meeting of 28 September 2010, Council also resolved to progress a modification to the Byford DSP to remove the hatching from the DSP Map covering the subject site as well as annotation A which stated:

*'Land subject to further study to address the requirements for drainage and detailed structure planning. Consideration should be given to the preferred alignment of the Tonkin Highway Primary Regional Road Reservation'*

The modification was considered minor and sent directly to the WAPC for consideration. Advice has since been received from the WAPC that the modification is considered minor and can be progressed without full advertising as per a major modification. Shire staff will make the necessary arrangements for the Byford DSP to be updated accordingly.

## Local Water Management Strategy

A Local Water Management Strategy (LWMS) has been prepared in parallel with the draft LSP. The Department of Water the Shire's Engineering section reviewed the LWMS during the advertising period and made the following observations:

- *Figure 11 must be updated to reflect that direct lot connection is an option for lots less than 350m<sup>2</sup> rather than 500m<sup>2</sup>. This update will make the figure consistent with the updated text in Section 6.4-Lot Drainage Management (page 35, paragraph 2).*
- *Figure 7 – Indicative Future Basin (E) suggests that only a 100mm freeboard is provided yet doesn't specify for which lot/s it applies. This is non-compliant with the Byford Townsite Drainage and Water Management Plan which requires a freeboard of 500mm between floodways and finished floor levels for adjacent lots. GHD were requested to clarify the top water levels for each basin in earlier correspondence from the Shire and Department of Water.*

- *Thomas Road Drainage and regional flow from the Darling Scarp passes under Thomas Road and flows west along the southern side of Thomas Road. This drainage line passes across the north western corner of Lot 9500 Briggs Road where it passes across the Malarkey Road Reserve into the north eastern corner of the LSP area before discharging into the Oaklands Main Drain. The Byford Townsite Drainage and Water Management Plan states a 100 Year ARI event peak flow of approximately 25.7m<sup>3</sup>/sec with a flood corridor (Multiple Use Corridor) width of 50 metres. The LSP shows this drainage line as commercial land use. An integrated solution demonstrating how the existing regional flows, Thomas Road drainage and creekline will be managed needs to be provided in the LWMS. The proponent must identify any proposal to realign this section of creekline and demonstrate how it integrates with the existing drainage on Lot 9500 Briggs Road. Open channel drainage and a flood corridor consistent with the Byford Townsite Drainage and Water Management Plan must be provided. This should be in the form of a 'living stream', and adequate space for this infrastructure should be allocated in the LSP and LWMS.*

Subject to the above matters being addressed, the revised LWMS is considered by officers to provide a suitable framework to support future subdivision and development. Accordingly, a series of modifications to the LSP are recommended.

A key issue noted above is the consideration of drainage in the context of the proposed local centre adjacent to Thomas Road and generally at the proposed intersection of Thomas Road with Malarkey/Master Roads/future San Simeon Boulevard. The need for a coordinated and comprehensive approach to the planning of this centre, taking into account a number of different matters, is seen as critical. This is further discussed later in this report.

### **Upgrading of intersection at Thomas/Malarkey Road**

The intersection at Thomas Road/Malarkey Road is an existing intersection that pre-dates development envisaged by the Byford Structure Plan. The intersection will require upgrading to facilitate the land use intensification proposed by the Byford Structure Plan and this neighbouring LSP. On this basis the draft Byford Development Contribution Arrangement (as advertised Sept 2010) proposed traffic lights at the intersection of Thomas Road/Malarkey Road.

In parallel with the advertising of the LSP, an updated traffic study was completed by consultants GHD on behalf of the proponent, taking into consideration the Main Roads WA & SJ Shire 2031 Mundijong-Whitby / Byford Regional Traffic Model (Oct 2010). Officers, in conjunction with Main Roads WA have made the following observations in respect of this traffic study:

- The intensity of the proposed land use at the intersection of Thomas Road/Malarkey Road would necessitate the need for traffic lights.
- The report provided by GHD also explores the possibility of a round-a-bout at the intersection of Thomas Road/Malarkey Road. The report outlines the benefits of providing a round-a-bout; this is acknowledged however, Main Roads WA and the Shire are not supportive of a round-a-bout. All intersectional treatments on Thomas Road are proposed to be either channelisation or traffic lights, in the context of providing uniform intersectional treatments, traffic lights are the preferred option.

In light of the above observations, the following path forward is recommended:

- Until such time as the intersection is constructed to its ultimate form, Main Roads WA and the Shire are supportive of standard channelisation, with dedicated slip, overtaking and right turning lanes.

**A copy of the updated Traffic Report is with the attachments marked [SD092.7/04/11](#)**

## Urban Design

The macro and micro-level design of development can greatly influence safety in an urban area. In light of this, the Shire has recently prepared and advertised a draft Local Planning Policy No. 24 titled Designing Out Crime. There are several aspects of the design of the Redgum North LSP which could present safety concerns if not appropriately addressed. These matters include development immediately abutting or backing-onto public open space areas and multiple-use corridors, laneways without clear lines of sight, cul-de-sacs and battle-axe style development.

It is believed that most of the areas of concern can be adequately dealt with in the preparation of detailed area plans, and application of requirements such as permeable fencing abutting public open space and dwelling orientation/design to provide surveillance opportunities. Furthermore, the LSP in itself provides the flexibility of ensure that some changes to the road layout can be made at the subdivision/development stages, providing the opportunity to improve outcomes.

However, Shire staff do have concerns about one particular portion of the design abutting Thomas Road and to the immediate west of the public open space area. This portion of the development proposes a medium density grouped dwelling site directly abutting Thomas Road to the north, public open space to the east, a multiple use corridor to the south and single residential lots to the west. Access to the site is proposed via a battleaxe leg running parallel to Thomas Road extending off of a cul-de-sac. This design outcome is not considered appropriate from a safety and access (pedestrians and vehicles) and surveillance point of view.

In light of these concerns, Shire staff recommend that a modification be made to the LSP Map for this portion of the development to provide direct access to the subject site from a public road, rather than via a battleaxe leg, as well as providing for a whole or partial road interface between the development site and adjacent public open space.

## Local Centre

The draft Local Structure Plan proposes a Local Centre classification at the corner of Thomas Road and San Simeon Boulevard. A draft concept plan prepared for the site proposes a shopping centre incorporating a small supermarket and several supporting speciality shops. Parking is proposed to the rear of the site with access from San Simeon Boulevard.

***A copy of the draft concept plan and perspectives provided by the proponent is with attachments marked [SD092.8/04/11](#)***

The proponent has provided the following supporting text:

*"We have engaged Doepel Marsh Architects to prepare an indicative site plan for the Local Centre site adjacent to Malarkey Road and for the Mixed Use site at the intersection of Kardan Boulevard and Thomas Road together with some perspective drawings to gain a 'feel' for the scale of development.*

*The local centre site has been designed to directly relate to the MUC with existing trees within the commercial site being retained in addition to those within the MUC. The cafe/plaza area integrated with the MUC will become the focal point and a real feature for Redgum Brook Estate.*

*The developers intend commencing work as soon as practicable following the granting of all relevant approvals."*

There are several key issues regarding the proposed Local Centre and these are discussed in the following sections.

### Neighbouring Landowner

The landowner to the east of the Redgum North LSP on Lot 9500 has expressed several concerns regarding the proposed Local Centre and has also expressed a desire to see all or a portion of the Local Centre on their site. Addressing this matter will be discussed in subsequent sections.

### Byford District Structure Plan

The subject Local Centre is identified on the Byford DSP as a Neighbourhood Centre. The DSP indicatively shows the Centre slightly further to the south than proposed in the Redgum North LSP, in proximity to San Simeon Boulevard and Malarkey Road. The DSP, in its status as a district-level plan, is however designed to inform further detailed planning, through the preparation of LSPs.

### Floorspace and Development Requirements

In accordance with the Shire's Local Planning Policy No. 19 – Byford Structure Plan Area Development requirements, the Local Centre is identified as a "Medium Neighbourhood Centre" with a shopping floorspace of between 1,500m<sup>2</sup> and 2,500m<sup>2</sup> and comprising a supermarket of between 1,500m<sup>2</sup> and 2,000m<sup>2</sup> together with a limited range of support shops and local services.

The draft Redgum North LSP identifies that development of the Local Centre will be in accordance with the Neighbourhood Centre requirements of LPP 19 and that the Local Centre will be subject to a DAP to be approved by the Shire of Serpentine Jarrahdale. The draft LSP proposes a maximum of 2,500m<sup>2</sup> of retail net lettable area (NLA) and 2,500m<sup>2</sup> of non-retail NLA.

Based on these floorspace proposals, the LSP assumes that the entire Local Centre will be located in the Redgum North. The neighbouring landowner on Lot 9500 has objected to this.

### Access

A key consideration in planning for a Local Centre is traffic and access. In light of this, the Shire's Engineering section has reviewed the proposed Local Centre. Based on envisaged traffic volumes for San Simeon Boulevard, a number of potential issues have been identified:

- Potential access arrangements utilising Thomas Road.
- Access to San Simeon Boulevard.
- Movement restrictions.
- Intersection spacing between entrances to the Local Centre site and the intersections of:
  - Thomas Road and San Simeon Boulevard
  - San Simeon Boulevard and Malarkey Road.
- Intersection treatments.
- Vehicle stacking.

In addition to these matters, a submission has been received from the adjoining landowner at Lot 9500 to the east, indicating an intention to provide commercial land uses on their site on the opposite side of San Simeon Boulevard. Whilst this proposal has yet to be submitted, it is assumed that a draft LSP for the site will include commercial development. In light of



this and based on the principle of achieving coordinated and orderly and proper planning outcomes for Local Centres, the coordination of traffic and access arrangements is considered to be of vital importance.

### Vegetation

Several areas of remnant vegetation are located on the Local Centre site and the draft LSP Map identifies these being “existing trees to be retained where possible”. The Shire’s Environmental section has identified that this vegetation is significant and should be retained due to its environmental values. More generally, submissions have been received during the advertising period suggesting that existing vegetation should be retained on site.

The vegetation in question is located in close proximity to Thomas Road and forms part of a significant stand of trees stretching through the adjoining multiple-use corridor. Retention will therefore provide a valuable landscape and visual amenity benefit and assist in establishing a suitable interface with adjacent rural land to the north of Thomas Road.

### Drainage

A significant drainage line enters the Redgum North LSP area toward the northeast. The drain passes through the proposed Local Centre site. The Shire’s Engineering section has advised that in a 1 in 100 year flood event, the drainage line will carry approximately 25m<sup>3</sup> of water per second.

The applicant has been required to demonstrate how this drainage line will be addressed. In response, it has been suggested that the drainage line be diverted on a north-south route through the adjoining Lot 9500 to the east to connect in with the existing east-west multiple-use corridor. The owner of Lot 9500 opposes this proposal and has suggested that the drainage line be routed along Thomas Road and connect into the multiple-use corridor further to the west of the proposed Redgum North Local Centre.

### Planning Framework for the Local Centre

It is obvious that there are several significant outstanding issues to be addressed in planning for the Local Centre. One of these key issues ensuring a coordinated development outcome between the two landholdings seeking to establish commercial development on their sites. Shire staff are of the opinion that this is a matter which needs to be addressed by the landowners in question through the preparation of a holistic plan.

In light of this, it is recommended that the draft LSP Statutory Planning section be modified to require the preparation of a DAP, pursuant to the requirements of State Planning Policy No. 4.2 – Activity Centres for Perth and Peel (SPP 4.2), to guide the coordinate development of a Local Centre on both the subject site and neighbouring Lot 9500. The DAP will be required to demonstrate how the centre satisfies Element 7 of Liveable Neighbourhoods and the following matters:

- Floorspace;
- Land use;
- Development requirements;
- Traffic and access;
- Vegetation retention;
- Drainage and water management;
- Integration and coordination between different landholdings; and
- Any other matters as deemed relevant by the Shire to ensure an orderly and proper land use and development outcome for the site and surrounds.

This approach will allow for all issues to be addressed and provide clarity for both landowners and the Shire and WAPC in considering future development and subdivision proposals.

**Statutory Process:**

In accordance with the provisions of TPS 2, Council has the option to:

- Adopt the draft LSP without modification;
- Adopt the draft LSP with modifications; or
- Refuse to adopt the draft LSP.

Once this decision has been made, Shire staff will forward the draft LSP, a copy of Council's decision, a summary of the submissions received and any other relevant information to the WAPC for its consideration.

**Conclusion:**

Shire staff considered that with appropriate modifications and the provision of additional information as detailed in this report, that the draft Redgum North LSP is satisfactory to be adopted by Council and forwarded to the WAPC for consideration and determination.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council, in respect of the proposed Lot 9020 and 9023 Thomas Road Local Structure Plan, Byford dated October 2010 (as advertised):

- A. Note the submissions received during the advertising period, which closed on 13 December 2010, as detailed in Attachment SD092.2/04/11.
- B. Note the decision of the Western Australian Planning Commission to support the removal of the hatching from the Byford (District) Structure Plan
- C. Adopt the Local Structure Plan, pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2, subject to the modifications outlined in Attachment SD092.9/04/11.
- D. Forward the updated Local Structure Plan to the Western Australian Planning Commission, pursuant to clause 5.18.3.9 of Town Planning Scheme No.2
- E. Advise those persons who lodged a submission during the advertising period of the Local Structure Plan of Council's decision.

**SD092/04/11 COUNCIL DECISION/Committee Recommended Resolution:**

Moved Cr Geurds, seconded Cr Brown

That Council, in respect of the proposed Lot 9020 and 9023 Thomas Road Local Structure Plan, Byford dated October 2010 (as advertised):

- A. Note the submissions received during the advertising period, which closed on 13 December 2010, as detailed in Attachment [SD092.2/04/11](#)
- B. Note the decision of the Western Australian Planning Commission to support the removal of the hatching from the Byford (District) Structure Plan

- C. Adopt the Local Structure Plan, pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2, subject to the modifications outlined in Attachment [SD092.9/04/11](#)**
- D. Forward the updated Local Structure Plan to the Western Australian Planning Commission, pursuant to clause 5.18.3.9 of Town Planning Scheme No.2**
- E. Advise those persons who lodged a submission during the advertising period of the Local Structure Plan of Council's decision.**
- F. Advise the proponent that Council seeks a partnership with the developer, Main Roads WA and the Shire, on the design options of the noise wall, to ensure that the visual amenity is not adversely affected by the noise wall.**

**CARRIED 9/0**

**Council Note:** The Officers Recommended Resolution was changed by adding condition F. Council is aware that resolution of the alignment of the waterway at the north eastern corner is required.

SD096/04/11 RETROSPECTIVE APPLICATION FOR LANDFILL - LOT 220 HOMESTEAD PLACE, BYFORD (P07664/07)		
Proponent:	Kean Mean Loo	In Brief  Application for planning approval for retrospective landfill. It is recommended that the application be approved subject to conditions.
Owner:	As Above	
Officer:	Peter Varelis – Project Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	7 February 2011	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 19 Aug 2010  
 Advertised: Yes  
 Submissions: 3 landowners and 3 government agencies  
 Lot Area: 3.32 ha  
 L.A Zoning: Rural Living B  
 MRS Zoning: Rural  
 Use Class & Permissibility: Residential - Incidental development  
 Rural Strategy Policy Area: Rural Living B

**Background**

In April and May 2010, the Shire of Serpentine Jarrahdale received two development applications for a dwelling and shed at Lot 220 Homestead Place, Byford. An assessment of the development applications was undertaken and based on the information submitted, approval was granted under delegated authority.

In August 2010, the Shire’s compliance officer identified a large area of landfill on Lot 220 Homestead Place, Byford. It was soon discovered that a large portion of the site had been excavated to make way for the dwelling and shed (previously approved under delegation). However, the applications for the dwelling and shed did not include extensive excavation

works for the structures; these works have already commenced and are the subject of this application.

As a result of the initial investigations, officers wrote to the landowner advising that the landfill was unauthorised and requested the landowner to submit a retrospective planning application to the Shire.

Since the application was lodged the following has occurred:

- The application was referred to nearby landowners for comment;
- The application was referred to relevant government agencies for comment; and
- A technical assessment of the application has been completed by the Shire's officers with a recommendation provided for Council's consideration.

Submissions of concern were received during advertising period and the landfill is considered moderate to high risk as per draft Local Planning Policy No. 34 – Placement of Fill (LPP34), as such the retrospective application is presented to Council for consideration.

***A location plan and aerial photograph are with attachments marked [SD096.1/04/11](#)***

***The cross sections and site plans are with attachments marked [SD096.2/04/11](#)***

***A copy of the proposed retaining and structural engineering certificate is with attachments marked [SD096.3/04/11](#)***

***A copy of draft LPP34 is with attachments marked [SD096.4/04/11](#)***

***Site photography of the site is with attachments marked [SD096.5/04/11](#)***

Given the retrospective nature of the application and concerns raised about the structural integrity of the landfill the owner saw merit in obtaining a structural engineering certificate to verify its integrity.

As objections were received during the advertising of the proposal, the matter is now presented to Council for consideration and determination. Should Council approve the development application the applicant will be required to carry out works and construct in accordance with the approved plans.

### **Sustainability Statement**

***Effect on Environment:*** The retrospective application has high visual impacts on the landscape and physical impacts on remnant vegetation caused by the filling of land in close proximity to the vegetations trunk and root zones. Conditions of development approval are being recommended to maintain a clear zone around the trunks and root zones of the affected trees.

***Social – Quality of Life:*** The retrospective application has high visual impacts on the landscape, this was also raised in submission. On this basis it is being recommended that a vegetation management plan be submitted as part of the approval to mitigate visual impacts to adjoining landowners and the public realm.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Draft Local Planning Policy 34 – Placement of Fill

### **TPS 2**

### ***Unauthorised Development***

As approval has not been granted previously for the cut and fill, the carrying out of an unauthorised development constitutes an offence under the TPS 2 below:

**“8.3 OFFENCES**

**8.3.1** *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

*(a) otherwise than in accordance with the provisions of the Scheme;*

*(b) unless all consents required by the Scheme have been granted and issued;*

*(c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and*

*(d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.*

**8.3.2** *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.”*

In accordance with TPS 2, planning approval is required prior to the commencement of any development and/or use within the Shire, unless specifically exempt. The cut and fill is consistent with the definition of ‘development’, as provided for under the Planning and Development Act 2005.

The landowner did not obtain the prior planning consent from the Shire and therefore committed an offence under TPS 2. It is important to note, however, that Council is obligated to determine the application based on the information submitted against the existing statutory planning framework; past, current or possible future compliance-related issues are not relevant in the determination of the application.

*Retrospective Application*

In considering whether to grant retrospective planning consent, TPS 2 contains the following provision:

**6.8 UNAUTHORISED EXISTING DEVELOPMENT**

**6.8.1** *The Council may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, providing the development conforms to the provisions of the Scheme.*

**Policy/Work Procedure**

**Implications:**

Draft Local Planning Policy 34 – Placement of Fill  
Local Planning Policy 8 – Landscape Protection Area

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>			
	<b>Landscape</b>		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
			Defend our scarp and forest from inappropriate uses.
		Manage	Facilitate sustainable agricultural practices.
			Ensure responsible animal care, control and management within the Shire.
	<b>Integrated Water Cycle Management</b>		
		Quantity	Promote and implement water conservation and reuse.
			Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
			Identify and implement opportunities for detention and storage of stormwater.
			Protect and develop natural and man-made water sources.
		Quality	Improve and maintain surface and ground water quality.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			Enforce the adoption of “better urban water management”.
		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
			Facilitate and encourage the preservation, management and restoration of natural water systems.
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
		Rural Land	Ensure the built form complements and enhances the rural environment.
			Plan for the preservation of rural land and its integration with urban and rural villages.
			Consider the viability of rural land uses in strategy and policy development.
			Promote the vision of the Shire being the ‘food bowl’ of Perth.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Create low maintenance living streams and ephemeral wetlands.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.

**Consultation:**

### Project Appreciation

Given the retrospective nature of the proposal it is important that Council are aware of the particulars of the development application. The cut has already occurred within the nominated building envelope with the subsequent fill being tentatively placed in areas around the property (outside the building envelope). The development approval being sought from Council seeks to rectify approval for the cut and attain approval to continue carrying out works associated with the fill as proposed in the development application.

In considering the proposed fill Council should also be made aware that the Landscape and Vegetation Management Plan recommended as part of the conditions of approval will provide an opportunity for the Shire's officers to ensure that the fill is properly screened and carried out in such a manner that it minimises the impacts on existing vegetation and the visual amenity of existing residences.

### Landowner Comments

The application was referred to adjoining landowners in accordance with the requirements set out in TPS 2. During the advertising period, three submissions of concern were received.

The key issues raised in the submissions are summarised below:

- The lay of the land has been changed so when heavy rains fall the water will encroach onto the adjoining property.
- The Beenyup Brook runs through the adjoining property, the Brook may need to be widened and require maintenance as it is in a dilapidated state at the present time due to debris and kangaroos knocking down the embankment.
- No development or earth works should be undertaken within 15 metres of the property boundary.
- Earthworks and excavations should be properly re-contoured into the property at the conclusion of works.
- The re-vegetation proposed to the north should be implemented immediately; take into consideration neighbouring views and followed up by Council to ensure effective screening.

A summary of submissions and proposed actions taken is provided in a table under the comments section of this report.

