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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 27<sup>TH</sup> JULY 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham .....Presiding Member  
M Harris  
WJ Kirkpatrick  
K Murphy  
MJ Geurds  
JE Price  
C Butfield  
S Twine  
E Brown

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr A Hart .....Director Corporate Services  
Mr B Gleeson ..... Director Development Services  
Mr R Gorbunow ..... Director Engineering  
Ms K Richardson .....Communications Officer  
Mrs L Fletcher .....Minute Secretary

**APOLOGIES:** Cr C Randall (Leave of Absence)  
Director Strategic Community Planning

**GALLERY:** 13

**2. PUBLIC QUESTION TIME:**

Public Question Time commenced at 7.00pm.

Nil

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.01pm

**3. PUBLIC STATEMENT TIME:**

Public Statement Time commenced at 7.01pm

OCM003/07/09 - Eric Giblett (President, RSL)

Due to what became an untenable situation at the Byford Country Club we were forced to look for a new home. It became clear that we needed to create an income and as we had been running Jumble Sales from the premises of the Byford Country Club until a lack of space made this pursuit unviable from there.

The need for an interim home and a need to create an income became very urgent if the Serpentine Jarrahdale RSL was to survive. We realised the existence of an empty house at 840 SW Highway, Byford that the vandals had started to invade.

We contacted the owners and explained the situation we were in and what we needed as an interim measure with regards to an office for our pension and welfare work, also the need for an income to enable us to pay the nominal rent and help those in the local community most in need.

As this was happening the relevant Shire Officers were made fully aware of our intentions and continually pointed out that we saw this as only a interim measure.

We completed the cleanup of the house by the beginning of March and started the ongoing collecting of donations to distribute these to those in need. These donated items were offered to the community of Serpentine Jarrahdale at very affordable prices. The money collected is then distributed to community groups once the rent is paid and some monies put aside to help the Sub Branch to establish a permanent home when one becomes available (this century we hope).

Also, our resources paid for by our fundraising, support the Black Cockatoo Preservation and Rescue Society and also our help was given to the Darling Range Wildlife Shelter. We also were able to donate a Photocopier received from one of our members to the Serpentine Jarrahdale Wellness Group to help with their activities. Other cash donations have been made to groups within the Shire.

The support for the service we are providing has been overwhelming. We have a number of letters of support from immediate and near neighbours, our local MLA and the Serpentine Jarrahdale Ratepayers and Residents Assn. We have letters from members of the Medical Profession (Psychiatrist) of how we are helping their patients by having them volunteer at the club.

We put together a petition having only a short lead time to present it (one and a half weeks) and collected 302 signatures of local residents who support what we are doing. An interesting side is that this number represents 1/3 of the 900 who voted in 2007, the last Shire elections.

We are very aware of the zoning issues and that is why we kept the Shire Officers fully aware of our intentions. We must stress this in only an interim measure as we await for some kind of commercial and retail development to occur, we have been waiting since 2005.

What should be mentioned is that all proceeds from our project stays within the Shire and will go to Shire groups. Should other agencies take over this activity as good as they are and the wonderful services they offer it is not solely provided for the people of Serpentine Jarrahdale.

The unfortunate thing is that all our work and intentions has been jeopardised on the strength of one complaint and we wonder why and who and on what basis. We can only assume it is from some mean spirited, vindictive individual with their own agenda.

We are completely unaware on what basis this complaint was made and remain unconvinced that it would have come from Joe Average of Serpentine Jarrahdale who in the main would not know what the zoning is given what is surrounding the RSL house or in fact would have been interested given the overwhelming support we have received both written and verbal.

We of the RSL request that a deferment of the decision to extinguish the existence of the RSL within the Serpentine Jarrahdale Shire and this deferment be long enough (2-3 years) to allow the development of retail space that we can use for the purpose of helping those most in need in the Shire. Something the Shire Officers and the Elected Officers have control over.