### External Government Agency Comments

#### *Department of Water:*

The application was referred to the Department of Water (DoW) for comment. The DoW made no comment.

#### *Department of Environment and Conservation:*

The application was referred to the Department of Environment and Conservation (DEC) for comment. The DEC have highlighted that significant vegetation / watercourses (namely the Jarrahdale State Forrest F22 and Beenyup Brook) are located within close proximity to the development and should be taken into consideration when making a determination on the application. It was also raised that any fill should be free of contaminants particularly given the developments close proximity to significant water courses.

#### *The Western Australian Planning Commission:*

The application was referred to the Western Australian Planning Commission (WAPC) for comment. The WAPC have no objections provided there is no impact on the adjoining MRS Parks and Recreation reservation.

### **Comment**

#### **Technical Assessment**

Although a number of concerns were raised by submitters, officers are of the opinion that these issues can be dealt with by way of specified conditions of development approval.

A summary of the concerns raised in light of a technical assessment and public submissions are outlined below.

<b>Resident / Technical Concern</b>	<b>Officer Comment</b>	<b>Action/Mitigation</b>
Change in the lay of the land and affect in a heavy rain fall event.	The plans provided by the proponent for assessment denote subsoil drainage at the base and through the crux of the landfill immediately adjacent to the retaining.	No action required. Upon assessment by the Shire's Engineer it has been made evident that the subsoil drainage at the base of the wall, as denoted on the plans, provides for good drainage functionality. This concern is further verified by virtue of receiving engineering certification.
Capacity and state of Beenyup Brook.	Concern noted.	The Shire's officers are requesting that the development is to have no impact on adjoining watercourses. The additional concerns raised with regard to the Beenyup Brook are not matters to be addressed through this specific development application.
Development or earthworks within 15m of the property boundary.	Development is to be retained within the parameters of the existing building envelope.	Condition of approval.
Re-contouring at the conclusion of earthworks.	Levels are to be established in accordance with the plans provided.	Condition of approval.
Implementation of re-vegetation	Concern noted.	Condition of approval.

#### **Policy Context**

Primarily two of the Shire's Local Planning Policies apply to the subject site, namely Landscape Protection Area (LPP8) and Placement of Fill (draft LPP34). A summary of the developments relationship to the LPPs is outlined below.

##### *Landscape Protection Area – LPP8*

The landfill has made a significant impact on the visual appearance of the landscape. Officers are of the opinion that a Landscape and Vegetation Management Plan should be required by virtue of recommended conditions of development approval to ensure the proper and orderly reinstatement of areas of disturbed vegetation.

##### *Placement of Fill – LPP34*



In accordance with 'Schedule 1 Impact Significance Guidelines' of draft LPP34 the development is classified as moderate to high risk. However, officers are of the opinion that the objectives and provisions of draft LPP34 are being sustained by virtue of recommended conditions of development approval.

It is important to note that the rating system (low, moderate and high) within draft LPP34 is intended to be used as a means of delineating whether or not landfill should be approved under delegation or presented to Council, subject to consultation. It also provides officers guidance as to appropriate conditions to be placed, should the development be approved. This report provides Council with the opportunity to make a formal determination on the application.

### **Options**

There are a number of options available to Council in determining the application, namely:

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

It is important to note that should the applicant be aggrieved by the decision of Council there is capacity for the applicant to lodge a claim for review with the State Administrative Tribunal.

### **Conclusion**

Based on the information currently available and having regard to the matters outlined in this report, it is recommended that the application be approved subject to appropriate conditions.

**Voting Requirements:** Simple Majority

### **Officer Recommended Resolution:**

The application for retrospective planning approval for landfill at Lot 220 Homestead Place, Byford be approved subject to the following conditions:

1. The proponent and/or the contractor shall be responsible for the dust and sand drift control in accordance with the Department of Environment and Conservation (DEC) guidelines (Land Development Sites and Impacts on Air Quality). Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Development Services.
2. No fill is permitted to encroach into the Metropolitan Region Scheme reservation for Parks and Recreation, located on the north eastern boundary of the subject site.
3. No portion of the landfill, that does not form part of this approval, is permitted to encroach outside of the existing building envelope to the satisfaction of the Director Development Services.
4. All overburden fill material (including rocks) not part of this approval is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to the commencement of works.
5. All works shall be undertaken in accordance with the structural certification certificate received by the Shire on 19 October 2010.
6. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
7. 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.
8. All material shall be clean, free draining, medium to coarse sand, free from foreign and/or organic material.

9. Hours for site and construction work shall be limited to the following hours:  
Mondays to Fridays 7.00am to 6.00pm only  
Saturdays 7.30am to 5.00pm only  
Sundays and Public Holidays No works permitted.
10. A Landscape and Vegetation Management Plan shall be submitted for Shire approval within 28 days of development approval being issued. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

Committee Recommended Resolution:

The application for retrospective planning approval for landfill at Lot 220 Homestead Place, Byford be approved subject to the following conditions:

1. The proponent and/or the contractor shall be responsible for the dust and sand drift control in accordance with the Department of Environment and Conservation (DEC) guidelines (Land Development Sites and Impacts on Air Quality). Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Development Services.
2. No fill is permitted to encroach into the Metropolitan Region Scheme reservation for Parks and Recreation, located on the north eastern boundary of the subject site.
3. No portion of the landfill, that does not form part of this approval, is permitted to encroach outside of the existing building envelope to the satisfaction of the Director Development Services.
4. All overburden fill material (including rocks) not part of this approval is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to the commencement of works.
5. All works shall be undertaken in accordance with the structural certification certificate received by the Shire on 19 October 2010.
6. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
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Mondays to Fridays 7.00am to 6.00pm only  
Saturdays 7.30am to 5.00pm only  
Sundays and Public Holidays No works permitted.
10. A Landscape and Vegetation Management Plan shall be submitted for Shire approval within 28 days of development approval being issued. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

LOST 3/4

The Presiding Member used her casting vote against the motion.

Cr Twine voted against the motion.

Committee Note: Committee request Officers to prepare a condition relating to a performance bond to be presented at the April Ordinary Council Meeting. Committee rejected the Officers Recommended Resolution on the condition that there is greater clarity on bond quantity and prosecution possibilities to be elucidated at the Ordinary Council Meeting.

### Supplementary Information

At the Sustainable Development Committee meeting on 19 April 2011, officers were requested to provide additional information in respect of a potential performance bond. Further information is provided below in response to this request. It is important to note that should the applicant be aggrieved by the decision of Council there is capacity for the applicant to lodge a claim for review with the State Administrative Tribunal.

### Performance Bond

A number of other Local Governments require the payment of performance bonds for the completion of works to satisfy the requirements of conditions of development approval. This is particularly evident where failure to complete a development in accordance with the approval could adversely affect an adjoining property or the community at large.

The value of the outstanding workings in relation to the development currently before Council is estimated to be in the order of \$140,000. Should Council wish to proceed to impose a condition requiring the payment of a performance bond, Condition 11 is provided in the Revised Officer Recommended Resolution below.

- *Satisfactory arrangements being made for the payment of a performance bond to the Shire within a 30 day period from the date of this approval.*

In addition, Council may wish to adopt the following advice notes:

- *In relation to condition 11, the value of the performance bond shall be determined by the Director Engineering Services and shall be not less than 100% of the estimated cost of the works required to satisfy the conditions of this approval, including but not limited to; No. 4, 5, and 10*
- *Should the works not be completed by the 31 December 2011, or as otherwise agreed in writing by the Director Engineering Services, the Shire may complete the outstanding works and deduct the cost including administrative or other overhead costs from the performance bond or guarantee.*
- *The performance bond shall be returned upon evidence being provided that the required works have been completed to the satisfaction of the Director Engineering Services.*

### **SD096/04/11 COUNCIL DECISION/Revised Officer Recommended Resolution:**

#### **Moved Cr Harris, seconded Cr Hoyer**

**The application for retrospective planning approval for landfill at Lot 220 Homestead Place, Byford be approved subject to the following conditions:**

- 1. The proponent and/or the contractor shall be responsible for the dust and sand drift control in accordance with the Department of Environment and Conservation (DEC) guidelines (Land Development Sites and Impacts on Air Quality). Disturbed areas shall be stabilised as soon as practicable and thereafter maintained to the satisfaction of the Director Development Services.**
- 2. No fill is permitted to encroach into the Metropolitan Region Scheme reservation for Parks and Recreation, located on the north eastern boundary of the subject site.**
- 3. No portion of the landfill, that does not form part of this approval, is permitted to encroach outside of the existing building envelope to the satisfaction of the Director Development Services.**
- 4. All overburden fill material (including rocks) not part of this approval is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to the commencement of works.**

5. All works shall be undertaken in accordance with the structural certification certificate received by the Shire on 19 October 2010.
6. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
7. 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.
8. All material shall be clean, free draining, medium to coarse sand, free from foreign and/or organic material.
9. Hours for site and construction work shall be limited to the following hours:  

Mondays to Fridays	7.00am to 6.00pm only
Saturdays	7.30am to 5.00pm only
Sundays and Public Holidays	No works permitted.
10. A Landscape and Vegetation Management Plan shall be submitted for Shire approval within 28 days of development approval being issued. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.
11. Satisfactory arrangements being made for the payment of a performance bond to the Shire within a 30 day period from the date of this approval.

**Advice Notes:**

1. In relation to condition 11, the value of the performance bond shall be determined by the Director Engineering Services and shall be not less than 100% of the estimated cost of the works required to satisfy the conditions of this approval, including but not limited to; No. 4, 5, and 10.
2. Should the works not be completed by the 31 December 2011, or as otherwise agreed in writing by the Director Engineering Services, the Shire may complete the outstanding works and deduct the cost including administrative or other overhead costs from the performance bond or guarantee.
3. The performance bond shall be returned upon evidence being provided that the required works have been completed to the satisfaction of the Director Engineering Services.

**CARRIED 8/1**

**Cr Randall foreshadowed the original Officer Recommended Resolution if the motion under debate was defeated.**

SD098/04/11		PROPOSED OVERHEIGHT AND OVERSIZE GARAGE LOT 218 CULHAM VISTA, BYFORD (P07943/01)	
Proponent:	Burnella Roncroft	In Brief  Application for the construction of oversize outbuilding at Lot 218 Culham Vista, Byford. It is recommended the application be approved.	
Owner:	As Above		
Officer:	Casey Rose - Planning Assistant		
Senior Officer:	Brad Gleeson - Director Development Services		
Date of Report	22 March 2011		
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		
<b>Delegation</b>	<b>Council</b>		

Date of Receipt:	1 February 2011
Lot Area:	3645m <sup>2</sup>
MRS Zoning:	Urban
TPS Zoning:	Urban Development
Byford Structure Plan:	Rural Residential
DAP:	Byford by the Brook DAP
Use Class & Permissibility:	Single Residence – incidental development (P use)

### **Background**

An application was received for an over height and oversized garage at Lot 218 Culham Vista, Byford. The proposed garage is intended to be constructed of the same materials and finishes as the dwelling. The developer covenants for lots within Byford by the Brook state landowners shall not park recreational vehicles in view of the street. Whilst the Shire's Detailed Area Plan provisions are not bound by those of the developer, the proposed double brick garage exceeds the requirements of Local Planning Policy (LPP) 17 due to the inclusion of a 24 degree roof pitch which is necessary to house a boat and caravan. Whilst over height and oversized, the building will be aesthetically complimentary to the streetscape and providing an opportunity to screen the vehicles from the street.

The proposed double brick garage is intended on being wholly located within the building envelope. A dwelling will be constructed on the lot soon.

***The location, site, floor and elevation plans and an aerial photo are with attachments marked [SD098.1/04/11](#)***

### **Variations requested**

Council's LPP17 sets the following requirements for properties zoned Urban Development under TPS and identified as Rural Residential under the Byford Structure Plan:

<i>Maximum floor area combined</i>	<i>100m<sup>2</sup> (20% allowable variation = 120m<sup>2</sup>)</i>
<i>Maximum wall height</i>	<i>2.7m (20% allowable variation = 3.24m)</i>
<i>Maximum ridge height</i>	<i>4.5m (No variation allowed under delegation)</i>

The variations requested are:

<i>Overall floor area</i>	<i>127.50m<sup>2</sup></i>
<i>Proposed wall height</i>	<i>3.5m</i>
<i>Proposed Ridge Height</i>	<i>5.625m</i>

### **Sustainability Statement – Outbuildings**

<b>Sustainable Element</b>	<b>Comment</b>
Is there remnant native vegetation on site or adjoining verge?	The property does not contain any protected or native species.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No remnant or native vegetation will be removed.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No. The proposed outbuilding will be appropriately matched to the finish and materials of the dwelling.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will be consistent with nearby properties.
Will the requested variation have an	No the outbuilding would be suitably placed

adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	in the rear corner of the residential property.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The outbuilding is consistent with residential and incidental development and would not require unique water detention.

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Residential Design Codes of Western Australia

**Policy/Work Procedure Implications:**

LPP17 Residential and Incidental Development  
Detailed Area Plan – Byford by the Brook

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		6		Establish increased levels of natural vegetation in urban and rural environments.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.

**Community Consultation:**

No objections received.

**Planning Assessment:****Policy Requirements**

LPP17 Residential and Incidental Development

## Byford by the Brook Detailed Area Plan (DAP)

<b>Policy Requirement</b>	<b>Required</b>	<b>Proposed</b>	<b>Comments</b>
Setbacks – As per building envelope and DAP Provisions	Front 6m Rear 6m Side 3m	Within building envelope	Complies.
Floor Area (combined total floor area of all outbuildings)	Max. 100m <sup>2</sup>	127.50m <sup>2</sup>	Variation - supported
Wall Height	Max. 2.7m	3.5m	Variation – supported.
Roof Height	Max. 4.5m	5.625m	Variation- supported.

Options:

There are primarily two options available to Council in considering the 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.

Conclusion

It is considered the proposed outbuilding will provide an opportunity for the landowner to comply with the requirements of the developer covenants of the estate and afford an aesthetically pleasing streetscape with minimal deviation from the objectives of the DAP provisions for this estate. It is recommended the garage be approved with conditions.

**Voting Requirements:** Simple Majority

**SD098/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:****Moved Cr Brown, seconded Cr Hoyer**

**That the application for approval to commence development for an oversized outbuilding on, Lot 218 Culham Vista, Byford 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. Access to the lot shall be via the existing crossover only and only one driveway is permitted.**

**Advice Notes:**

1. The garage shall not be occupied for habitation purposes or used for the parking of a commercial vehicle unless otherwise approved by Council.
  2. 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.
  3. A building licence is required to be issued prior to the commencement of development including earthworks.
- CARRIED 9/0**

SD093/04/11 BYFORD MAIN PRECINCT (INCLUDING THE GLADES) BYFORD LOCAL STRUCTURE PLAN – FINAL ADOPTION (A1654)		
Proponent:	Taylor Burrell Barnett	In Brief
Owner:	LWP Property Group Pty Ltd	
Author:	Brad Gleeson – Director Development Services	The WAPC has approved the Local Structure Plan for the Byford Main Precinct (The Glades), Byford.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 February 2011	The final proposed Local Structure Plan is presented to Council for final adoption.
Previously	SD056/12/10 SCM25/03/10 OCM26/10/09 SCM02/09/06 OCM05/08/06	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Following the advertising of the Byford Main Precinct Local Structure Plan (LSP) in late 2009, Council adopted the LSP subject to modifications on 9 June 2010, and then referred the modified LSP to the Western Australian Planning Commission (WAPC) for its consideration.

Since that time, the WAPC reviewed the LSP with a view to make a determination as to whether to approve the LSP with or without modifications. The WAPC referred the LSP with modifications to the Shire for consultation. Council considered and provided a response to these modifications on 12 December 2010, passing the following resolution.

#### *That Council:*

1. Note the Western Australian Planning Commission's advice on and proposed modifications to The Byford Main Precinct "The Glades" Local Structure Plan.
2. Endorse Officers comments within Attachment SD056.4/12/10 as the Shire's response to the Western Australian Planning Commission's proposed modifications to the Local Structure Plan.
3. Urgently progress a Joint Use Agreement with the Department of Education and Training and the Office of Catholic Education to work toward shared recreation facilities with a view to amending the Local Structure Plan to remove the district open space area south of Orton Road, as a minor amendment in accordance with Clause 5.18.4.1 of Town Planning Scheme No. 2 once that agreement is signed.



4. *Direct Administration to investigate the options for effective domestic cat control around the Brickwood Reserve, and prepare a business case for the most appropriate mechanism for Council's consideration in the 2011-2012 budget.*

The LSP, along with Council's recommendation, was presented to the Statutory Planning Committee Meeting of the WAPC on 22 February 2011.

***A copy of the report considered by the Statutory Planning Committee is with attachments marked [SD093.1/04/11](#)***

The WAPC gave notice of its decision to approve the LSP on 28 February 2011.

***A copy of the decision notice from the WAPC is with attachments marked [SD093.2/04/11](#)***

The WAPC in approving the LSP, considered not only the modifications previously considered by Council but also the key matters relating to district open space, the provision of community facilities and the future alignment of Orton Road.

***A schedule of modifications is provided as attachment [SD093.3/04/11](#) including a summary of the Council recommendation and the WAPC decision.***

This report provides Council now with the opportunity to adopt the LSP pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 (TPS 2), enabling the LSP to become 'operational'.

In parallel with the above-mentioned LSP, a modification to the Byford Structure Plan was progressed including advertising for public comment in early 2010. The modification to the Byford Structure Plan has also now been 'approved' by the WAPC, effectively deleting the hatching on the Plan and the associated notation that has previously stated that '*land subject to further study - planning to be finalised subject to resolution of alignment of Orton Road.*'

This matter now also needs to be presented back to Council for final adoption and to come into full effect.

### **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. Discussions are also progressing in a constructive manner with the Department of Education and the Catholic Education Office in respect of the shared use of facilities.

**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:** TPS 2

In accordance with Clause 5.18.3.15, after receiving notice of the WAPC's approval of the LSP, the Shire is to adopt the LSP as approved by the WAPC. TPS 2 does not provide for any further deliberation or modification at this time.

**Policy/Work Procedure Implications:**

The LSP is consistent with the Shire's current local planning policy suite.

**Financial Implications:**

There are costs pertaining to the implementation of the LSP and the overarching Byford DSP.

Financial implications will include:

- The preparation and finalisation of the Byford Development Contribution Arrangement (DCA) and its ongoing management.
- The whole of life cycle cost related to the future maintenance and management of public open space and the public realm, and
- Administration support and professional services to facilitate subdivision and development.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>	Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
			Incorporate environmental protection in land use planning.
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	Urban Villages	Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
			Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		Transport	Ensure future public transport needs and infrastructure is incorporated into the land use planning process within the Shire and region.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
			Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
<b>PEOPLE AND COMMUNITY</b>	<b>Relationships</b>	Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
			Engage existing and new residents in sharing neighbourly and community values.
	<b>Places</b>	Vibrant	Create vibrant urban and rural villages.
		Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			All decisions by staff and elected members are evidence based, open and transparent.
	Leadership through organisational culture	Elected members and staff live our values and lead by example.	
		The organisational culture of elected members and staff is one of inspiration, inclusion and innovation.	
		Elected members and staff operate in an environment of trust, respect, openness and transparency.	
			The elected members and staff have a relationship

Vision Category	Focus Area	Objective Summary	Objective
			of unity and work together to achieve goals.
			The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
		Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>	Strategic Direction	Prepare effectively for future development.

### **Community Consultation:**

The LSP has previously been advertised pursuant to Clause 5.18.3.5 of TPS 2. All persons who lodged a submission during the advertising of the LSP have been notified of the decision by the WAPC.

### **Comment:**

The LSP has been previously considered by Council on several occasions, with all issues resolved through Council's previous adoption, and the WAPC's recent approval. The final adoption of the WAPC approved LSP is an administrative process, with no further deliberation of any modifications provided for under TPS 2.

The LSP 'map' and 'operative' text have been updated in accordance with the decision of the WAPC.

***A copy of the updated LSP map and 'operative text' are with attachments marked [SD093.4/04/11](#)***

KEY ISSUE	COUNCIL RESOLUTION	WAPC DECISION
Primary school site from 4 hectares down to 3.5 hectares	Not supported. This would result in a reduction in size of oval from a senior size oval to a junior size oval.	Approved at 3.5 hectares  WAPC advise that designs provided by the developer indicate that a senior size co-located oval can be accommodated on this site.
4 hectare District Open space	Not supported without the execution of a joint use agreement with the Department of Education and Training and Catholic Education Office	District open space removed. Joint use agreement not in place. The WAPC advise that the DET and Catholic Education Officer have provided letters of in principle support and reaffirmed their commitment to joint sharing of facilities. A MOU is being prepared to facilitate this arrangement.
Orton Road	Noted the WAPC decision on the road alignment.	WAPC previously determined this matter.

### **Options**

There is only one option available to Council with respect to final adoption of the LSP, being to adopt the proposed LSP for the Byford Main Precinct.

Similarly, there is only one option available to Council with respect to the proposed modification to the Byford Structure Plan in respect of the hatching for Orton Road, being to adopt the proposed modification.

TPS 2 does not facilitate any other decision by Council.

**Voting Requirements:** Simple Majority

**SD093/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Geurds, seconded Cr Randall  
That Council:**

- A. Note the decision of the Western Australian Planning Commission to approve the Local Structure Plan**
- B. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed Local Structure Plan for the Byford Main Precinct.**
- C. Pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 adopt the proposed modification to the Byford Structure Plan to delete the hatching on the Plan and the associated notation that has previously stated that *'land subject to further study - planning to be finalised subject to resolution of alignment of Orton Road.'***
- D. Advise all persons who lodged a submission during the advertising of the Local Structure Plan of Council's decision.**

**CARRIED 5/4**

**Cr Hoyer and Cr Twine voted against the motion**

**Committee Note:** Council respectfully requests the Western Australian Planning Commission's assistance in negotiating a legal agreement and master planning of the school sites to satisfy the jointly agreed outcomes.

**Cr Harris foreshadowed a new motion instructing the CEO to write to the WAPC regarding Council's dissatisfaction with the removal of the district open space if the motion under debate was defeated.**

<b>SD094/04/11 AMENDED DETAILED AREA PLANS 2 - 4 - LOT 220 ABERNETHY ROAD, BYFORD (A1727)</b>		
<b>Proponent:</b>	Roberts Day	<b>In Brief</b>  Council is requested to support amendments to Detailed Area Plans (DAPs) 2- 4. It is recommended that the amendment be approved.
<b>Owner:</b>	Australand Holdings Limited	
<b>Author:</b>	Peter Varelis – Project Officer	
<b>Senior Officer</b>	Brad Gleeson – Director Development Services	
<b>Date of Report</b>	10 March 2011	
<b>Previously</b>	SD093/01/10	
<b>Disclosure of Interest</b>	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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 10 March 2011  
L.A Zoning: Urban Development  
MRS Zoning: Urban

### **Background**

Council previously approved Detailed Area Plans (DAPs) 1 - 4 for Lot 220 Abernethy Road, Byford at its Ordinary Council meeting held 25 January 2010 as follows.

*“SD093/01/10 COUNCIL DECISION/Committee Recommended Resolution:*

*Moved Cr Geurds, seconded Cr Randall  
That Council:*

- (A) Pursuant to Clause 5.8.5.1(c) (i) of Town Planning Scheme No. 2 adopt Detailed Area Plans 1-4 for Lot 9 Abernethy Road, Byford as provided in attachment SD093.1/01/10 subject to the following modifications:
  - 1) the insertion of a clause that states that no solid dividing fencing shall be permitted forward of the building line.**
- (B) Advises the developer that it would like to work collaboratively to achieve its vision for streetscapes including the planting of vegetation along the secondary boundary to properties.*
- (C) Advise the Western Australian Planning Commission accordingly.*
- (D) It is Council’s expectation that adequate on street parking is provided for the use of visitors to the cottage lots to the satisfaction of the Director Engineering Services.*

*CARRIED 8/2*

*Cr Murphy voted against the motion*

*Committee Note: The Officer Recommended Resolution was amended by changing part A and inserting new part B, C and D.”*

DAPs 1 – 3 were amended by Council in May 2010 to reduce the average front setback requirement for laneway lots from 4.0m to 3.0m and denoting that no vehicle access is permitted from front loaded R20 lots that abut the laneway.

The applicant is seeking further amendments to DAPs 2-4 to deal specifically with the type, height and materiality of fencing for R5 coded lots within the DAPs that abut the existing Byford Trotting Complex. The applicant also seeks amendments to the provisions regarding the specifics of fencing on lots forward of the building line.

***A copy of the amended DAPs 2 – 4 are with attachments marked [SD094.1/04/11](#)***

### **Sustainability Statement**

***Effect on Environment:*** The DAPs submitted to Council incorporate passive solar design principles through mandated provisions and advice notes accompanied by those stipulated in the Residential Design Codes (R-Codes) and Building Code of Australia. Australand have opted to provide additional sustainability advice notes as information notes and guidelines encouraging environmentally sustainable development.

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

**Economic Viability:** The proposed DAPs presented to Council provide an array of residential densities to the local property market.

**Social – Quality of Life:** The DAP provisions focus on environmental sustainability and particularly an appropriate neighbourhood environment promoting the objectives and requirements of Liveable Neighbourhoods.

**Statutory Environment:** Planning and Development Act 2005  
Shire’s Fences Local Law  
Town Planning Scheme No. 2 (TPS 2)  
Liveable Neighbourhoods  
Statement of Planning Policy No. 3.1 (R-Codes)

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

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT	Climate Change	Mitigation	Ensure that energy and water conservation is addressed at the local level.
			Minimise resource use
	Energy		
BUILT ENVIRONMENT		Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
		Land Use Planning	
		Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
			Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
			Encourage built form that positively contributes to streetscape amenity.
			Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		Enable built form that accommodates a range of business and family circumstances and needs.	
		Water Management	Promote, implement and celebrate best practice integrated water cycle management.

**Community Consultation:**

There is no statutory requirement for community consultation, however, Council may pursuant to provision 6.2.1 (d) of TPS 2 resolve that consultation be undertaken prior to

making a final determination. The Local Structure Plan for (formerly) Lot 9 Abernethy Road, Byford was advertised in accordance with the relevant provision of TPS 2. The submissions during this period are discussed further in this report.

### **Comment**

#### *R5 Coded Lots (2000m<sup>2</sup>) & Fencing*

The proposed amendments do not alter the design provisions endorsed by Council on 25 January 2010 nor do they alter subsequent amendments endorsed in May 2010. The matter is presented to Council because the Shire's existing Fences Local Law does not permit solid style fencing in R5 coded areas, unless an alternative form of fencing is approved by Council.

This report provides Council with the opportunity to formally consider an alternative means of fencing.

It is important to note that should Council approve the DAP variations it does not supersede the statutory provisions of the Fences Local Law for other sites. Not all lots within the Shire coded R5 will be permitted to utilise fencing in accordance with the modifications proposed by the DAPs. Council will still retain its capacity to assess alternative fencing proposals in areas coded R5 on a case by case basis. However, it does provide an 'informal precedent' for the type of fencing which may or has been considered by Council for lots coded R5.

#### *Fencing Forward of Building Line*

Council previously approved Detailed Area Plans (DAPs) 1- 4 at its Ordinary Council meeting held 25 January 2010. A section of the resolution stated the following:

"1) *the insertion of a clause that states that no solid dividing fencing shall be permitted forward of the building line.*"

The applicant would now like to clarify the intent of this provision. The developer will be supplying dividing fences as part of their land sale packages. Given that building lines within the estate will vary from dwelling to dwelling the applicant would like to utilise the prescribed setback line as the point to which solid fencing is not permitted as opposed to the building line. The revised provision for DAP 1-4 will permit the clear delineation between properties, whilst also ensuring that dwellings are not visually dominated by tapered dividing fences.

***A letter from the applicant is with the attachments marked [SD094.2/04/11](#)***

### **Relevant Considerations**

There are a number of relevant matters for Council to consider in making its determination. The following information is provided for Council's deliberation:

#### *Alternative Fencing Materiality*

State Planning Policy 3.1 – The Residential Design Codes (the Codes) outline under provision 6.2 – Streetscape Requirements that the primary objective of streetscapes is:

*"To contribute towards attractive streetscapes and security for occupants and passers-by, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings."*



The proponent proposes solid metal sheeting with a powder paint colour coat of bushland-green to match the environmental surroundings. Council may in making its determination consider an alternative materiality suitable, such as timber or a masonry wall.

Important note: In accordance with the Shire's Fences Local Law brushwood fencing is prohibited Shire wide.

#### *Privacy / Security to Designated Private Open Space Areas*

The subject properties and proposed fencing is located adjacent to the Multiple / Bridle Use Trail as annotated on the Byford Structure Plan. The trail is intended to provide trafficable access for horse riders, push-bike riders and pedestrians. The trail would generally fit the definition of a Public Access Way (PAW) in a completely urbanised environment.

The Codes outline under provision 6.4 – Open Space Requirement that the primary objective of open space is:

*“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 sunlight and the recreational needs of residents.”*

The elements of this objective, directly associated with this proposal, are outlined below for Council's consideration.

Attractive streetscapes: Colour, height, style and materiality of fencing.

Privacy: The accessibility of horse riders, existing trotting complex properties, push-bike riders and pedestrians in close proximity to or utilising the Multiple Use Trail / PAW would impact upon the privacy of the adjoining R5 lots.

Recreational Needs: The needs and interactions of humans with the open environment and rear yards of these properties (private open space) including but not limited to; children's trampolines, swimming pools, and alfresco patios, these matters are generally provided for within designated private open space areas and is a primary consideration for Council.

#### *Co-ordination & Uniformity*

It is to be made evident to Council that this proposal provides the opportunity to control the type of fencing over all R5 lots abutting the Multiple Use Trail and existing Byford Trotting Complex. The developer offers prospective purchasers as part of their land package, the provision and installation of fencing. If the developer did not install fencing, Council may find itself in a situation where development applications of differing fencing types are lodged on an ad hoc basis by individual land owners.

The developer has made evident in communications with officers that a number of these lots have come under offer, however most prospective purchases that have signed up are stating in their offer that solid fencing is to be provided.

#### *Submissions from L9 Abernethy Road Local Structure Plan*

Upon desktop assessment it would appear that the submissions received during advertising of the LSP from residents of the Byford Trotting Complex raised many issues, with specific relevance to this determination is the interaction between the existing trotting complex properties and surrounding low density urbanisation.

It is important for Council to consider the proposals aesthetic relationship to the character of the rural zone abutting the PAW. Due regard should be given to the function of the transition

zone between three different land uses namely; rural / equine, a public reserve (PAW) and low density urbanisation (R5 2000m2). The proposal would provide for a clear delineation between the existing Trotting Complex properties, the proposed PAW and low density urbanisation. The appropriateness of the delineation between the different zones is the primary consideration of Council

### **Options**

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

- (1) adopt the proposed amendments to Detailed Area Plans 2-4.
- (2) not adopt the proposed amendments to Detailed Area Plans 2-4 and provide reasons to the applicant.

Option 1 is recommended.

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

### **Conclusion**

The proposed amendments to DAPs 2-4 are considered appropriate by Shire officers. Adoption of the amended DAPs is recommended.

**Voting Requirements:** Simple Majority

### **SD094/04/11 Officer Recommended Resolution**

Moved Cr Geurds seconded Cr Brown (proforma)

- A. Pursuant to Clause 5.8.5.1(c) (i) of Town Planning Scheme No. 2 adopt amendments to Detailed Area Plans 2 - 4 for Lot 220 Abernethy Road, Byford as provided in attachment [SD094.1/04/11](#)
- B. The applicant be required to landscape along the boundary of the Multiple Use Trail (Public Access Way) abutting the proposed fencing to the satisfaction of the Director Strategic Community Planning.
- C. Advise the applicant and the Western Australian Planning Commission.

Cr Twine foreshadowed an alternate motion to refuse the application if the motion under debate was defeated at Committee.

Moved Cr Geurds seconded Cr Twine to suspend standing orders to allow open discussion on the item at Committee.

CARRIED 6/0

Moved Cr Twine seconded Cr Randall to reinstate standing orders at Committee.

CARRIED 6/0

Cr Geurds withdrew his motion at Committee.

### **SD094/04/11 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Harris, seconded Cr Randall

1. Pursuant to Clause 5.18.5.1(c) (i) of Town Planning Scheme No. 2, Council refuse to approve the proposed amendments to Detailed Area Plan 2-4.
2. Council seeks to reaffirm its position on Local Planning Policy 9 - Multiple Use Trails pertaining to "uniform fencing is to be provided on either side of a

multiple use trail. Fencing is to be of post and rail or post and wire construction.”

3. Owners or developers are at liberty to screen within the private property with vegetation to affect privacy.

**CARRIED 8/1**

**Council Note: Council changed the Officer Recommendation Resolution to reflect its Local Planning Policy 9 – Multiple Use Trails within the Shire of Serpentine Jarrahdale (Clause 8.5) and to reflect the buffer zone to the Byford Trotting Complex and multiple use trail.**

SD095/04/11 FINAL ADOPTION OF SCHEME AMENDMENT NO. 170 - REZONING OF COMMERCIAL ZONED LAND TO URBAN DEVELOPMENT WITHIN BYFORD TOWN CENTRE LOCAL STRUCTURE PLAN (A1901)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Report on outcome of public consultation with regard to Scheme Amendment No. 170. This Amendment proposes to rezone various lots in Byford from 'Commercial' to 'Urban Development', allowing the Structure Plans and associated land use classifications to prevail.
Owner:	NA	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 March 2011	
Previously	SD020/08/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

At the Ordinary Council Meeting held on 23 August 2010, Council resolved to initiate Amendment 170 to the Shire's Town Planning Scheme No.2 (TPS 2). As the Byford Town Centre Local Structure Plan (BTCLSP) proposes different zonings to that contained within TPS 2, Amendment 170 was initiated to address these differences in zoning. The amendment proposed to rezone Lots 1 and 2, 2, 3, 15 and Pt Lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford from 'Commercial' to 'Urban Development'.

***A copy of the existing and proposed zoning map is with attachments marked [SD095.1/04/11](#)***

Amendment 170 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.

### **Sustainability Statement**

The sustainability statement is not applicable for the proposed amendment.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Regulations 1967 (as amended)  
Town Planning Scheme No.2 (TPS 2)

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The costs associated with the formal advertising of the amendment were within budget. There are no future financial costs associated with the issue.

**Strategic Implications:**

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

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	2	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>	1	General	Attract and facilitate appropriate industrial, commercial and retail development.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Places</b>	29	Vibrant	Create vibrant urban and rural villages.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
<b>OUR COUNCIL AT WORK</b>				
		15		The Shire will set policy direction in the best interests of the community.
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.
	<b>Knowledge and Information</b>	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

**Environmental Protection Authority (EPA)**

Prior to the commencement of public advertising, the amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised that the amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986.

### **Community Consultation**

The amendment was advertised for public comment and referred to relevant government authorities for a minimum of 42 days with the advertising period closing on 13 December 2010. Advertising was undertaken in the following manner:

- Relevant government agencies and Town Planning Consultants were advised in writing of the proposal.
- Letters were sent to all landowners within the BDSP area.
- Notices were placed on Council's notice boards.
- The proposal was made available on the Shire's website.
- An advertisement was placed in the Examiner newspaper.
- Community consultation sessions were held at the Byford Recreation Centre.

Resulting from the advertising, four (4) submissions from government referral authorities and one (1) public submission were received.

***A schedule of submissions is with the attachments marked [SD095.2/04/11](#)***

### **Comment**

Most of the area contained within the BTCLSP is zoned 'Urban Development' under the Shire's TPS 2. The 'Urban Development' zone requires that structure planning be undertaken to guide future subdivision and development. Where a LSP has been prepared for land zoned 'Urban Development', the land use classifications of the structure plan become de facto zones and reservations, under which development is assessed.

Although most of the BTCLSP area is zoned Urban Development, a number of lots are currently zoned 'Warehouse/Showroom' and 'Commercial' along South Western Highway. These lots are now either designated as 'Town Centre' or 'Highway Commercial' in the BTCLSP, which is inconsistent with the current zoning under TPS 2. A LSP should not be inconsistent with TPS 2. As such, where land is not zoned 'Urban Development' under TPS 2 and is covered by a LSP, the classification on the LSP should be consistent with the zoning or reservation of TPS 2.

Amendment No.170 was initiated by Council as it would be the most appropriate mechanism by which to correct the zoning inconsistencies. This approach will ensure that the LSP classifications are consistent with the TPS zoning of the land.

### **Options Available to Council**

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

- (1) Adopt the amendment without modification;
- (2) Adopt the amendment subject to modifications; or
- (3) Refuse to adopt the amendment.

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

### **Voting Requirements:**

Simple Majority

**SD095/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Buttfild

- A. Council endorses the schedule of submissions and the officer comment in relation to them in Attachment [SD095.2/04/11](#) prepared in respect of Amendment No. 170 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
- B. Council, pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
  - 1. Rezoning Lots 1 and 2, 2, 3, 15 and Pt Lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford from ‘Commercial’ to ‘Urban Development’.
  - 2. Amending the Scheme Map by delineating Lots 1 and 2, 2, 3, 15 and Pt Lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford within the Urban Development zone.
- C. 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.
- D. Advise those persons who lodged a submission during the comment period of Council’s decision.

**CARRIED 9/0**

SD097/04/11		PROPOSED DOG KENNELS – L16 (#114) COYLE ROAD, OLDBURY (P00571/06)
Proponent:	Danny Cocking	In Brief  Application for planning approval for proposed dog kennels. It is recommended that the application be approved subject to conditions.
Owner:	As Above	
Officer:	Peter Varelis – Project Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	3 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 20 December 2010  
 Advertised: Yes  
 Submissions: Four (4) submissions with one (1) objection  
 Lot Area: 25.02 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Use Class & Permissibility: Dog Kennels – ‘SA’ Council may, at its discretion, permit the use after notice has been given in accordance with provision 6.3 of Town Planning Scheme No. 2 (TPS 2).  
 Rural Strategy Policy Area: Rural and Raw Materials Extraction

**Background:**

A development application was received to operate a 16 dog kennel out of an existing outbuilding from Lot 16 (#114) Coyle Road, Oldbury.

Since the application was lodged the following has occurred:

- The application was referred to nearby landowners for comment;
- The application was referred to relevant government agencies for comment; and
- An assessment of the application in accordance with the relevant statutory framework has been completed with a recommendation provided for Council's consideration.

***A location plan and aerial photograph are with attachments marked [SD097.1/04/11](#).***

***A site plan is with attachments marked [SD097.2/04/11](#)***

The dog training area/livestock shade area shown as part of the information for the proposed dog kennel application was previously approved under delegation as part of a separate filling of land development application. Officers have made the applicant aware that, by receiving approval for the training track as part of a separate application, does not mean the proposed dog kennels are by virtue approved or supported by Council.

**Sustainability Statement:**

***Effect on Environment:*** A small exercise area and track contained on the property are proposed to be used. The 220 metre track is of similar size to equestrian training tracks on other properties within the locality.

***Use of Local, Renewable or Recycled Resources:*** An existing outbuilding on the subject site is proposed to be converted into kennels.

***Economic Benefits:*** Kennels have the potential to provide economic benefit to local businesses such as produce stores.

***Social – Quality of Life:*** The proposal can potentially lead to noise issues for adjoining landowners if the dogs were barking excessively over a long period of time or if they were not muzzled during the evenings.

**Statutory Environment:**

Planning and Development Act 2005  
TPS 2  
Low Laws 'Cattery & Kennel Establishments'  
Dog Act 1976

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Landscape		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
		Manage	Facilitate sustainable practices.
			Ensure responsible animal care, control and

Vision Category	Focus Area	Objective Summary	Objective
			management within the Shire.
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
		Rural Land	Ensure the built form complements and enhances the rural environment.
			Plan for the preservation of rural land and its integration with urban and rural villages.
			Consider the viability of rural land uses in strategy and policy development.

### **Community Consultation:**

The application was referred to adjoining landowners in accordance with the requirements set out in TPS 2. During the advertising period, four (4) submissions were received and one (1) of objection. The application was referred to landowners within a 500 metre radius of the subject land, this distance accords with the separation buffer proposed by the Environmental Protection Authority's Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses.

A summary of the submissions are detailed below:

Resident Comment	Officer Comment	Action/Mitigation
There is an existing extractive sand mine adjoining the property that has approval to operate within 40 metres of the common boundary. The mine will operate in accordance with the approved management plan.	Noted.	Provide an advice note outlining the existence of an existing extractive sand mine adjoining the property.
Do not oppose the application, given that the proposal is consistent with the current zoning and the Shire's Rural Strategy.	Noted.	No action required.
Do not oppose the application so long as the use does not prejudice the potential future subdivision of land in the area.	The development application lodged with Council deals with a request for a sixteen (16) Dog Kennel in the Rural Zone. The further particulars regarding future subdivision potential of neighbouring properties in the Rural Zone will not be dealt with as part of this application.	No action required.

A summary of the objection is detailed below:

Resident Comment	Officer Comment	Action/Mitigation
The area has a rural not a kennel zoning.	Pursuant to the Shire's TPS 2 the Rural Zone is the only zone where Dog Kennels may be considered by Council.	No action required.



Resident Comment	Officer Comment	Action/Mitigation
The noise associated with multiple barking, whining & baying dogs carrying great distances. Years ago when the Peel Pony Club was also home to the Peel Hunt Club with dozens of hounds the noise of the dogs was very clear & unpleasant.	Noted, relevant provisions of the Dog Act will apply.	No action required relevant consideration of Council when making a determination.
The precedent being set for more kennels to be authorised.	Development applications are assessed on a case by case basis having due regard to the relevant statutory framework.	No action required.
The precedent being set for this person to make future requests to increase the size of the kennels & amount of dogs being housed.	Development applications are assessed on a case by case basis having due regard to the relevant statutory framework.	No action required.
The increased traffic on Coyle Road and the dust created by the unsealed driveway of Lot 16 Coyle Road, Oldbury.	Based on the intensity of the land use and anticipated vehicle movements associated with the Dog Kennel facility, officers are of the impression no upgrades are required to Coyle Road or the existing unsealed driveway.	No action required.
The hours of operation of such an establishment would be weekends as well as late at night & early in the morning with greyhounds being taken to & from race meetings disturbing the peace & enjoyment of this lifestyle.	Noted.	No action required relevant consideration of Council when making a determination.
The protection to other livestock & domestic animals if one or more dogs escaped & entered neighbouring properties.	Noted.	Housing of the dogs will be legislated by virtue of regulations provided by relevant Local Laws and the Dog Act 1976 (as amended).