Paul Stallwood (229 Boyd Road, Keysbrook)

Is speaking tonight as a result of a letter that he wrote to the Chief Executive Officer where she replied to the effect that a statement should be made at a Council meeting so that it is on the public record.

Mr Stallwood quoted his letter addressed to the Chief Executive Officer dated 1 July 2009:

*“Ms Abbiss*

*We refer to the minutes of the full council meeting of the Serpentine-Jarrahdale Shire which was conducted, Monday 22 June 2009. Specific reference is made to a declaration by Councillor Denyse Needham which stated, in part:-*

*" However, one of the objectors to the Music Festival stated that a major reason a few residents in Keysbrook wanted to "redraw the Shire boundary and get out of Serpentine-Jarrahdale in spite of higher rates awaiting them in Murray" has linked the boundary change to the Music Festival."*

*No direct comment is or can be made by ourselves to an alleged exchange between Councillor Needham and an unidentified person who was not identified as being a signatory of the submission for the proposed Council boundary realignment, a resident of Keysbrook, of the Serpentine-Jarrahdale Shire or the Shire of Murray.*

*The imputation of the declaration is misleading and inappropriate, because no association was or was intended to be made between the proposed council boundary realignment and the proposal for the conduct of a public amusement event in Keysbrook.*

*The two signatories of this communication were assigned the task of coordinating scripting and submitting the proposal for the council boundary realignment. Be assured, those involved with and who signed the submission to the Advisory Board of the Department of Local Government were provided opportunities to contribute to the submission document prior to the scripting of the first draft of the document - as well as after completion of the first and second drafts.*

*In no instance was there any formal or written reference made to a proposal for the conduct of a public amusement event in Keysbrook by any of the signatories to the submission. We personally categorically reject any implied or actual association between the two issues.*

*We will be grateful if copies of this correspondence are forwarded to all councillors of the Serpentine-Jarrahdale Shire, that it be entered on the public record of the Shire and that it be recorded in the next set of minutes of the full council meeting of the Serpentine-Jarrahdale Shire.*

*Yours faithfully  
Paul Stallwood and Barry Urquhart”*

The Shire President advised that this letter could not be included in the June minutes as it did not form part of the meeting.

Mr Stallwood advised that the letter was posted on 1 July 2009.

The Shire President clarified that the Council meeting was held on 22 June 2009 and the minutes must reflect what happened at the meeting. The letter in question was not available at this meeting.

Mr Stallwood advised that the letter was self explanatory and noted that the Shire President had made allegations in her declaration of interest that the Myara Music Festival was linked

to a boundary change. Mr Stallwood advised that there was no association and it should not be seen that there is an association between the boundary change and the music festival.

The Chief Executive Officer advised that a submission was received by Council from a ratepayer that did make this association and this is why the Shire President made the declaration in this manner.

The Shire President advised that she is required to declare any interest she has prior to voting on any item. The declaration she made was in no way mischeivous and was based on a submission made regarding the festival. The Shire President stated that since then some members of the Keysbrook community in conversations with her have connected the two issues.

OCM003/07/09 - June Haig (46 Wellard Street, Serpentine)

Advised that she is retired and that some people at this meeting may know her. Mrs Haig recently became involved with the RSL in Byford as she needed something to do with her time. Once there she realised what a wonderful place this was and the great things that these people do.

The RSL raise money for different community organisations and give back to the community by offering clothes to single mothers for their children, clothing donations to the Good Samaritans and other organisations. The money raised also supports the sub centre for veterans and returned servicemen.

This is a community organisation and she finds it difficult to believe that such a worthwhile organisation that does so much good in the community is put in a situation that it has to close. If it has to close they will not be able to pay rent on the property and therefore the RSL sub centre will no longer be available. She is making a plea to Councillors and everyone concerned to show compassion and common sense and allow the RSL to continue to do the work they love doing.

Public Statement Time concluded at 7.17pm.