### **Comment:**

#### **Statutory Context**

The relevant use class for the proposed development application pursuant to the Zoning Table in the Shire's TPS 2 is 'Dog Kennels'. The use class is considered an 'SA' use within the Rural Zone meaning that Council may, at its discretion, permit the use after notice has been given in accordance with Provision 6.3 of TPS 2. The requirements of Provision 6.3 have been fulfilled by virtue of referring the application to nearby affected landowners. Dog Kennels pursuant to TPS 2 are defined as:

*"... land or buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council, and may include the sale of dogs."*

The purpose and intent of the Rural Zone as identified in the TPS 2 is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area. Clause 5.10.2 of the Scheme states the following in regards to assessing Kennel applications in the Rural Zone:

*“Where the Council grants approval to a Kennels use, the following provisions shall apply:*

- a) *The approval shall be personal to the applicant and shall not be transferred to or assigned to by any other person;*
- b) *The approval shall not run with the land in respect of which it was granted;*
- c) *The person to whom approval is given by the Council to carry on Kennels use shall not carry on that use at any premises other than the land in respect of which the Council’s approval is granted; and*
- d) *If a kennel use has been carried on with the approval of the Council and if in the opinion of the Council such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw its approval and after such withdrawal, no person shall upon the subject land carry on a kennel use unless a further approval to do so is granted by the Council.”*

In light of the above, it is considered that provisions a), b) & c) are appropriate for inclusion as conditions, with provision d) forming an advice note to the approval.

The matters concerning the appropriate size of the shed, air ventilation, noise pollution, fencing etc. are considerations of the Kennel License having due regard to the Shire’s Local Laws pertaining to Kennel and Cattery Establishments and the Dog Act 1976 (as amended).

***A copy of the local law relating to Cattery and Kennel Establishments are with attachments marked [SD097.3/04/11](#)***

The development approval being sought from Council merely deals with land use permissibility, having due regard to the nature of the use, its permissibility in the Rural Zone and issues raised in this report. Granting approval of this application does not supersede the statutory requirements of the Local Laws pertaining to Kennel and Cattery Establishments.

#### Buffers and Noise Attenuation

The Environmental Protection Authority Guidance Statement No. 3 – “Separation Distances between Industrial and Sensitive Land Uses” refers to a buffer for dog kennels of 500 metres. There are four (4) residences located within the 500 metre buffer the closest 200m from the existing kennel. Between the closest residence and the kennel there is a degree of mature vegetation and land contours that offer some noise attenuation. Prevailing wind from the Southwest and South East will also assist to minimising the noise impacts from the proposed kennels. To further reduce noise levels a small noise wall adjacent to the kennel could be constructed of ‘Hardy Fence’ or similar absorbent material to a height of approximately 1.8 m on the South and South East sides of the kennel between the closest sensitive receptors.

Both the Dog Act 1976 (as amended) and Council’s Local Laws relating to Kennel and Cattery Establishments require the licensing and annual assessment of kennels. Should Council grant approval to this application, the annual assessments and review of licensing conditions enable a relevant response to issues relating to the operation of or impacts from the kennel.

#### Options:

The following options are available to Council in determining the application:

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

#### Conclusion:

Based on the relevant statutory framework, and the provisions of TPS 2 and the details outlined in this report, it is recommended that the application be approved subject to appropriate conditions.

**Voting Requirements:** Simple Majority

**SD097/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Brown**

**The application for planning approval for a proposed dog kennel at Lot 16 (#114) Coyle Road, Oldbury be approved subject to the following conditions:**

1. The construction of a noise wall adjacent to the kennel to a height 1.8 m on the south and south east sides of the kennel to the satisfaction of the Director Development Services.
2. Compliance with Council’s Local Laws pertaining to Kennel and Cattery Establishments.
3. Compliance with provisions of the Dog Act 1976 (as amended).
4. The approval shall be personal to the applicant and shall not be transferred to or assigned to by any other person.
5. The approval shall not run with the land in respect of which it was granted.
6. The person to whom approval is given by the Council to carry on Dog Kennels use shall not carry on that use at any premises other than the land in respect of which the Council’s approval is granted.

**Advice Notes:**

1. If a Dog Kennel use has been carried on with the approval of the Council and if in the opinion of the Council such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw its approval and after such withdrawal, no person shall upon the subject land carry on a kennel use unless a further approval to do so is granted by the Council.
2. There is an existing extractive sand mine adjoining L16 (#114) Coyle Road, Oldbury that has approval to operate within 40 metres of the common boundary. The mine will operate in accordance with the approved management plan.

**CARRIED 8/1**

SD099/04/11 ROAD CLOSURE QUIBERON LINK, BYFORD (R0498)		In Brief  Proposed closure of a previously gazetted road reserve to incorporate into public open space.
Proponent:	McMullen Nolan Surveyors	
Owner:	Bradwell Pty Ltd	
Author:	C Rose – Planning Assistant	
Senior Officer:	B Gleeson – Director Development Services	
Date of Report	16 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 14 January 2011  
L.A Zoning: Road Reserve

MRS Zoning: Residential  
Date of Inspection: 18 March 2011

### **Background**

Stage 4 of Byford on the Scarp was previously approved by Western Australian Planning Commission (WAPC) in August 2006. In 2010, the developer lodged a revised plan of subdivision for the purpose of creating a number of larger housing lots and a more efficient subdivision layout.

Stage 4C contains a parcel of Public Open Space (POS) abutting the Western side of Quiberon Link. As the development is now also approached by Stage 6, a second parcel of POS will adjoin the Eastern side of Quiberon Link.

The developer now proposes to cancel the construction of approximately 100 metres of road reserve, Quiberon Link (north south connection) would no longer be required. The two separate portions of POS would then be amalgamated into one reserve of POS. This proposal would result in a marginal increase in the overall area of POS.

As the road was previously dedicated through the subdivision process, a formal road closure process must now be undertaken in accordance with the Land Administration Act 1997.

***A location plan and subdivision plan are with attachments marked [SD099.1/04/11](#)***

### **Sustainability Statement**

#### ***Effect on Environment:***

As the road has not yet been constructed to a final stage this will alleviate additional earthworks in the POS. Several trees will then be retained as the road construction will not progress.

#### ***Social – Quality of Life:***

The closure of the road will improve the amenity of the POS adjoining Quiberon Link. The removal of the road from in between two portions of POS may improve safety for users of the reserve due to the deletion of traffic through the middle of the reserve. Should the proposed education precinct proceed in the nearby Benalla Crescent, the increase in reserve area may encourage children and parents to walk to and from the school.

#### **Statutory Environment:**

Section 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations 1998 sets out the process of dealing with public advertising, objections and service responses.

#### **Policy/Work Procedure Implications:**

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

#### **Financial Implications:**

There are no dedicated resources allocated to the progression of land administration tasks with the Shire's current operating budget. Council will need to give consideration of future resources for land administration tasks as part of its annual budget process.

#### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
<b>OUR COUNCIL AT WORK</b>				
	<b>Places</b>			
		29	Vibrant	Create vibrant urban and rural villages.
		32		Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		36		Plan and develop safe communities and places.

### **Community Consultation:**

Section 58 (3) of the Land Administration Act requires the Local Government to advertise the road closure proposal for 35 days in a local paper circulating the district.

### **Comment:**

As the Quiberon Link has not been constructed to a trafficable standard, the closure is unlikely to disadvantage the current subdivision form and ultimately provide an amalgamated parcel of POS of benefit for nearby residents and surrounding community. It is recommended Council proceed with the road closure process for Quiberon Link.

### **Voting Requirements:**

Absolute Majority

**SD099/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council**

- 1. Provide in-principle support for the advertising of the proposed Road Closure on Deposited Plan 56685, for a period of not less than 35 days, in accordance with the requirements set out in Section 58(3) of the Land Administration Act 1997, subject to all costs being paid by the applicant.**
- 2. Subject to no valid objections being received in the opinion of the Director Development Services, that, Council request the Minister to close the road in accordance with the Land Administration Act 1997.**

**CARRIED 9/0**

SD100/04/11		PROPOSED ROAD DEDICATION MEAD STREET (RS0081)
Proponent:	Taylor Burrell Barnett	In Brief  It is requested Council resolve to request the Minister for Lands to approve modification to the north eastern boundary of Reserve 17490 for the purpose of road construction.
Owner:	Crown	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 8 December 2010  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Date of Inspection: March 2011

**Background**

The purpose of this report is to amend the reserve boundary and dedicate a portion of road in accordance with the Land Administration Act 1997. The proposal is for the creation of legal boundaries and in itself does not involve any civil works.

Since the early 1990s with Council's visionary Green Towns Study, suggestions were made for a large area of Public Open Space (POS) to be utilised by various sporting groups on the adjoining land north of Briggs Park reserve in Mead Street. The report suggested that if the existing reserve area expanded into land north of Briggs Park reserve it would likely require a part closure of Mead Street.

In 1999, consultants engaged by Council along with the Byford Recreation, Sport and Leisure Committee assessed the potential development of an integrated recreational facility and the feasibility studies compiled at the time also provided a conceptual development plan showing expansion of the existing Briggs Park reserve into adjoining land. For the multiuse

integrated recreational area to occur, it was identified to close a portion of Mead Street to facilitate a large scale parcel of POS.

In June 1999, Council resolved to proceed with closing Mead Street permanently and amalgamate the redundant portion into Reserve 17490 for the purpose of future recreation development. The road closure process was completed.

Residential development in the Byford urban cell is now progressing rapidly with Local Structure Planning and subdivision around Mead Street. More recently, Lot 52 Abernethy Road Byford, (being land to the North of Reserve 17490) received subdivision approval for two high school sites. In conjunction with the structure planning process, neighbourhood connector roads were identified throughout the urban cell.

The subdivision of Lot 52 Abernethy Road, Byford resulted in the creation of a portion of new road to the north of Reserve 17490. Ultimately Reserve 17490 will need to be amended by the Minister in order to facilitate construction of approximately 100 metres of new road.

***A location plan is with the attachments marked [SD100.1/04/11](#)***

***An aerial photograph is with the attachments marked [SD100.2/04/11](#)***

### **Sustainability Statement**

#### ***Effect on Environment:***

The construction of a future roundabout at the Gordin Way / Mead Street intersection will result in the unavoidable loss of several verge trees. Any vegetation removed would be offset with additional plantings in the local area.

#### ***Economic Benefits:***

The existing driveway and footpath at the Briggs Park Pavilion is likely to incur some interruption during construction of Mead Street. As the developer will be responsible for the road construction works, this will need to be addressed in the detailed designs of the road.

### **Statutory Environment:**

Land Administration Act 1997  
Land Administration Regulations 1998

Section 51 of the Land Administration Act 1997 (LAA) allows the Minister for lands to amend the boundaries of a Reserve. This process would delete a marginal section of reserve from the current parcel and dedicate the excised portion to a road. The portion proposed to be road would follow due process of being formally dedicated in accordance with Section 56 of the LAA.

*Section 56. of the Land Administration Act 1997 sets out the requirements for dedication of roads. Subsection (4) of Section 56 states as follows:*

*(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

**Policy/Work Procedure**

**Implications:**

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

**Financial Implications:**

There are no dedicated resources allocated to land administration matters with the Budget. The allocation of resources will need to be considered through the annual budget process.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
		Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
			Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
			Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
			Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	<b>Infrastructure</b>		
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>		



Vision Category	Focus Area	Objective Summary	Objective
		Safeguard	Restore and preserve the visual amenity of our landscapes.
		Biodiversity	Prevent the further loss of “local natural areas”
			Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
<b>OUR COUNCIL AT WORK</b>			
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
	<b>Places</b>		
		Vibrant	Create vibrant urban and rural villages.
			Develop well connected neighbourhood hubs and activity centres.

### **Community Consultation:**

Unlike a formal road closure process, the LAA does not require advertising for amendments to Reserves and road dedications.

In April 2003, Council received a petition from nearby residents objecting to the use of the eastern portion of Mead Street for the purpose of access to the recreation centre. Traffic modelling at the time suggested a potential for approximately 800 vehicles per day on the basis that a suggested 400 persons used the recreation centre per day. More recently, the 2009 traffic impact statement lodged with the Glades Revised Local Structure Plan indicated approximately 6400 vehicle movements per day along Mead Street. The Revised Local Structure Plan was advertised for public comment in late 2009, with letters sent out to some 2,000 landowners across the entire locality of Byford and two community information sessions at the Recreation Centre. The Western Australian Planning Commission approved the local structure plan on 22 February 2011 and a separate report is currently before Council for the final adoption of the LSP.

In considering whether further consultation is necessary at this time, the following matters should be considered:

- The local structure plan, proposing the extension of Mead Street, was advertised extensively for public comment and submissions were considered by Council and the WA Planning Commission, in an open and transparent manner
- The creation of the road reserve, in itself as a legal boundary, does not involve any civil construction.
- There would be resource implications for the Shire and there would be timeframe implications for decision-making.
- It is anticipated that the Shire, in conjunction with the Department of Education and Catholic Education Office will progress further stakeholder engagement as part of the master planning for the two future high school sites and the future development of the community facilities at the recreation centre.
- There is the opportunity for Council to require the proponent to either consult or notify affected stakeholders, as part of the formulation and approval of the traffic management

plan for the construction phase of future civil works associated with the upgrading of Mead Street.

It is critically important that stakeholders be kept informed and engaged in the planning and design for existing and new urban areas. Community consultation, however, on a matter that has previously been effectively deliberated on and where there are limited options available to Council, may result in stakeholder confusion and frustration. It does remain open to Council to invite public comment, prior to progressing further with the creation of the road reserve for Mead Street.

### **Vegetation protection**

The proposed road reservation will facilitate a future connection of Mead Street along the southern boundary of two future high school sites and in to the future Glades Village Centre. The future of the Mead Street extension, although not part of the current proposal before Council (which is for the creation of a legal boundary), will inevitably require the removal of some vegetation.

Vegetation impacts will need to be considered through the following:

- The preparation of engineering drawings by the consultant team;
- The assessment of engineering drawings, prior to the commencement of works, by the Shire;
- The assessment of a clearing permit application, by the Department of Environment and Conservation (unless a clearing permit exemption has been established)
- The assessment of a referral to the Federal Government, under the provisions of the Environmental Protection and Biodiversity Conservation Act (unless an exemption has been established)

In addition to the construction of Mead Street, there are upcoming works programmed for the extension of a sewer main through to the Byford by the Scarp Estate. Vegetation impacts, and associated mitigation measures, are currently the subject of discussion between Shire officers and the relevant parties seeking to progress civil works.

### **Traffic disruptions during construction phase**

Although separate to the current proposal before Council it is important that Council be made aware of potential traffic disruptions during the construction phase for the upgrading of Mead Street, including the construction of a new roundabout. Based on the information available at this time, it is expected that construction drawings will be lodged with the shire for assessment within the next 1-2 weeks and that construction may commence in approximately 4-6 weeks. The construction phase is anticipated to be in the order of 3 months, during which time alternative access arrangements to the recreation centre will likely be required. This has the potential to result in significant inconvenience to stakeholders.

In circumstances such as this, it is common practice for the Shire to require the proponents to prepare a traffic management plan and lodge it with the Shire for assessment and approval prior to the commencement of works. It is open to Council, in the assessment and approval processes for the traffic management, to require the proponent to notify and/or consult all affected stakeholders. This may include, but be limited to, the establishment of signage on-site, direct mail to landowners prior to commencement and the establishment of enquiry handling procedures during construction phase. Stakeholder engagement may be completed by either the Shire or required to be completed by the proponent.

### **Conclusion**

The proposed creation of a road reservation is consistent with an advertised and approved local structure plan and will ultimately facilitate the creation of two new high school sites with an upgraded road network. There are a number of matters that will need to be carefully considered through the preparation and assessment of designs/plans for the future upgrading of Mead Street, in addition to establishing suitable arrangements to minimise stakeholder disruption during construction phases. Matters that will need to be carefully considered will include vegetation impacts, detailed road design (to ensure pedestrian and cycle safety) and measures to minimise stakeholder disruption during the construction phase.

**Voting Requirements:**

Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Request the Minister for Lands to amend the boundary of Reserve 17490 in order to facilitate dedication of Mead Street as per *Attachment SD100.2/04/11*.
2. Resolves to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new portion of Mead Street as depicted on attachment *SD100.2/04/11*.
3. Advise the proponent that, as part of the future upgrading of Mead Street, there will be a requirement to reinstate the footpath / cycle path and driveway access to Briggs Park Pavilion and the Shire's recreation centre as well as revegetation to compensate for any clearing accordingly as part of the civil construction stage of the road works.
4. Advise the proponent of their obligations under both State and Federal environmental legislation prior to the commencement of construction works, with respect to the removal of vegetation.
5. Note that there will be significant disruption during the future construction phase for the upgrading of Mead Street and that the proponent be required to submit a traffic management plan for assessment and approval by the Director Engineering prior to the commencement of works, including measures for stakeholder engagement to ensure that concerns are taken into consideration and that disruption during the construction phases are minimised as far as is practicable.
6. Advise the proponent that Council seeks a partnership with the developer, Main Roads WA and the Shire, on the design options of the noise wall, to ensure that the visual amenity is not adversely affected by the noise wall.

*Cr Ellis left the room at 8.27pm and returned at 8.28pm*

**SD100/04/11 COUNCIL DECISION/Committee Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris

That Council:

1. Request the Minister for Lands to amend the boundary of Reserve 17490 in order to facilitate dedication of Mead Street as per *Attachment [SD100.2/04/11](#)*
2. Resolves to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new portion of Mead Street as depicted on attachment [SD100.2/04/11](#)
3. Advise the proponent that, as part of the future upgrading of Mead Street, there will be a requirement to reinstate the footpath / cycle path and driveway access to Briggs Park Pavilion and the Shire's recreation centre as well as

revegetation to compensate for any clearing accordingly as part of the civil construction stage of the road works.

4. Advise the proponent of their obligations under both State and Federal environmental legislation prior to the commencement of construction works, with respect to the removal of vegetation.
5. Note that there will be significant disruption during the future construction phase for the upgrading of Mead Street and that the proponent be required to submit a traffic management plan for assessment and approval by the Director Engineering prior to the commencement of works, including measures for stakeholder engagement to ensure that concerns are taken into consideration and that disruption during the construction phases are minimised as far as is practicable.

**CARRIED 9/0**

**Committee Note: The Officers Recommended Resolution was changed by deleting condition 6 which was inserted in this item in error and instead should have been a condition on item SD092/04/11.**

SD101/04/11 FINAL YANGEDI BUSH FOREVER & AIRFIELD RESERVE MANAGEMENT PLAN (RS0008)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To adopt the final Yangedi Bush Forever & Airfield Reserve Management Plan as amended following consideration of the public submission comments.
Officer:	Chris Portlock – Manager Environmental & Sustainability Services	
Senior Officer:	Carole McKee – Acting Director Strategic Community Planning	
Date of Report	February 2011	
Previously	SD154/06/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Ordinary Council meeting held on 28 June 2010, Council resolved to adopt the draft Yangedi Bush Forever and Airfield Reserve Management plan for advertising for a period of three months. A copy of the resolution follows:

*“SD154/06/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:*

*Moved Cr Randall, Seconded Cr Harris  
That Council:*

- A. *Adopt the Draft Yangedi Bush Forever and Airfield Reserve Management Plan for advertising for a three month public submission comment period.*
- B. *Invite the relevant government agencies to make submissions.*

- C. *Following the end of the consultation period the strategy be brought back to Council for Council's consideration of any comments attracted and a final Yangedi Bush Forever and Airfield Reserve Management Plan be presented for Council's consideration.*

*CARRIED 9/0"*

The vast majority of the Yangedi Reserve area has been identified as having high biodiversity conservation values and is Bush Forever Site 378 under the Bush Forever Project.

The Sport Aircraft Builders Club of WA Inc. has been operating in the reserve for over 30 years in some form or another and currently has a 21 year lease with the Serpentine Jarrahdale Shire until 2023. The Sport Aircraft Builders Club is a non profit organisation with a constitution and currently has 318 members. Facilities include approximately 100 hangers, a clubhouse with kitchen, toilet facilities and 12 caravans, two with permanent residents as caretakers. The area of land taken up by the infrastructure and facilities has now reached a limit where any further expansion would require approvals from relevant State Government agencies and could result in the loss of biodiversity value of the Reserve.

There is also a lease in the northwest corner of the reserve where a Bureau of Meteorology Communication Facility has been established just outside the Bush Forever Site. Exclusion of grazing, management and enhancement of the Yangedi Bush Forever and Airfield Reserve by the Sport Aircraft Builders Club in consultation with the Serpentine Jarrahdale Shire has resulted in the regrowth of important remnant vegetation. Protection and preparedness from fire outbreaks has resulted from the Sport Aircraft Builders Club presence with fire surveillance, hydrants and fire breaks being established and regularly maintained.

There is an increased risk of fire, pollution, clearing and other impacts without a management plan in place. Visitors or club members need to be made more aware and responsible for the biodiversity values and protection requirements of the reserve's vegetation and associated fauna.

The Management Plan as attached has been updated as a result of the consultation process. Textual changes made to the Management Plan appear as underlined text.

***A copy of the final marked up version of the Yangedi Bush Forever and Airfield Management Plan is with attachments marked [SD101.1/04/11](#)***

### **Sustainability Statement**

***Effect on Environment:*** The management plan enhances the environment (built and natural) and minimises environmental damage through best practice whilst protecting indigenous flora and fauna.

***Resource Implications:*** Water sensitive urban design elements eg stormwater tanks, swales, increased infiltration, reduced areas of lawn and water efficient fixtures are all part of the reserve management intent.

***Use of Local, renewable or recycled Resources:*** Any operational requirements will consider the use of locally available or produced resources within the Shire or from the Peel and South East Metropolitan Area in order to reduce transport costs and pollution and to support local business.

**Economic Viability:** The ongoing management of the reserve and its buildings is economically viable in that it minimises any negative impact on biodiversity (flora and fauna), land and waterway pollution.

**Social – Quality of Life:** This proposal improves the quality of life for a community user group by providing well managed passive and active recreation facilities.

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

The plan fosters a number of important partnerships with State Government and Commonwealth agencies and organisations.

**Statutory Environment:**

The preparation and implementation of the management plan will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

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

State Government environmental policies addressed in a management plan include:

- Bush Forever (Government of Western Australia 2000a, 2000b & 2000c) and related bushland policies (e.g. Urban Bushland Strategy)
- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)

- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (Western Australian Planning Commission in preparation)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)
- Position Statement: Wetlands. (Water and Rivers Commission 2001)
- Wildlife Conservation (Rare Flora) Notice 2001 (Government of Western Australia 2001b)
- Wildlife Conservation (Specially Protected Fauna) Notice 2001 (Government of Western Australia 2001c)

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Estimated costs totalling \$22,000 for the key strategies (as referred to on Page 4 of the Management Plan) will need to be considered during annual budget deliberations over a number of years. Grant funding opportunities will also be sought to assist in this regard.

**Strategic Implications:**

This plan relates to the following Focus Areas of the Shire’s Plan for the Future:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.
			Defend our scarp and forest from inappropriate uses.
			Maximise the preservation of existing trees and vegetation.
			Incorporate environmental protection in land use planning.
		Restore	Establish and enhance waterways and bush corridors.
			Establish increased levels of natural vegetation in urban and rural environments.
		Manage	Facilitate sustainable agricultural practices.
			Ensure responsible animal care, control and management within the Shire.
			Control and manage weeds and plant diseases.
			Promote and develop appropriate tourism, recreation



Vision Category	Focus Area	Objective Summary	Objective
			and educational opportunities.
	<b>Biodiversity</b>		Develop active partnerships with stakeholders.
		Protect	Prevent the further loss of "local natural areas".
			Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.

### **Community Consultation:**

Public consultation was sought over an extensive three month period to maximise opportunities for comment and to ensure that Management plans for Shire reserves are prepared, advertised and adopted in an open, transparent and accountable manner.

The table below summarises the responses received during the public submission period.

Submission No.	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
1	The present Land Administration Act has dropped the "Class C reserve category"	Change Suggested	Change Supported	Reserve Category has been deleted
	Questioning of the Bush Forever Status over the entire reserve	Change Suggested	Change not Supported Clarification made	Only a small path in the north east corner does not have Bush Forever Status
	Terminology corrections include: <ul style="list-style-type: none"> <li>• Aeroplane Landing Area</li> <li>• SABC is a society registered under the WA Associations Incorporation Act 1987</li> <li>• Aviation Traffic Advisory Frequency is the correct terminology not Aviation Control Area</li> <li>• Operating procedures are recommendations from CASA</li> </ul>	Change Suggested	Change Supported	Change Made as Requested
	Reserves Advisory Group representation by SABC is requested.	Change Suggested	Change not Supported Clarification Made	During the periods when specific management plans are being developed representation is invited.
	The Sport Aircraft Builders Club (SABC)'s mother body,	Change Suggested	Change Supported	The SABC as a chapter based at

Submission No.	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
	the Sport Aircraft Association of Australia (SAAA) is not included as a stakeholder.			Yangedi Reserve and the mother body SAAA are now included as stakeholders along with the Bureau of Metrology
2	Department of Planning South East, Perth Peel and Southwest Planning and Strategy Division Feel the management plan is sound and has no objections to the management plan.	No Change Suggested	No Change made	Noted
3	The reserve looks like a concentration camp with the run down caravan park and over 100 hangars	Support is not given for the reserve's use due to its visual impact	The number of hangers have now been limited and the caravan park is under review	The Shire is working with the Sports Aircraft Builders Club to improve the look of the reserve
	With perched winter ponds in protected wetlands, sewerage leech drains could pollute the environment	Support is not given for the reserve's use due to its wetland impact	Limit and maintenance of effluent systems is being reviewed as an action in the management plan	Environmental Health need to register existing systems and consider limit based on cumulative impact
	The current lease was granted without neighbours being consulted	Support is not given to the lease process	The current 21 year lease will expire in 2023	When a new lease is written up consultation with neighbours will be considered
4	Yangedi reserve should not be opened unconditionally to the general public	Support is not given to general public access	Some limited public access is supported	An exclusive lease is issued but a protocol for limited public access needs to be developed

**Comment:**

A management plan relies on community expertise and interest to maintain the high conservation or recreation values of many reserves. Continued community input to planning and management is carried out in collaboration with the Reserves Advisory Group which is considered essential for a high standard of protection and management of these values into the future.

The role of the Reserves Advisory Group is to:

- Provide advice to Council in relation to reserve values, threats to those values, management targets and management strategies that will protect the ecological and

social values and take account of community aspirations for the future management of each reserve;

- Provide advice to Council and the Reserves Working Group in relation to on-ground management programs and issues; and
- Undertake audits of reserve management plans and report the results to Council.

The Reserves Advisory Group meets when a draft management plan is being prepared and consultation will always include all relevant stakeholders at meetings when the specific management plan is being prepared. Public consultation includes a three month period inviting public submissions on the management plan. This is particularly important for the incorporation of agency aspirations such as those involved with Bush Forever Sites. There are also agencies such as the Civil Aviation Safety Authority who have regulations which the Sport Aircraft Builders Club has to abide by. Stakeholders, interest groups and groups which may have some interest in this draft management plan include:

- Department of Environment and Conservation
- Department of Planning
- South West Aboriginal Land and Sea Council
- Civil Aviation Safety Authority
- Fire and Emergency Service Authority
- Serpentine Volunteer Bush Fire Brigade

Over time, additional information may become available by Council in respect of biodiversity values within the Shire. This may include survey work, information provided by agencies and/or members of the public.

**Voting Requirements:** Simple Majority

**SD101/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Randall**

**That Council:**

- 1. Notes the submissions received during the public consultation period.**
- 2. Adopts the Yangedi Bush Forever and Airfield Reserve Management Plan as per attachment [SD101.1/04/11](#)**

**CARRIED 9/0**

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Buttfild that the meeting be closed to members of the public at 8.37pm to allow Council to discuss confidential item SD102/04/11 as per the Local Government Act section 5.23(2)d.**

**CARRIED 9/0**

SD102/04/11	<b>CONFIDENTIAL ITEM RECONSIDERATION OF OFF-SITE SIGNAGE FOR PROPOSED FAST FOOD/TAKEAWAY SHOP AT LOT 101 (#1) BEENYUP ROAD, BYFORD (P05238/03)</b>	
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is invited to reconsider its previous recommendation in respect to the proposed off-site signage for the proposed Fast Food/Takeaway Shop at Lot 101 (1) Beenyup Road, Byford. It is proposed that Council recommend to the Western Australian Planning Commission that the application be conditionally approved.
Owner:	Nile Enterprises Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	4 April 2011	
Previously	OCM033/02/11 SD029/09/09	
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	
<b>Delegation</b>	<b>Council</b>	

**SD102/04/11 COUNCIL DECISION/Committee Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris

- A. Council note that the application for review in respect to the proposed Fast Food/Takeaway Shop, Office and Shop on Lot 101 (1) Beenyup Road, Byford is still before the State Administrative Tribunal.
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.
- C. That Council recommend to the Western Australian Planning Commission that the application for the proposed off-site advertising signage within the South Western Highway road reserve be refused.
- D. Council will support an on-site 'blade' sign of up to 8.0 metres.

**CARRIED 7/2**

Cr Geurds voted against the motion

**Committee Note:** The Officers Recommended Resolution was changed to refuse all off site signage and amend the height of the 'blade' sign.

Cr Geurds foreshadowed the original Officer Recommended Resolution with the removal of item 6 if the motion under debate is defeated.

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Buttfield

The meeting was re-opened to the public at 8.54pm

**CARRIED 9/0**

SD103/04/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	
Proponent:	N/A
Owner:	N/A
Author:	Various
Senior Officer:	Carole McKee – Acting Director Strategic Community Planning
Date of Report	28 March 2011
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief  
To receive the Information Report for March 2011.

### STRATEGIC PLANNING ACTIVITY REPORT

*A copy of the Strategic Planning Activity Report for March 2011 is with attachments marked [SD103.1/04/11](#)*

### ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY ACTIVITY REPORT

*A copy of the Environmental Management and Sustainability Report for March 2011 is with attachments marked [SD103.2/04/11](#)*

### COMMUNITY DEVELOPMENT ACTIVITY REPORT

*A copy of the Community Development Activity Report for mid February to mid March 2011 is with attachments marked [SD103.3/04/11](#)*

**Voting Requirements:** Simple Majority

### **SD103/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Buttfield  
That Council accept the Strategic Community Planning Information Report.  
**CARRIED 9/0**

**Committee Note:** Cr Twine would like to recognise and thank the officers of this report for their good work.

SD104/04/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report for March 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	30 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

## BUILDING

In accordance with the Delegated Authority vested in the Manager Building Services, the following report is provided:

### DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of February 2011 were numbers 09/506, 10/672, 10/811, 10/817, 10/851, 10/878, 10/897, 10/900, 10/990, 10/996, 10/1002, 10/1006, 10/1007, 10/1010, 10/1016, 10/1021, 10/1026, 10/1029 – 10/1031, 10/1033, 10/1035 – 10/1038, 10/1040 – 10/1044, 10/1047 – 10/1054, 10/1057 – 10/1061, 10/1063 – 10/1065, 10/1067 – 10/1075, 10/1077, 10/1078, 10/1080 – 10/1084, 10/1087, 10/1088, 10/1092, 10/1093, 10/1097, 10/1102, 10/1103, 10/1106, 10/1107, 10/1109, 10/1110, 10/1113 – 10/1116, 10/1119, 10/1126, 10/1127, 10/1129, 10/1130, 10/1132, 11/001, 11/002, 11/004, 11/083 (87 approvals).

Month of February	2010/2011	2009/2010
Value of permits issued	\$9,011,886	\$6,630,070
Cumulative total for period	\$83,410,628	\$65,750,802
Number of permits issued	87	59
Number of dwellings approved	44	32
Number of applications received	75	101

On 10 March 2011, 68 applications were pending

## HEALTH

In accordance with the Delegated Authority vested in the Manager Health, Rangers & Compliance the following report is provided:

### DS21 – Effluent Disposal Applications

L159 Hall Road, Serpentine  
L68 Rangeview Loop, Serpentine  
L70 Rangeview Loop, Serpentine  
L75 Cavanagh Close, Cardup  
L31 Utley Road, Serpentine  
L201 Aquanita Rise, Darling Downs  
L801 Jarrahdale Road, Jarrahdale

L138 King Jarrah Circle, Jarrahdale  
L107 Marginata Parade, Jarrahdale  
L20 Bambee Court, Serpentine

### DS21 – Permit to Use Apparatus

L57 Fremnells Vale, Cardup  
L316 Bournbrook Avenue, Cardup  
L316 Fielder Road, Serpentine  
L108 Downs Court, Serpentine  
L198 Peverett Lane, Oakford

## RANGERS & DEVELOPMENT COMPLIANCE

### Prosecutions

Date Used	Delegated Authority Reference No.	Address	Matter	Officers Signature
March 2011	CG04	A254600	Unauthorised Land Use (failure to comply with S214 direction)	CEO
March 2011	CG04	A173308	Dog attack	Senior Ranger
March 2011	CG04	A301400	Unauthorised Land Use (failure to comply with S214 direction)	CEO
March 2011	CG04	A173308	Continued unauthorised land use (3 <sup>rd</sup> Prosecution)	CEO

### Enforcement

Notices issued CG05	7 x Dog, 8 x Sign, 2 x Livestock, 1 Off road vehicles, 12 x Compliance, 9 x Parking, 14 x Litter	
Fines issued CG05	2 x litter, 8 x Dog, 1 x livestock, 1 x Development Compliance	\$2100
Other (LG Act activities) CG02	Registration & impound fees (dog, livestock and off road vehicle) Recovery of costs	\$3270
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Parking Local Government Act Development Compliance	21 3 16 7 22 17 (in process / action pending)
Matters completed and /or resolved by compliance, in consultation or mediation.	Dog Act Local Government Act Development Compliance Other	18 13 25 29

## PLANNING

In accordance with the Delegated Authority vested in the Executive Manager Planning and Senior Planners the following report is provided:

### SCHEME AMENDMENTS

***A copy of the Scheme Amendment Table is contained in the attachments marked [SD104.1/04/11](#)***

**LOCAL PLANNING POLICY DEVELOPMENT**

*A copy of the Local Planning Policy Table is contained in the attachments marked [SD104.2/04/11](#)*

**LOCAL STRUCTURE PLANS**

*A copy of the Local Structure Plan table is contained in the attachments marked [SD104.3/04/11](#)*

**DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS, SUBDIVISIONS, DETAILED AREA PLANS**

<b>Date Issued</b>	<b>Authority Ref.</b>	<b>Property &amp; Development</b>	<b>Decision</b>
01/02/11	DS-08	L320 Miamit Lane, Byford – Single Dwelling	Approved
03/02/11	DS-15	L53 King Road, Oakford – Relocation of Building Envelope	Approved
04/02/11	DS-08	L54 Jersey Road, Oakford – Shed	Approved
07/02/11	DS-08	L32 Allum Way, Serpentine – Patio	Approved
07/02/11	DS-08	L273 Jandu Street, Byford - Single Dwelling	Approved
07/02/11	DS-08	L306 Cowara Way, Byford – Single Dwelling	Approved
07/02/11	DS-08	L682 Jarrahdale Road, Jarrahdale – Patio	Approved
07/02/11	DS-08	L30 Mundijong Road, Mardella – Rural Workers Dwelling	Refused
15/02/11	DS-08	L145 Evelyn Street, Whitby – Swimming Pool	Approved
17/02/11	DS-08	L312 Miamit Lane, Byford – Single Dwelling	Approved
18/02/11	DS-08	L314 Miamit Lane, Byford – Single Dwelling	Approved
18/02/11	DS-06	L223 Aquanita rise, Darling Downs – Shed Additions (Lean To)	Approved
20/02/11	DS-08	L29 Tunney Road, Oldbury – Stables / Shelters / Keeping of Horses	Approved
21/02/11	DS-09	L8 Keirnan Street, Mundijong – Patio	Approved
21/02/11	DS-09	L2 (9B) William Street, Byford – Single Dwelling	Approved
21/02/11	DS-08	L269 Jandu Street, Byford – Single Dwelling	Approved
22/02/11	DS-05	L135 Howitzer Turn, Byford – Patio	Approved
22/02/11	DS-08	L308 Cowara Turn, Byford – Single Dwelling	Approved
22/02/11	DS-05	L94 Knoop Drive, Byford – Patio	Approved
22/02/11	DS-15	L359 Old Dairy Court, Oakford – Garage Extension	Approved
23/02/11	DS-05	L371 Vanilla Bend, Byford - Patio	Approved
23/02/11	DS-08	L61 Soldiers Road, Byford – Toilet Addition	Approved
23/02/11	DS-08	L13 Dairy Link, Mardella – Single Dwelling	Approved
23/02/11	DS-08	L271 Jandu Street, Byford – Single Dwelling	Approved
24/02/11	DS-08	L313 Bournbrook Avenue, Cardup – Conversion of Shed to Stables / Keeping of Horses	Approved
25/02/11	DS-15	L68 Rangeview Loop, Serpentine – Shed	Approved
25/02/11	DS-05	L346 Daran Way, Byford – Patio	Approved
25/02/11	DS-15	L40 Egerton Drive, Serpentine – Water Tank	Approved
25/02/11	DS-06	L228 Culham Vista, Byford – Shed / Water Tank	Approved
25/02/11	DS-06	L102 Keirnan Street, Whitby – Shed	Approved
25/02/11	DS-05	L612 Rubery Way, Byford – Patio	Approved
28/02/11	DS-08	L640 Kandimak Boulevard, Byford – Single Dwelling	Approved
28/02/11	DS-08	L260 Benalla Crescent, Byford – Patio	Approved
28/02/11	DS-08	L107 Cook Close, Jarrahdale – Storeroom	Approved



Date Issued	Authority Ref.	Property & Development	Decision
28/02/11	DS-08	L270 Pomera Drive, Byford – Patio	Approved
28/02/11	DS-08	L547 Bruns Drive, Darling Downs – Single Dwelling	Approved
28/02/11	DS-08	L133 Ghost Gum Heights, Jarrahdale – Shed	Approved
01/03/11	DS-08	L212 Henry George Close, Byford – Single Dwelling	Approved
02/03/11	DS-06	L201 Aquanita Rise, Darling Downs – Shed	Approved
03/03/11	DS-08	L249 Quiberon Link, Byford – Retaining Wall	Approved
03/03/11	DS-15	L27 Gibson Top, Oakford – Water Tank	Approved
03/03/11	DS-15	L579 Bruns Drive, Darling Downs – Shed	Approved
03/03/11	DS-08	L38 Ghost Gum Heights, Jarrahdale – Single Dwelling / Garage	Approved
04/03/11	DS-08	L11 Hetherington Close, Jarrahdale – Carport / Shed	Approved
11/03/11	DS-08	L24 Medulla Road, Jarrahdale – Water Tank / Poultry Shed	Approved
14/03/11	DS-08	L59 Waterside Pass, Byford – Single Dwelling	Approved
14/03/11	DS-08	L319 Miamit Lane, Byford – Single Dwelling	Approved
14/03/11	DS-08	L604 Bruns Drive, Darling Downs – Swimming Pool	Approved
14/03/11	DS-08	L115 Forest Avenue, Jarrahdale – Extension to Existing Dwelling	Approved
14/03/11	DS-08	L378 Jida Lane, Byford- Single Dwelling	Approved
15/03/11	DS-08	L227 Mardja Loop, Mardella – Swimming Pool	Approved
15/03/11	DS-08	L53 Mader Road, Mundijong – Verandah / Carport / Fence	Approved
15/03/11	DS-08	L266 Diamantina Boulevard, Byford – Patio	Approved

Application Type	Authority	Number
Development Applications Received	N/A	35
Development Applications Approved	Delegated Authority Committee/Council	61 0
	<b>Total</b>	<b>61</b>
Development Applications Refused	Delegated Authority Committee/Council	1 0
	<b>Total</b>	<b>1</b>
Subdivision Referrals Received	N/A	1
Subdivision Approval Recommendation to WAPC	Delegated Authority	2
Subdivision Refusal Recommendation to WAPC	Delegated Authority	2
Subdivision Deferral Recommendation to WAPC	Delegated Authority	0
Subdivision Condition Clearances issued	Delegated Authority	0

On 22 March 2011, 85 applications were pending

#### SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
S143527	L9006 Abernethy Road, Byford	13 1	Residential Mixed Use / Commercial / Retail	Approval	Approval
S143166	L22 Orton Road, Oakford	2	Rural	Refusal Did not meet the	Approval

				40 hectare minimum lot size requirement for new lots within the Rural zone.	
S143241	L9001 Wungong South Road, Darling Downs	37	Rural A	Refusal Proposal is not in accordance with the Shire's adopted SGP for this area. The applicant is seeking to increase the lot yield which is not permitted under the scheme.	Deferral

**Voting Requirements:** Simple Majority

**SD104/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Hoyer, seconded Cr Brown  
That Council accept the Information Report.  
CARRIED 9/0**

<b>CGAM049/04/11 MONTHLY FINANCIAL REPORT – MARCH 2011 (A0924/07)</b>		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Not Applicable	To receive the March 2011 Monthly Financial Report.
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

The Local Government (Financial Management) Regulations 1996 requires monthly financial statements to be presented to Council for their consideration. The Council has resolved to receive these statements according to business unit classification.

**Sustainability Statement**

This review provides an indication of current allocation of resources to provide services as adopted in the 2010/2011 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

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

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

**Policy/Work Procedure Implications:** There is no work procedure/policy implications directly related to this application/issue.

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK	Strategy and Planning	29	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	35	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		38	Achieving Sustainability	Projects and goals are realistic and resourced.
		39		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.

**Community Consultation:**

Not required.

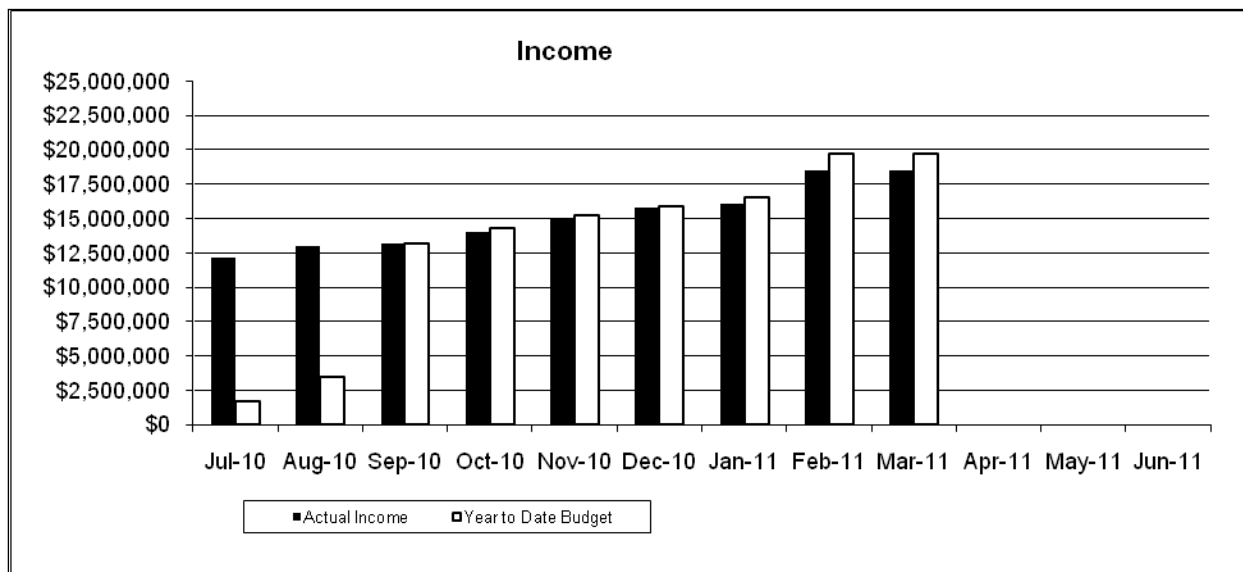
**Comment:**

Council adopted the 2010/11 Budget at a Special Council Meeting held on 9 August 2010. The figures provided in this report are compared to the year-to-date budget.

The period of review is March 2011. The municipal surplus for this period is \$6,919,638 compared to a budget position of \$4,712,770. This is considered a satisfactory result for the Shire.

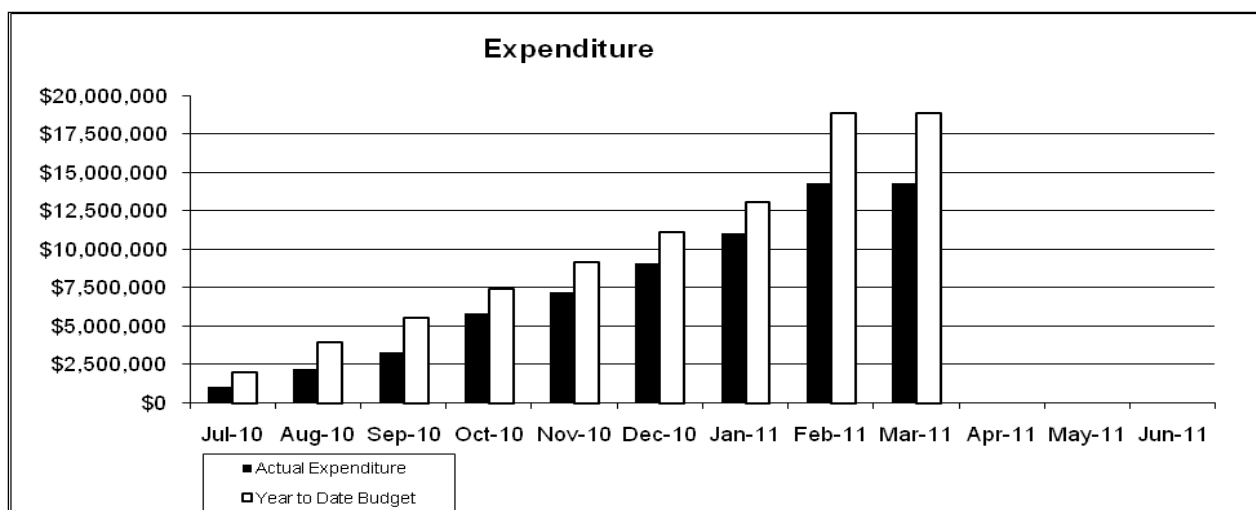
Income for the March 2011 period, year-to-date is \$18,472,096. The budget estimated \$19,707,230 would be received for the same period. The variance to budget is (\$1,235,134) details of all significant variances are provided in the detailed business unit reports.

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



Expenditure for the March 2011 period, year-to-date is \$14,299,387. The budget estimated \$18,265,132 would be spent for the same period. The variance to budget is (\$3,965,745), details of all significant variances are provided in the detailed business unit reports.

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



***A copy of the Financial Report is included with the attachments and marked [CGAM049.1.04.11](#) (E11/1337).***

**Voting Requirements:** Simple Majority

**CGAM049/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Harris  
That Council receives the Monthly Financial Report for March 2011, in accordance with Section 6.4 of the Local Government Act 1995.**

**CARRIED 9/0**

CGAM050/04/11		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Not Applicable	In Brief  To confirm the creditor payments made during the period 18 February to 24 March 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

**Comment:**

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

- a) Payees name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

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

Summary of creditor accounts paid and payable for the period of 19 February to 22 March 2011.

***A copy of the vouchers numbered Chq 41044 – Chq 41131 and EFT 22668 – 22878 totalling \$989,498.59 for the period of 19 February to 22 March 2011 is included with the attachments and marked [CGAM050.1.04.11](#) (E11/1388).***

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 24 December 2010 to 25 January 2011, presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.

**CGAM050/04/11 COUNCIL DECISION/Committee Recommended Resolution:****Moved Cr Harris, seconded Cr Buttfild**

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 19 February to 22 March 2011, presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.

**CARRIED 9/0**

**Committee Note: An amendment was made to the resolution to correct the date of the reporting period to 19 February to 22 March 2011.**

CGAM051/04/11		COUNCIL POLICY G917 – CORPORATE CREDIT CARDS (A1048)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  That Council 1. Adopt Council Policy G917 – Corporate Credit Cards; 2. Review Chief Executive Officer's limit to \$5,000; and 3. Authorise and grant the delegation of authority, powers and duties to the Chief Executive Officer.
Owner:	Not applicable	
Author:	Casey Mihovilovich - Executive Manager Financial Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 March 2011	
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	<b>Council</b>	

**Background**

There is no Corporate Credit Card Policy currently in place at Serpentine Jarrahdale Shire. The Department of Local Government has issued guidelines for the use of Corporate Credit Cards where no policy exists. To ensure risks of misuse are minimized, officers are aware of obligations, and for greater administration efficiency, it is recommended that Council endorse this Policy.

***A copy of Council Policy G917 – Corporate Credit Cards is with attachments marked [CGAM051.1.04.11](#) (E11/1236)***

***A copy of proposed Delegation CG20 – Corporate Credit Cards is with attachments marked [CGAM051.2.04.11](#) (E11/1233)***

**Statutory Environment:**

The following sections of the *Local Government Act 1995* apply;

**2.7 Role of Council**

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

**6.5. Accounts and records**

The CEO has a duty —

(a) to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government

**5.42. Delegation of some powers and duties to CEO**

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43;

\* Absolute majority required.

The following sections of the *Local Government (Financial Management) Regulations 1996* apply;

**11. Payment of accounts**

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained;

**Policy/Work Procedure Implications:**

Council Policy G904 – Purchasing, will still be required to be followed for all payments made through the Corporate Credit Card

**Financial Implications:**

There are no financial implications to Council related to this policy. Transactions can only be made if there is a budget provision and it is within budget.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK	Leadership	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are based on the “keep it simple” principle.
			All decisions by staff and elected members are evidence based, open and transparent.
		Leadership through organisational culture	Elected members and staff operate in an environment of trust, respect, openness and transparency.
			The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
	Strategy and Planning	The Planning Process	Develop comprehensive governance policies and strategies.
			Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success and Sustainability	Achieving Sustainability	Address the barriers to doing business in a positive way.
	Knowledge and Information	Creating value through applying knowledge	Critically examine the efficiency and effectiveness of service delivery

	<b>Customer and Market Focus</b>	Building Organisational Capability through People	Staff are equipped to fulfil their role.
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**Community Consultation:**

Not required.

**Comment:**

The following positions hold a Corporate Credit Card;

<b>Position</b>	<b>Limit</b>
Chief Executive Officer	\$3,000
Director Corporate Services	\$1,500
Director Engineering	\$1,500
Director Development Services	\$1,500
Director Strategic Community Planning	\$1,500
Personal Assistant to Chief Executive Officer	\$1,500
Organisational Improvement Officer	\$1,500

It is recommended that the Chief Executive Officer's limit increase to \$5,000 for the following reasons;

- Interstate conference travel expenses require credit card payments, and if there is more than one officer/councillor attending, it will often exceed the current limit of \$3,000.
- The current limit sometimes restricts the receiving and payment of goods, causing time delays, due to the purchase limit being reached for the month. Often the card cannot be used for making payments where only credit cards are accepted and payments are delayed until the next month when the account limit resets to \$3,000.

To improve administration efficiencies it is recommended that Council grant the Chief Executive Officer the delegated authority to issue, cancel, provide details of goods and services the cardholder has authority to purchase, and set card limits of Corporate Credit Cards to relevant officers in accordance with Council Policy G917 – Corporate Credit Cards.

**Voting Requirements:      ABSOLUTE MAJORITY****CGAM051/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer**

**That Council:**

- 1. Adopt Council Policy G917 – Corporate Credit Cards.**
- 2. Increase the Chief Executive Officers credit card limit to \$5,000, and advise all other conditions are in accordance with G917 – Corporate Credit Cards.**
- 3. Authorises and grants the delegation of authority, powers and duties to the Chief Executive Officer, as detailed in Delegation CG20 – Corporate Credit Cards.**

**CARRIED 9/0**



CGAM052/04/11		SERPENTINE CEMETERY- LIVING HISTORIES PROJECT (RS0165/01)	
Proponent:	Robert Ewing	In Brief  The Serpentine Historical Society has employed an artist to work with the community and develop artworks to enhance the amenity of the Niche Wall and surrounds within the Serpentine Cemetery entrance area. Approval of the design is recommended.	
Owner:	State of WA		
Author:	Vanessa Slater - Natural Reserves Coordinator		
Senior Officer:	Richard Gorbunow – Director Engineering		
Date of Report	21/03/2011		
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		
<b>Delegation</b>	<b>Council</b>		

### **Background**

The Serpentine Cemetery is a focus point for the Serpentine Community and visitors to the area. Members of the Serpentine Historical Society have engaged an artist to work with the Serpentine community to brain storm ideas to enhance the entrance into the cemetery through the use of art.

The process began by the Serpentine Historical Society applying to funding bodies to gain money to proceed with the project. In February 2010, a letter of support was provided to a funding application to support the project. Funding was successful and the project began.

The project was first discussed at a Cemeteries Management Committee meeting held in October 2010. This led to members of the committee that had not been directly involved to investigate the details of the project further.

Since this time the artist has presented the project to the Cemeteries Management Committee in January 2011 and then at Policy Forum on 1 March 2011.

The first part of the project focuses on the enhancement of the amenity of the Serpentine niche wall. Currently the wall that faces the car park is seen as being unsightly. The project is working towards the creation of six large circular artworks made of corten steel plate to be placed on the car park side of the niche wall. It is envisioned that the steel plates will blend into the wall and be inconspicuous, thus drawing people closer to the artwork to notice and look at the finer details. These plates will have several different motifs designed into them, covering the topics of both before settlement and after settlement scenes, including nature based topics and human based topics.

#### ***Copies of the concept designs are attached as follows:***

**Concept Plan 1 - [CGAM052.1.04.11](#) (IN11/3807)**

**Concept Plan 2 - [CGAM052.2.04.11](#) (IN11/3808), and**

**Concept Plan 3 – [CGAM052.3.04.11](#) (IN11/3809).**

In addition to this the project entails the creation of tiles by various members of the Serpentine Community regarding the topic of cemeteries. It is envisioned that a selection of these tiles will be added to the wings of the niche wall on the side where the ashes are placed, to make these outer edges more inclusive visually into the niche wall.

The second part of the project will be conducted in 2012 and further funding will be sought to complete these works through the Shire's Locality Funding program. This part of the project includes the formalization of a path that has been created through remnant vegetation that is located between the niche wall and the graves. This formalization is envisaged to include a cement path lined with laterite bricks and decorated with the tiles created by the community. At the grave end of the path it is envisioned that there will be two archways with angels engraved on the materials along with selected words from graves within the cemetery.

Detailed artwork drawings will now be developed and presented to the Serpentine Historical Society in April 2011. Once the Historical Society has given approvals the drawings will be forwarded to the Project Steering Committee members and the Serpentine Jarrahdale Shire.

***A copy of the letter of support for the project is with attachments marked [CGAM052.4.04.11](#) (E11/1485) and the project update from October 2010 is with attachments marked [CGAM052.5.04.11](#) (IN10/16104).***

### **Sustainability Statement**

#### ***Effect on Environment:***

This project has an effect on the built environment within the Serpentine Cemetery. The artwork will be added to the north facing aspect and wings of the niche wall in the Serpentine Cemetery.

Part of this project is formalizing a path that exists through a small patch of remnant vegetation. This vegetation type is listed as a threatened ecological community (SPC 3a) and two declared rare flora (*Verticordia plumosa subsp plieobotrya* and *Tetraria australiensis*) have been surveyed in this area. This needs to be taken into consideration and has been directed to the Department of Environment and Conservation for advice.

**Heritage and Culture:** The community workshops that have been included in this project have directed people to take into consideration of the sensitive nature of the topic of cemeteries when they are developing the artwork.

#### ***Economic Viability:***

Initially for the artwork to be installed, the wall needs to be repaired and prepared. This requires a significant crack in the wall to be filled and repaired, the wall to be cleaned of the efflorescence and then sealed. Once this process is complete and the artworks have been completed, the selected pieces will be installed onto the wall.

The artwork from this project will essentially require no to minimal maintenance. The artwork that will be constructed from Corten Steel plate will require no ongoing maintenance, with the artwork that is made from mild steel with hot-dipped galvanizing and powder coating may require painting between 7-10 years. Where artwork material is full gloss glazed ceramic tile there will also be no ongoing maintenance required.

The pathway that is proposed to be constructed will require minimal maintenance, once installed.

#### ***Economic Benefits:***

The project will enhance the tourism value of the area by creating a feature for the Serpentine area that can not only be enjoyed by the Serpentine community, but by the visitors to the Serpentine Cemetery.

#### ***Social and Environmental Responsibility:***

This project has been instigated by the Serpentine Historical Society and members of the community have been involved in the development of the artwork for the Serpentine

Cemetery. This encourages participation and cooperation between the Council and the community.

**Social Diversity:**

There have been many different members of the community involved in this project including the consultation and designing of the artworks. These sectors include children from the primary school, youth from the PCYC, seniors, and indigenous people and other members of the community who were involved in the CWA Hall meetings.

**Statutory Environment:** There are no statutory requirements for this project.

**Policy/Work Procedure Implications:** There is no work procedures/policy implications directly related to this item.  
The Natural Reserves Coordinator will oversee the works to be undertaken.

**Financial Implications:** Preparation of the Niche wall for installation of artworks include;  
Money to be allocated from Serpentine Cemetery maintenance budget – CMS600.

<b>Materials-</b>	
Efflorescent remover-	\$150
Paving Sealer-	\$600
<b>Labour-</b>	
2 people for 2 days	\$1550
<b>Cost-</b>	<b>\$2300</b>

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
			Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
			Encourage built form that positively contributes to streetscape amenity.
			Preserve, enhance and recognise heritage values within the built form.
			Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
	<b>Infrastructure</b>		
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.

Vision Category	Focus Area	Objective Summary	Objective
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
			Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
			Promote and develop appropriate tourism, recreation and educational opportunities.
			Develop active partnerships with stakeholders.
		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
<b>OUR COUNCIL AT WORK</b>			
	<b>Leadership</b>		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			The Shire is focused on building relationships of respect with stakeholders.
<b>PEOPLE AND COMMUNITY</b>			
	<b>Wellbeing</b>		
		Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
			Enable the provision of a range of facilities and services for families and children.
			Monitor and respond to the changing needs of our ageing population.
		Happy	Promote respect, responsibility and resilience in our community.
			Improve access and inclusion for all.
			Encourage, support and celebrate volunteerism.
			Encourage youth participation in community activities, groups and networks.
	<b>Relationships</b>		
		Encourage	Foster positive working relationships with and between volunteers.
		Empower	Grow and sustain our strong community spirit.
			Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
			Empower people to represent their community of interest.
			Achieve a sense of belonging through active networks and community groups.
			Build strong relationships that are resilient to the pressures and challenges of growth and "breaking new ground".
			Foster ownership and commitment within partnerships in order to achieve shared visions.
			Enable inclusive, accessible and appropriate communications.
		Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
	<b>Places</b>		

Vision Category	Focus Area	Objective Summary	Objective
			Build the community's capacity to create vibrant places through activities and events.
			Ensure community spaces and places are accessible and inviting.
			Encourage the use of the arts to express our cultural identity.
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
			Acknowledge and accommodate diversity and multicultural interests in our places.
<b>SUSTAINABLE ECONOMIC GROWTH</b>			
	<b>Industry Development</b>		
			Develop and maintain our heritage assets to encourage visitors.
		Creative and Knowledge Economies	Welcome and nurture creative industries and individuals.

**Community Consultation:**

This project has already included consultation with the community.

***A copy of the Living Histories consultation report is with attachments marked [CGAM052.6.04.11](#) (IN11/3233).***

**Comment:**

This project has developed over the last 14 months and the artwork is ready to be installed. Council approval is necessary for the installation of the artwork to the Niche wall.

**Voting Requirements:** Simple Majority

**CGAM052/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Buttfeld, seconded Cr Harris**

**That Council approves:**

- 1. The concept designs as per attachments CGAM052.1.04.11, CGAM052.2.04.11 and CGAM052.3.04.11 for the Living Histories Project.**
- 2. The implementation of the artwork within the Serpentine Cemetery.**

**CARRIED 9/0**

CGAM053/04/11 TONKIN HIGHWAY / ABERNETHY ROAD CONNECTION (A0471-03)	
Proponent:	Shire of Serpentine Jarrahdale - Engineering Services
Owner:	
Author:	Peter Varelis - Project Officer, Development Contribution Arrangements
Senior Officer:	Richard Gorbunow – Director Engineering
Date of Report	24 March 2011
Previously	CGAM011/08/05 3 August 2005

In Brief

That Council endorses that Abernethy Road will be terminated on the east and west sides of the Tonkin Highway

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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Byford Structure Plan (BSP) has identified Abernethy Road as an important component of the road network for Byford in the medium to long-term. The BSP report upon its adoption in August 2005 stated the following:

*"it [Abernethy Road] will retain its role as the feeder road for the residential and rural precincts to the west of the Byford Town Centre"*

Two major regional roads border the BSP, to the east the South Western Highway and to the west the proposed Tonkin Highway extension. Connections to the later are provided at Orton Road and Thomas Road in the south west and north west corners of the areas respectively.

In May 2005 Worley Parsons were commissioned by the Shire of Serpentine Jarrahdale (the Shire) to prepare a position paper regarding the issue of a connection at Abernethy Road to the future Tonkin Highway.

***A copy of the position paper by consultants Worley Parsons is provided as an attachment marked [CGAM053.1.04.11](#) (IN05 8141)***

Desktop traffic modelling undertaken in 2005 for this study indicated that failure to provide a connection to Tonkin Highway at Abernethy Road would have serious traffic volume implications for local roads within the structure plan area. In particular roads in the north west corner of the area (between Abernethy Road and Thomas Road) will carry significant volumes – in effect acting as a parallel route to Tonkin Highway. In turn, this raises serious issues regarding the role of local roads, urban form and the ability of developers to achieve Liveable Neighbourhood's principles in the design of their subdivisions.

It was concluded by the consultant position paper at that time, that the provision of a connection at Abernethy Road to Tonkin Highway was desirable. Several options for providing this connection have been identified in the 2005 report. A preferred option (creating service roads from Abernethy Road to Thomas Road) has been identified. This option will alleviate the traffic issues created through having no connection and allow roads within the BSP Area to play a more local role. It should be noted that no design work was undertaken in the preparation of this paper and as such further work was required to test the feasibility of the preferred option.

The position paper was presented to Council in August 2005 for Council to endorse the position paper demonstrating the need for a connection of Abernethy Road to the future extension of Tonkin Highway. From that meeting Council resolved the following;

*Moved Cr Price seconded Cr Kirkpatrick:*

*Council:*

- 1. Endorses the Tonkin Highway / Abernethy Road Connection Position Paper as attached at CGAM011/08/05;*
- 2. Provides a copy of the Tonkin Highway / Abernethy Road Connection Position Paper to the Minister for Planning and Infrastructure and requests that, for the reasons outlined in the Position Paper, Main Roads Western Australia make allowance for a connection with the Tonkin Highway when extended; and*

3. *Requests the Director Asset Services and Senior Planner (Strategic Planning) to undertake a review of the Road Hierarchy and public transport routes and present recommendations of the review to Council for consideration.*

*CARRIED 7/0*

The purpose of this report is to update Council on the major changes to the road network that have since occurred with the adoption of the modified BSP, which post dates the 2005 position paper. The position paper from 2005 is quite detailed and will need to be read carefully to fully understand the history of and decision made by Council at the time.

Since Council's resolution in 2005 a number of issues have been raised by land owners, Main Roads WA, the Western Australian Planning Commission (WAPC) and Shire officers concerning the form and function of the proposed future fly over with Tonkin Highway. These issues are discussed in detail in this report.

This report provides Council with the opportunity to further consider its position in respect of the potential intersection at Abernethy Road and Tonkin Highway in light of new technical investigation and newly available information.

### **Sustainability Statement**

***Effect on Environment:*** The future form of Abernethy Road needs to be carefully considered in terms of potential environmental impacts. Relevant considerations include the retention of existing vegetation, particularly at the site of the proposed flyover. The footprint of an overpass will impact directly on a bush forever site to the south west of the existing intersection of Hopkinson and Abernethy roads. Indigenous flora and fauna will be lost.

***Resource Implications:*** A considerable amount of resources will be required for both the upgrading and on-going maintenance of arterial roads such as Abernethy Road; such matters will need to be carefully considered at the time of detailed design and construction.

***Economic Viability:*** Establishing a clear direction forward for Abernethy Road will create greater certainty and ultimately reduce financial risk for a number of stakeholders, including Council and developers.

***Economic Benefits:*** Abernethy Road will provide an important linkage between different land uses, including new/existing residential areas, the Byford Town Centre, educational establishments, local centres and the regional road network.

***Social – Quality of Life:*** Transport networks have a significant impact on the quality of life for both existing and future residents. Key considerations include potential light and air pollution, accessibility for travel movements, visual impact and noise.

***Social and Environmental Responsibility:*** At the time of detailed design, careful consideration will need to be given to the protection of vegetation. Based on the preliminary concepts, Abernethy Road flyover will have significant impacts on natural hydrology and remnant vegetation.

***Social Diversity:*** Having an effective and efficient transport network will ensure access for a diverse range of people, with different travel requirements.

### **Statutory Environment:**

Currently the proposal has required the setting aside of land from Lots 6 & 27 Abernethy Road and is a condition of subdivision.

The WAPC have made evident that the land acquisition is not able to occur within their statutory framework as it is not reserved under the Metropolitan Region Scheme.

**Note:** Council resolution CGAM011/08/05 can be changed by way of a later resolution, without rescinding a previous resolution.

### **Policy/Work Procedure**

#### **Implications:**

No policy implications

#### **Financial Implications:**

There are no Financial implications to Council related to this issue at present, however failure to provide a well planned road network can potentially result in future costs in dealing with traffic issues through either upgrading roads or implementing traffic calming treatments in an attempt to reduce impacts on local streets.

If identified early, costs associated with upgrading of existing or future roads to accommodate projected traffic volumes can be recovered from developers however ideally a transport system will be implemented which is based on a dispersed traffic model and controlled flow on minor roads encouraged, negating the need for major upgrading.

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective	
BUILT ENVIRONMENT	Land Use Planning	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.	
		Rural Land	Ensure the built form complements and enhances the rural environment.	
			Encourage built form that positively contributes to streetscape amenity.	
	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.		
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.	
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.	
			Encourage innovative solutions, technology and design.	
	Infrastructure			
			Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
	NATURAL ENVIRONMENT	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.	
		Incorporate environmental protection in land use planning.		
Biodiversity		Prevent the further loss of "local natural areas"		
		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages		



Vision Category	Focus Area	Objective Summary	Objective
			throughout the Shire
		Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	<b>Integrated Water Cycle Management</b>		
		Quantity	Promote and implement water conservation and reuse.
<b>OUR COUNCIL AT WORK</b>			
	<b>Leadership</b>		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	<b>Success and Sustainability</b>		
		Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
			Understand the needs of stakeholders.
			Develop systems for data capture and analysis.
		Creating value through applying knowledge	Ensure evidence based decision making

### **Community Consultation:**

Consultation with the community occurred during the formulation of the Byford District Structure Plan. Community consultation also occurred during the advertising of local structure plans in this area.

### **Comment:**

Since Council previously considered this matter in 2005, the planning and associated technical investigations for Byford and its surrounds have progressed considerably. Of relevance are the following:

- The 2031 Main Roads WA & SJ Shire Mundijong-Whitby / Byford Regional Traffic Model has been completed;
- The Byford Townsite Drainage and Water Management Plan (Department of Water, 2008);
- The Byford Developer Contribution Arrangement has been re-written and re-advertised;
- The Lot 6 & 27 Abernethy Road Local Structure Plan has been adopted by Council.
- Stage 1 at Lot 6 & L27 Abernethy Road subdivision has been released.
- Land has been set aside for the fly over through both the Local Structure Plan and subdivision of Lots 6 & 27 Abernethy Road.

The progression of a number of the above matters has raised a number of concerns that surround the fly over proposal.

### **Main Roads WA & SJ Shire Regional Traffic Model**

The Main Roads WA & SJ Shire 2031 Regional Traffic Model (the Model) utilises land use data and population generation to predict traffic volumes on arterial roads. This data is then used to determine the form and function of arterial roads as well as to inform other high level planning and engineering decision making.

***A copy of the Main Roads WA & SJ Shire 2031 Regional Traffic Model can be found with attachments marked [CGAM053.2.04.11](#) (E11/1489).***

**Findings:**

The Model was run with and without the fly over Tonkin Highway. This exercise indicated that at total build out in Byford only 1100 vehicles per day would use the Abernethy Road flyover.

MRWA have been consulted as to whether a signalized intersection could be constructed, however a minimum distance of 3km between signalized intersections is allowed on Tonkin Highway. Creating a signalized intersection at Abernethy Road would not meet the criteria.

**Conclusion:**

The number of vehicles utilising the flyover based on the Model's projections do not constitute such a significant number to justify the bridge.

**Byford Townsite Drainage & Water Management Plan / Environmental Impacts**

**Environmental Impacts:**

The land on the alignment of the flyover on the western side of Abernethy Road is designated Bush Forever Site 65. The footprint of an overpass will impact directly on the Bush Forever site, if the implementation of the fly-over occurred indigenous flora and fauna would be lost. The fly-over would also create significant site disturbance, the required cut and fill will impact on directly on adjoining land owners.

**Hydrological Impacts:**

The Byford Townsite Drainage & Water Management Plan shows approximately 10 cubic metres of water per second flowing through the intersection of the proposed fly-over site and Tonkin Highway extension. This would create significant engineering challenges due to the location of the existing Beenyup Brook and the large amounts of fill material required for the abutments and road construction. These significant engineering works may necessitate the Beenyup Brook's complete realignment in the subject area.

**Conclusion:**

The environmental and hydrological impacts of the proposed fly-over do not support its implementation.

**The Byford Traditional Infrastructure Development Contribution Arrangement**

The Byford Development Contribution Arrangement (DCA) has recently been advertised and does not include the cost of a flyover Abernethy Road with Tonkin Highway. Based on the number of traffic projections in the Model, the item would not warrant playing a district function and on this basis the subdividers of Byford holistically should not contribute towards its construction.

**Conclusion:**

The benefits of providing a structure to link east and west bound traffic on Abernethy Road are far out-weighed by the negative impacts. The number of residents utilising the fly over would not constitute its inclusion in a district level infrastructure arrangement. The 'need & nexus' is not established and thus the item should not be included in a DCA.

The impact of including the estimated \$12 million dollar flyover on the per lot levy would be in the order of at least \$1000 per lot, which would be opposed by land owners in the area.

### Lot 6 & 27 Abernethy Road

The progression of the Local Structure Plan in parallel with the evolving nature of the BSP and Abernethy Road has eventuated in a significant portion of land (4410m<sup>2</sup>) being set aside for a future Abernethy Road / Tonkin Highway flyover. This land was set aside on the basis of Council's resolution in August 2005 and was required to be created through a condition of subdivision recommended by the Shire. Since then stage 1 was created, this required the formal creation of the fly over lot to accord with conditions of subdivision.

**A copy of WAPC Approval No.133902 for Lot 6 & 27 Abernethy Road, Byford is with attachments marked [CGAM053.3.04.11 \(E11/1490\)](#).**

Now that the lot is created in accordance with the subdivision approval, the developers of Lot 6 & 27 Abernethy Road (Corona) have sought monetary reimbursement from the WAPC to facilitate the vesting of this land. However, in the absence of a final design or budget for the Tonkin Highway extension, Main Roads WA or the Western Australian Planning Commission has not formally committed to a flyover the Tonkin Highway. In this context no funds are budgeted or process established for the purchase of this land.

It has been proposed by the developer and the WAPC that Council re-evaluates and formalizes its position with regard to the fly over having due regard to the best available information at this point in time.

Conclusion:

Technical investigations have now progressed to inform the technical requirement for a flyover at Tonkin Highway. The subdivision requirement for a fly over may have seemed appropriate based on the best information available at that time. However, in light of new investigations it is now considered appropriate for Council to re-evaluate this position. A path forward in the statutory process needs to be established to inform the design, budgetary requirements and land use permissibility of the newly created fly over lot.

### **Conclusion**

Council needs to consider its position with regard to the fly over having due regard to the technicalities and the environmental, hydrological and planning issues raised in this report.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Advise the Western Australian Planning Commission, Main Roads WA and the owners of Lot 9051 (formerly Lot 6 & 27) Abernethy Road, Byford that no flyover structure is required to be provided over the proposed Tonkin Highway extension for the following reasons:
  - Detrimental impact to remnant vegetation and the existing Bush Forever site.
  - Significant hydrological constraints based on information provided by the Byford Townsite Drainage and Water Management Plan (2008).
  - It is projected that only 1,100 vehicles per day would use the flyover based on the Main Roads WA & Serpentine Jarrahdale Shire 2031 Mundijong-Whitby and Byford Regional Traffic Model.
2. Advise the Western Australian Planning Commission and Main Roads WA that Abernethy Road will be terminated on the East and West sides of Tonkin Highway.

**CGAM053/04/11 COUNCIL DECISION/Committee Recommended Resolution:****Moved Cr Harris, seconded Cr Randall****That Council:**

1. Advise the Western Australian Planning Commission, Main Roads WA and the owners of Lot 9051 (formerly Lot 6 & 27) Abernethy Road, Byford that no flyover structure is required to be provided over the proposed Tonkin Highway extension for the following reasons:
  - Detrimental impact to remnant vegetation and the existing Bush Forever site.
  - Significant hydrological constraints based on information provided by the Byford Townsite Drainage and Water Management Plan (2008).
  - It is projected that only 1,100 vehicles per day would use the flyover based on the Main Roads WA & Serpentine Jarrahdale Shire 2031 Mundijong-Whitby and Byford Regional Traffic Model.
2. Advise the Western Australian Planning Commission and Main Roads WA that vehicle access to Abernethy Road will be terminated on the East and West sides of Tonkin Highway.

**LOST 4/5****COMMITTEE NOTE:** Part 2 of the Officer Recommended Resolution was amended to terminate vehicle access only, so any future development may include pedestrian or trail access.**Cr Geurds foreshadowed a new motion that Council advise WAPC and Main Roads that it wishes to defer the design of Abernethy Road until detail on the intersection with Tonkin Highway extensions are known if the motion under debate is defeated.****COUNCIL DECISION****Moved Cr Brown, seconded Cr Harris****That the meeting be adjourned at 9.50pm****CARRIED 9/0****COUNCIL DECISION****Moved Cr Ellis, seconded Cr Buttfeld****That the meeting be re-opened at 10.02pm****CARRIED 9/0**

**COUNCIL DECISION/New Motion**

Moved Cr Geurds, seconded Cr Ellis

That Council advise WAPC and Main Roads that it considers it is premature to make a decision regarding the future design of the Abernethy Road and Tonkin Highway intersection, as detailed designs of Tonkin Highway are not available and the timing of its construction is not known.

**CARRIED 5/4**

**Cr Harris voted against the motion**

Cr Harris foreshadowed a new motion similar to the Committee Recommended Resolution with a Part 3 that indicates that Council would like to exercise a range of options should the circumstances change in the currently accepted design of the Tonkin Highway, if the motion under debate is defeated.

*Executive Manager Planning returned at 10.03pm*

CGAM054/04/11		CORPORATE SERVICES INFORMATION REPORT	
Proponent:	Not Applicable	In Brief  To receive the information report to 20 March 2011.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	24 March 2011		
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		
<b>Delegation</b>	<b>Council</b>		

## CGAM054.1.04.11 DELEGATED AUTHORITY (A0039-02)

Date used	Delegated Authority Ref No.	Details	Amount	Officers Signature
22/02/2011	AF-8	Payment of EFT 22668	50.00	CM & AH
22/02/2011	AF-8	Payment of EFT 22669	3464.79	CM & AH
22/02/2011	AF-8	Payment of EFT 22670 to 22671	19123.27	CM & AH
22/02/2011	AF-8	Payment of Cheque 41044 to 41045	9110.40	CM & AH
24/02/2011	AF-8	Payment of EFT 22672 to 22704	132765.74	CM & AH
24/02/2011	AF-8	Payment of Cheque 41046 to 41076	48569.86	AM & AH
03/03/2011	AF-8	Payment of EFT 22705	75.90	CM & AH
03/03/2011	AF-8	Payment of EFT 22706 to 22743	73588.92	CM & AH
03/03/2011	AF-8	Payment of Cheque 41077 to 41084	3595.26	CM & AH
03/03/2011	AF-8	Payroll	202731.27	CM & AH
10/03/2011	AF-8	Payment of EFT 22744 to 22811	283606.65	CM & KH
10/03/2011	AF-8	Payment of Cheque 41085 to 41115	52805.82	CM & RG
10/03/2011	AF-8	Payment of Cheque 41116	15765.83	CM & RG
15/03/2011	AF-8	Payment of EFT 22812	75.90	CM & KH
15/03/2011	AF-8	Payment of EFT 22813	159.22	CM & KH
15/03/2011	AF-8	Payment of EFT 22814	4623.26	CM & KH
15/03/2011	AF-8	Payment of EFT 22815	82766.87	CM & KH
17/03/2011	AF-8	Payroll	198,056.66	CM & KH
17/03/2011	AF-8	Payment of EFT 22816 to 22878	241713.84	CM & KH

17/03/2011	AF-8	Payment of Cheque 41117 to 41131	17637.06	CM & RG
01/02/2011	Eng 22	L928 Hay Road – Crossover Subsidy	\$150.00	U.S

**CGAM054/04/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Randall  
That the Information Report to 20 March 2011 be received.  
**CARRIED 9/0**

CGAM055/04/11		ENGINEERING SERVICES INFORMATION REPORT
Proponent:	Not Applicable	In Brief  To receive the information report to 20 March 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	24 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

CGAM055.1/04/11 ENGINEERING DEPARTMENT ACTIVITY REPORTS (A1401/02)

*A copy of the Engineering Department's Activity Reports for 20 February to 20 March 2011 is included as attachment marked [CGAM055.1.04.11](#) (E11/1481).*

**CGAM055/04/11 COUNCIL DECISION/ Committee/Officer Recommended Resolution:**

Moved Cr Butfield, seconded Cr Brown  
That the Information Report to 20 March 2011 be received.  
**CARRIED 9/0**

## 9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM048/04/11		CONSTITUTIONAL RECOGNITION (A0435-02)
Proponent:	Australian Local Government Association (ALGA)	In Brief  The Federal Government has committed to a referendum on Constitutional recognition for Local Government. ALGA has requested that all Local Governments formally resolve to support the conduct of the referendum.
Owner:	Not applicable	
Officer:	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	7 <sup>TH</sup> April 2011	
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	
<b>Delegation</b>	<b>Council</b>	

### In Brief

- The Federal Government has committed to a referendum on Constitutional recognition for Local Government, likely to be held in conjunction with the 2013 election.
- A national position was developed at the Local Government Constitutional Summit held in Melbourne in December 2008, and has been refined by the ALGA Board to focus the referendum on financial recognition.
- ALGA has requested that all Local Governments formally resolve to support the conduct of the referendum.

### Policy Implications

The national policy position is consistent with the WALGA position. Adoption of the recommendation will formalise Council's policy position and align it with the national campaign.

### Budgetary Implications

**Local level campaign:** the costs associated with any local level campaign will be contingent on its extent and complexity. Expenditures could involve expenses such as venue hire and minor catering and administrative charges including telephone calls, printing, etc. These are likely to be minimal and manageable within the constraints of budgeted operational expenditure.

**National Campaign:** these are not defined at this stage and will depend largely on the willingness of the Federal Government to fund "YES" and "NO" campaigns. A full range of funding options needs to be developed by ALGA and WALGA before the specific implications for council can be explored.

### Background

There is a long history of debate on Constitutional recognition for Local Government in Australia, with referendums having previously been put before the voters in 1974 and 1988, with both being defeated.

During 2008 the ALGA actioned a strategic approach aimed at securing a referendum which involved:

- Some initial resource materials to assist Local Governments to conduct a conversation at the local level on the need for Constitutional recognition
- Zone or region level discussions, where appropriate, based on WALGA agenda items
- Statewide forum to determine a state Local Government position (resolved at Local Government Convention)
- A national experts forum via a National Constitution Summit (Melbourne December 2008)

In 2009/10 ALGA focused advocacy around national political forums, political parties and key influential academics, while State Associations built up state profiling campaigns to improve the image and perception of their local government jurisdictions.

The ALGA Board further refined the national position in 2010 to focus specifically on financial recognition and the WALGA position was also aligned to this focus.

### **Comment**

Whilst the Federal Government has said that it will run a referendum, their willingness to do so in any sort of reasonable time frame will be heavily influenced by their perceptions of its likely success. A major factor in their perceptions will be the degree to which the conversation reflects broad community engagement.

It is important that local community support is marshalled to ensure that community ownership is injected into the campaign. If the campaign is seen purely as one being run by and for the local government system, then success will be difficult to achieve.

**Voting Requirements:** Simple Majority

### **OCM048/04/11 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Hoyer, seconded Cr Harris  
That Council;**

- 1. Support the ALGA campaign for the Constitutional recognition of local government;**
- 2. Call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;**
- 3. Develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;**
- 4. Acknowledge that funding implications need to be considered as part of the ongoing financial planning process.**

**CARRIED 8/1**



OCM049/04/11 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR MIKE GEURDS (A0024)		
Proponent	Councillor Mike Geurds	In Brief  Councillor Mike Geurds has requested a Leave of Absence from the June 2011 Ordinary Council Meeting.
Officer	Joanne Abbiss – Chief Executive Officer	
Senior Officer:	Not applicable	
Date of Report	14 April 11	
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 1995	
<b>Delegation</b>	<b>Council</b>	

**OCM049/04/11 COUNCIL DECISION/Officer Recommendation:**

**Moved Cr Randall, seconded Cr Ellis**

**Council approves Leave of Absence for Councillor Mike Geurds for the Ordinary Council Meeting to be held on 27<sup>th</sup> June 2011.**

**CARRIED 9/0**

OCM050/04/11 BUDGET 2010/2011 ADJUSTMENT – MASTER PLANNING FOR BRIGGS PARK AND THE CLEM KENTISH SPORTING PRECINCT (A1659)		
Proponent:	Not applicable	In Brief  To approve a budget adjustment of \$80,000 to enable the Shire to commence preparing master plans for Briggs Park and the Clem Kentish Sporting Precinct.
Owner:	Shire of Serpentine Jarrahdale	
Author:	Alan Hart, Director Corporate Services/Carole McKee, Manager Community Development	
Senior Officer:	Chief Executive Officer	
Date of Report	12 April 2011	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

There are a number of facilities in Briggs Park in Byford and the Clem Kentish Sporting Precinct in Serpentine that need to be upgraded. These include, but are not limited to: refurbishment of the ovals at Briggs Park and the Clem Kentish Sporting Precinct, potential future expansion of the Serpentine Jarrahdale Community Recreation Centre in Byford, upgrades to storage, canteen facilities and BMX at both Byford and Serpentine.

A number of these facilities were identified in the Community Facilities and Services Plan (CFSP) and these have subsequently been included in the Forward Capital Works Plan that Council adopted in 2011.

Like with many infrastructure projects, Council cannot fund these entirely as rates income can only stretch so far. Councils therefore look to the State and Federal Governments to assist in funding the construction of these facilities. The Forward Capital Works Plan did identify outside funding sources to construct or upgrade the Sporting Facilities at both Byford and Serpentine and the Shire is now looking to the relevant funding bodies to assist in funding these projects.

To be eligible to apply for government funding, master plans and feasibility studies must be completed to assure the funding body that they will receive maximum return on their investment (through utilisation) over the life of the facility and the sporting facility is located appropriately to enable maximum use by the community.

### **Sustainability Statement**

Vision 2025: Enduring beauty will inspire possibilities that enrich our future:  
Experiencing the Beauty:

#### A Place of Enduring Beauty

The master plan and its recommendations will attempt to minimise resource use, such as;

- Energy Use: renewable energy technologies, passive solar design eg facing the building north
- Water Use: water sensitive urban design
- Land: minimise use of vegetated land to protect biodiversity

#### A Place of Natural Beauty

The master plans will enhance and take into consideration the environment (built and natural) and ensure that there is minimal environmental damage through best practice in its field.

#### Beautiful Opportunities

The master plan will determine whether it is economically viable to carry out future capital improvements, and ensure that the external costs are considered, such as removal of biodiversity (flora and/or fauna), quality of life of residents eg, increase noise, pollution, increased resource use eg energy and water consumption.

#### Our Beautiful Community

The master plan will take into consideration the future growth and assist in improving the quality of life for the community and will include access for social groups such as youth, seniors, indigenous, ethnic minorities, disabled, and families.

#### A Balanced Beauty

The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation. The master plans will create opportunities for the community to participate through a community consultation process. In addition, all relevant sporting groups will be consulted and their needs will be incorporated into the conceptual designs.

### **Statutory Environment:**

Local Government 1995, Section 6.8. Expenditure from municipal fund not included in annual budget states;

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- is incurred in a financial year before the adoption of the annual budget by the local government;
  - is authorised in advance by resolution\*; or
  - is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

**Policy/Work Procedure Implications:**

Council Policy G904 - Purchasing.

**Financial Implications:**

It is estimated that the cost of preparing the master plans and feasibility studies is up to \$80,000. It is proposed that the Shire utilise the Serpentine Jarrahdale Shire Townscape Funding Reserve to fund these two projects. It is considered that the use of this reserve is appropriate and the delivery of these improved facilities will benefit the entire Serpentine Jarrahdale community. There is approximately \$80,750 in the reserve. If quotations for the works are less than \$80,000 then only the actual amount required will be drawn down from the reserve account.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
BUILT ENVIRONMENT	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.	
		14	Buildings	Encourage built form that positively contributes to streetscape amenity.	
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.	
		17		Preserve, enhance and recognise heritage values within the built form.	
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.	
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.	
		21	Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.	
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.	
		28	General	Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.	
		31		Encourage innovative solutions, technology and design.	
			Infrastructure		

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
		56		Continue to work with funding agencies to secure grants for projects.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		12	Biodiversity	Prevent the further loss of "local natural areas"
	<b>Integrated Water Cycle Management</b>			
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	<b>Energy</b>			
		34	Production	Keep abreast of advances in renewable technology.
		35		Demonstrate, facilitate and promote the use of renewable energy technologies within the Shire.
		36	Regional Reduction	Work in partnership with our communities as responsible members of the global community to facilitate a reduction in regional greenhouse gas emissions.
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
		38		Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>			
		1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		4		We are realistic about our capacity to deliver.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
		9		All decisions by staff and elected members are evidence based, open and transparent.
		10		The elected members and staff operate from a common understanding of sustainability.
		11		The Shire will further establish itself as an innovative leader.
		12		The Shire promotes its achievements.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focused on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
	<b>Success and Sustainability</b>			
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focused.
		39		Projects and goals are realistic and resourced.
		40		The culture, decision making and work systems need to be readily adaptable to change.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>			
		45	Generating, collecting and	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			analysing the right data to inform decision making	
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.
		48		Develop systems for data capture and analysis.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
	<b>Customer and Market Focus</b>			
		55	Gaining and using knowledge of customers and markets	Improve the accessibility of Shire services.
		56		Use marketing and promotional tools to inform and manage customer expectations.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		10		Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
		13	Safe	Achieve a high level of community safety
	<b>Relationships</b>			
		15	Encourage	Foster positive working relationships with and between volunteers.
		16		Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		25		Enable inclusive, accessible and appropriate communications.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	<b>Places</b>			
		32	Vibrant	Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		39	Innovative	Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.

### **Community Consultation:**

The preparation of the two master plans will involve extensive community consultation. This will need to occur on two levels;

1. Engaging with the general community to understand their needs for recreation space and activities within the Byford and Serpentine Communities
2. Engaging with the sporting groups that use the facilities that are either being planned for upgrade or constructed from new to understand their needs and assist in the planning of these facilities to encourage ownership from the earliest phase of the project's commencement.

### **Comment:**

Instead of tackling one capital works project at a time, it is proposed to undertake a whole of precinct master plan for each facility in Byford and Serpentine which completes all the feasibility studies, community consultation, provides consolidated concept drawings, costs of the overall plan for each of the facilities within the precinct and also contains an implementation plan which details the stages necessary to meet community expectations.

This will provide the Shire with an evidence base for staging the construction of the facilities and will aid in the lodgement of funding applications as the necessary work will have been undertaken and it can be seen as part of a larger project.

The scope of the master plans will be underpinned by the work already undertaken to determine community need, constraints and opportunities within each reserve (Briggs Park and Clem Kentish Sports Precinct) which is detailed in the Community Facilities and Services Plan to 2020, Brickwood Reserve and Briggs Park Management Plan, and the community consultation in relation to storage facility requirements for Briggs Park in Byford.

The individual projects that have been identified in the Forward Capital Works Plan for each reserve are;

Briggs Park Byford;

<b>Project Title (year of construction)</b>	<b>Budget</b>
Storage Facilities (11/12)	\$360,000
Lower Oval Refurbishment (12/13)	\$500,000
Tennis Courts (12/13)*	\$960,000
Tennis Courts Clubrooms (13/14)*	\$615,000
Netball and Basketball Courts and Clubrooms (13/14)*	\$1,575,000
<b>TOTAL</b>	<b>\$4,010,000</b>

\*Proposed joint use facilities with the Department of Education/Catholic Education

Clem Kentish Sporting Precinct Serpentine;

<b>Project Title (year of construction)</b>	<b>Budget</b>
BMX Track (11/12)	\$34,000
Playground Equipment (11/12)	\$80,000
Tennis Clubrooms (12/13)	\$155,000
Tennis Courts (14/15)	\$145,000
<b>TOTAL</b>	<b>\$414,000</b>

Other projects that could potentially have an impact on the master planning of Byford in particular are the Community Facility in the Glades and Byford Youth facilities studies and these have to be taken into account when preparing the master plan as they are all interrelated.

As the 2011/12 financial year is fast approaching and funding opportunities open and close within a very short window of opportunity, it is crucial that the Shire commence this work to enable grant applications to be lodged. There are also synergies in undertaking the two projects at the same time as this has the potential to reduce the total cost of the two master plans as only one consultant and set of sub-consultants need to be engaged and they can be geared up to undertake both projects simultaneously.

Any engagement of contractors will be in accordance with the Shire's purchasing policy.



It is therefore recommended that the Council amend the 2010/11 annual budget by allocating \$80,000 from the Serpentine Jarrahdale Shire Townscape Funding Reserve to enable the engagement of a consultant to commence the preparation of the Master Plans for the Briggs Park, Byford and the Clem Kentish Sporting Precinct, Serpentine. Any unspent funds, will remain in the reserve account for other projects.

**Voting Requirements: ABSOLUTE MAJORITY**

**OCM050/04/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Hoyer  
That Council amends the 2010/2011 annual budget by \$80,000 to fund the preparation of a master plan for Briggs Park, Byford and the Clem Kentish Sporting Precinct, Serpentine to be funded from the Serpentine Jarrahdale Shire Townscape Funding Reserve.  
CARRIED 8/1**

*Cr Harris left the room at 10.28pm and returned at 10.37pm  
Organisational Development Officer left the room at 10.28pm and returned at 10.29pm  
Cr Hoyer & Cr Ellis left the room at 10.28pm and returned at 10.29pm  
Director Development Services left the room at 10.29pm and returned at 10.37pm*

OCM051/04/11		DELEGATED AUTHORITY REVIEW (A1047)	
Proponent:	Serpentine Jarrahdale Shire	In Brief  A review of current delegations is presented for Council approval.	
Owner:	Not applicable		
Author:	Lisa Fletcher – Organisational Improvement Officer		
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	18 April 2011		
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.		
<b>Delegation</b>	<b>Council</b>		

**Background**

As part of the process improvement work currently being undertaken, it has been identified that some delegations require review. The Shire has established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making.

***A copy of the existing delegations to be reviewed (with changes highlighted in yellow) is with the attachments marked [OCM051.1/04/11 \(E11/1417\)](#)***

The following delegations are presented for review:

Delegation Number	Delegation Title	Proposed changes to Delegation
CG05	Infringement Notices	Rename to 'Direction and Infringement Notices' Added to the delegation is: <ul style="list-style-type: none"> <li>Part 1</li> </ul>

Delegation Number	Delegation Title	Proposed changes to Delegation
		<ul style="list-style-type: none"> <li>• <i>'a Direction or'</i> in Parts 3 and 4</li> <li>• Senior Building Surveyor and Building Surveyor in second last paragraph</li> <li>• The CEO delegating authority under Part 1 only to Director Development Services in last paragraph</li> </ul>
CG18	Rates Collection and General Debtors	A sentence added to part 9 to advise that 'in all other situations a separate report is to be submitted to Council'
DS01A	Approval of Engineering Drawings	<p>Rename the delegation to 'Approval of Engineering Drawings' to clarify the exact purpose of the delegation.</p> <p>Parts 1-3 within this delegation have been replaced with:</p> <ul style="list-style-type: none"> <li>• Approve Engineering drawings and plans under Section 170 of the Planning and Development Act 2005.</li> </ul> <p>The Executive Manager Engineering and Manager Infrastructure and Design have also been added to this delegation.</p>
DS05	Variations to Residential Design Codes	Add Manager Building Services, Senior Building Surveyor and Building Surveyor to the delegation.
DS06	Outbuildings	Add Senior Building Surveyor and Building Surveyor to the delegation.
DS13	Enforcement under Town Planning Scheme	<p>Add:</p> <ul style="list-style-type: none"> <li>• to Part 2 '..... in a timely manner through the Chief Executive Officer <i>'or Development Services'</i></li> <li>• The Chief Executive Officer delegates the authority in <i>'items 2 and' 3...</i></li> </ul>
DS14	Orders for Breach of Building Requirements	Add to the last paragraph, the words <i>'to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960.'</i> Add to second paragraph <i>'part XV – Buildings'</i> .
DS16	Building Applications and Licences	Add 'as amended' following Building Regulations 1989
DS19	Classification of Buildings	Add 'as amended' following Building Regulations 1989
DS20	Demolition Licence	<p>Remove 'Town Planning Scheme' from second paragraph.</p> <p>Replaced with .... Section 374A of the Local Government (Miscellaneous Provisions) Act 1960, subject to the following:</p> <ul style="list-style-type: none"> <li>• The relevant approvals comply with the Heritage of Western Australia Act as required by Section 374A (2a).</li> <li>• Payment of the Building Construction Training Levy has been made as required under Section 374AB.</li> </ul>
DS26	Representation at the State	Remove Co-ordinator Planning Services and

Delegation Number	Delegation Title	Proposed changes to Delegation
	Administrative Tribunal	added Manager Building Services to the delegation.
ENG01	Acceptance of Tenders	Rename to 'Tenders' and add a new part 1 and 2.

**A copy of the new delegations is with the attachments marked [OCM051.2/04/11 \(E11/1605\)](#).**

### **Sustainability Statement**

Council delegated authorities are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

**Statutory Environment:** The Local Government Act 1995

### **Policy/Work Procedure Implications:**

The delegations of Authority are an integral part of the Shire's governance framework. They are supported by and conditioned by policies adopted by Council.

**Financial Implications:** There are no financial implications to Council related to this delegation review. Operational efficiencies can be achieved with the revision of delegations.

### **Strategic Implications:**

This proposal relates to the following Focus Area:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK			
	<b>Leadership</b>		
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
	<b>Process Management, Improvement and Innovation</b>		
		Identification and Management of Processes	Undertake a systems and processes review and educate and train staff and elected members accordingly
			Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		Process Improvement and Innovation	
			Achieve outcomes whilst minimising use of Council resources.

### **Community Consultation:**

Not applicable

### **Comment:**

Any application that is considered under delegated authority will be reported to Council through the standard reporting procedures, on a monthly basis.

**Voting Requirements: ABSOLUTE MAJORITY**

**OCM051/04/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Brown

1. Having reviewed the delegations made by the Council in accordance with section 5.46(2) of the Local Government Act 1995, Council revokes the following delegations:

- CG05 - Infringement Notices
- CG18 - Rates Collection and General Debtors
- DS01A - Making Recommendations To The Western Australian Planning Commission On Subdivision/Amalgamation Referrals
- DS05 - Variations to Residential Design Codes
- DS06 - Outbuildings
- DS13 - Enforcement under Town Planning Scheme
- DS14 - Orders for Breach of Building Requirements
- DS16 - Building Applications and Licences
- DS19 - Classification of Buildings
- DS20 - Demolition Licence
- DS26 - Representation at the State Administrative Tribunal
- ENG01 - Acceptance of Tenders

2. Council authorises and grants the delegations of authority, powers and duties as listed and detailed in Attachment [OCM051.2/04/11 \(E11/1605\)](#) and entitled:

- CG05 - Direction and Infringement Notices
- CG18 - Rates Collection and General Debtors
- DS01A - Approval of Engineering Drawings
- DS05 - Variations to Residential Design Codes
- DS06 - Outbuildings
- DS13 - Enforcement under Town Planning Scheme
- DS14 - Orders for Breach of Building Requirements
- DS16 - Building Applications and Licences
- DS19 - Classification of Buildings
- DS20 - Demolition Licence
- DS26 - Representation at the State Administrative Tribunal
- ENG01 - Tenders

3. Council notes that all other delegations have been reviewed and remain unchanged.

4. Council requires the Delegated Authority Register be updated accordingly.

**CARRIED 9/0**

OCM052/04/11		DEVELOPMENT WITHOUT APPROVAL (A1885)	
Proponent:	Cr Sheila Twine	In Brief  To address developments being progressed without approval, Cr Twine is requesting a report regarding 2 current matters as well as the preparation of a Council	
Owner:	Not applicable		
Author:			
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	20 <sup>th</sup> April 2011		
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	policy on unlawful development.
Delegation	Council	

**Voting Requirements:** Simple Majority

*Director Development Services left the room at 10.42pm and returned at 10.43pm  
Cr Geurds left the room at 10.54pm and returned at 10.56pm*

**OCM052/04/11 COUNCIL DECISION/Councillor Recommended Resolution:**

Moved Cr Twine, seconded Cr Brown  
That Council:

1. Be provided with a confidential report to the June Ordinary Council Meeting regarding the potential to initiate legal proceedings for unlawful development at:
  - (i) Lot 220 Homestead Place, Byford; and
  - (ii) Lot 2 Jarrahdale Road, Jarrahdale.
2. Request a presentation to the June Policy Forum, followed by a report to the June Ordinary Council Meeting, outlining current development compliance processes and the preparation of a draft Council policy for unlawful development to provide clarity regarding Council's expectations for enforcement action. The presentation and report are to include an outline of the resources needed to give effect to the policy.

**CARRIED 9/0**

Cr Randall foreshadowed a new motion removing item 2 from the Councillor Recommended Resolution if the motion under debate was defeated.

OCM053/04/11	SERPENTINE JARRAHDALÉ RATEPAYERS AND RESIDENTS ASSOCIATION REQUEST FOR FINANCIAL ASSISTANCE (A0012-02)	
Proponent:	Cr Sheila Twine	In Brief  To recognise the significant contribution of the Serpentine Jarrahdale Ratepayers and Residents Association to the performance monitoring of the Cardup Landfill site, Cr Twine is recommending that a one-off donation of \$1000 be granted.
Owner:	Not applicable	
Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officers	
Date of Report	20 <sup>th</sup> April 2011	
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	

***Correspondence received from the Serpentine Jarrahdale Ratepayers and Residents Association requesting financial assistance is with attachment [OCM053.1/04/11 \(IN11/4406\)](#)***

**Voting Requirements:** Absolute Majority

**COUNCIL DECISION/Councillor Recommended Resolution:**

**Moved Cr Twine, seconded Cr Randall**

**That Council:**

- 1. Provides, as out of budget expenditure from the 2010/2011 budget, a one-off donation of \$1000 to the Serpentine Jarrahdale Ratepayers and Residents Association in recognition of their tireless and diligent monitoring of the performance of the Cardup Landfill Site over the last decade.**
- 2. Acknowledges the long and successful partnership that has existed between the Shire and the Serpentine Jarrahdale Ratepayers and Residents Association.**

**CARRIED 9/0**

**10. CHIEF EXECUTIVE OFFICERS REPORT:**

OCM054/04/11		INFORMATION REPORT
Proponent	Not applicable	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	25 March 2011	
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	
<b>Delegation</b>	<b>Council</b>	

## OCM051.1/04/11 COMMON SEAL REGISTER REPORT – MARCH 2011

The Common Seal Register Reports for the month of March 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM054.1/04/11](#)**.

## OCM054.2/04/11 POLICY FORUM – 5 APRIL 2011

The following items were discussed at the 5<sup>th</sup> April 2011 Policy Forum:

Budget presentation (includes Rate Modelling and Fees & Charges)
Sustainability/Climate Change presentation by Professor Paul E Hardisty – Worley Parsons
Presentation by Rivers Regional Council
Various Planning Matters (Statutory and Strategic Planning) <ul style="list-style-type: none"> <li>• Byford Town Centre</li> <li>• Whitby Local Structure Plan</li> <li>• Developer Contributions for Byford</li> <li>• Various Local Planning Policies</li> </ul>

## OCM054.3/04/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 30 MARCH 2011 (A1164-02)

***In the attachments marked [OCM054.3/04/11](#) (IN11/4463) is the minutes of the South East Metropolitan Zone Meeting held on 30 March 2011.***

## OCM054.4/04/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 31 MARCH 2011. (A1164-02)

***In the attachments marked [OCM054.4/04/11](#) (IN11/5263) is the minutes of the Peel Zone Meeting held on 31 March 2011.***

OCM054.5/04/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) STATE COUNCIL MINUTES – 6 APRIL 2011 (A1164-02)

***In the electronic attachments marked [OCM054.5/04/11](#) (IN11/5017) is the minutes of the WALGA State Council meeting held on 6 April 2011.***

**OCM054/04/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Harris  
The Information Report to 22 April 2011 is received.  
CARRIED 9/0**

**11. URGENT BUSINESS:**

OCM055/04/11		COMMUNITY GRANTS FUNDING – ROTARY PROJECTS (A0281-02)
Proponent:	Cr Tom Hoyer	In Brief  Council is encouraged to recommend that the remaining \$1,850.00 of youth grant funding be acquitted for another youth based project called the “SJ Primary Schools Microscope Project”.
Owner:		
Author:		
Senior Officer:		
Date of Report	27 <sup>th</sup> April 2011	
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	
<b>Delegation</b>	<b>COUNCIL</b>	

**Background**

For more than 10 years, the Serpentine Jarrahdale Shire & the Rotary Club of Byford & Districts have been progressing a range of youth projects, mostly sponsored and lead by the Rotary organisation, with others progressed as local club initiatives. These include Leeuwin Sailing Adventures, Handicamp, RYLA, RYPEN, Music In the Park, National Youth Science Awards and other Science based events. As the projects and events are not tied to absolute timelines, the Club normally acquit the funds after each event has been raised and the participants have returned.

Recently the Rotary Club has been progressing the RYPEN (Rotary Youth Program of Enrichment) opportunity to acquit the remaining grant monies we have. The new youth groups based list from the Shire’s community development office has been retrieved and the appropriate groups have been emailed and contacted. Advertisements in the local newspapers, together with direct contact with the group’s leaders have encouraged their participation. The cost for each participant is \$230.00. The Rotary Club does all the work and where required, contributes with our own funds to make each project happen. To date, the Rotary Club has had no responses for this offer.

At the same time another project has been identified. The “SJ Primary Schools Microscope Project” for primary schools. This project is supported by WA’s Chief Scientist, Lyn Beasley. A teacher from the Byford Primary School, became aware of this project through the Rotary Club of Freshwater Bay and this request has come back to the Rotary Club of Byford & Districts. As the project is such an achievable and widely supported project, the Club believed that the opportunity should be extended to all six (6) primary schools in the Serpentine Jarrahdale Shire.



The project is valued at \$2,250.00 for 30 microscopes for each of the 6 primary schools in the Shire. All six primary schools have responded positively to the offer, with a commitment to contribute to a media story that will recognise all of the contributing partners. As the remaining amount of community grants funds to acquit is \$1850.00 and, the Rotary Club believes that it was too good a project to let go.

**The Issues:**

- The use of the money should be for events and for more senior youth in the Shire.
- The conditions for the Shire’s community Grants is not clear on the issue, with the Rotary Club requesting the funds for events and projects for older youth than primary school age youth.
- This science based project can ultimately stimulate an interest in science and will lead to older youth being attracted to science based projects into the future.
- There are timelines and supply urgencies involved.
- The grant funds can be fully acquitted.
- The wider public relations and media elements of the Shire’s community grant funds can be achieved.

**Conclusion:**

This is a good project opportunity, with many beneficiaries. It is consistent with the promotion of youth based support in the Shire. It is a way of promoting youth based projects and outcomes that will allow the Rotary Club to acquit the remaining grant funds in the spirit in which they were given and received.

**OCM055/04/11 COUNCIL DECISION/Councillor Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Ellis

1. That Council allow the Rotary Club of Byford & Districts to acquit the remaining community grant funds for the “SJ Primary Schools Microscope Project” for 2011.
2. That the Serpentine Jarrahdale Council grant funding be suitably recognised in all media and correspondence.

**CARRIED 9/0**

**12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

**13. CLOSURE:**

There being no further business, the meeting closed at 11.13pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 23 May 2011.

.....  
Presiding Member

.....  
Date

**14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

Nil

- 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.