**4. PETITIONS & DEPUTATIONS:**

Council receives the petition from Eric Giblett, President of the RSL relating to a request to defer the decision to close the RSL operation at 840 South Western Highway, Byford.

**5. PRESIDENT'S REPORT:**

Nil

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Geurds declared an interest of impartiality in item CGAM006/07/09 as Professionals Byford, of which he is an employee, are dealing with the sale of the Staff Street cottages. Cr Geurds advised that he would leave the Chamber when this item is discussed.

Cr Harris declared an interest of impartiality in item SD003/07/09 as she chairs the Safer Community WA Serpentine Jarrahdale Crime Prevention Group and advised that this will not affect the way in which she votes on this matter.

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

**7.1 Ordinary Council Meeting – 22 June 2009**

Moved Cr Harris, seconded Cr Twine

The *attached (E09/3880)* minutes of the Ordinary Council Meeting held on 22 June 2009 be confirmed.

**CARRIED 9/0**

**7.2 Special Council Meeting – 21 July 2009**

Moved Cr Price, seconded Cr Geurds

The *attached (E09/4628)* minutes of the Special Council Meeting held on 21 July 2009 be confirmed.

**CARRIED 9/0**

**COUNCIL DECISION**

Moved Cr Twine, seconded Cr Kirkpatrick that Urgent Business be discussed out of order whilst members of the gallery are present to hear this item.  
CARRIED 9/0

**COUNCIL DECISION**

Moved Cr Kirkpatrick, seconded Cr Twine that the matter of the RSL operation on South Western Highway, Byford be accepted as an item of Urgent Business.  
CARRIED 9/0

**8. URGENT BUSINESS:**

OCM003/07/09		THE RETIRED & SERVICES LEAGUE OF AUSTRALIA - LOT 90 SOUTH WESTERN HIGHWAY, BYFORD (P05204)
Proponent:		In Brief  Request that Council defer the closure of the RSL operation at 840 South Western Highway, Byford.
Owner:		
Author:	Councillor Brown	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	20 July 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

**OCM003/07/09 COUNCIL DECISION:**

Moved Cr Brown, seconded Cr Kirkpatrick

1. That Council notes:

- a) the RSL's charitable status;
- b) the apparent good faith acquisition of the current premises without actual knowledge of the permissibility status of the use;
- c) the apparent lack of unfair competition considerations;
- d) the lack of malicious or mischievous intent;
- e) the difficulty of obtaining other suitable premises on an immediate basis;
- f) a pending development application before Council; and
- g) that a report will be presented, including legal advice, to a future Council meeting advising on all options.

2. Council notes on the other hand the constraints of TPS 2 under which the use is prohibited, and Council's obligation to properly enforce its Scheme as has been done to date in relation to this matter.

3. In the special circumstances of the case and without establishing any precedent, Council acknowledges the desirability of affording the RSL the longest reasonable time by way of a winding down period of the purposes of Council's notice to cease under section 214 of the Planning and Development Act.



4. In light of 1-3 above, the CEO is authorised to specify six months as the period for cessation, subject to any extension or more favourable decision that may be made by the State Administrative Tribunal.
  5. The section 214 direction is to notify the RSL of its rights to apply to the Tribunal by way of review for a longer period.
- CARRIED 9/0**

SD002/07/09 AUSTRALIA DAY 2010 CELEBRATIONS – VENUE ASSESSMENT (A1610)		
Proponent:	Australia Day Project Group	In Brief  To endorse the recommendations of the Australia Day Project Group for the Serpentine Camping Centre to be the venue for the 2010 Australia Day Celebrations.
Owner:	Serpentine Jarrahdale Shire	
Author:	Julie Sansom – Community Development Officer	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	21 May 2009	
Previously	SD105/06/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

### **Background**

The Australia Day Celebrations have been held at the Serpentine Camping Centre (SCC) for the past two years. Prior to this time the Australia Day Project Group (ADPG) was asked to assess the suitability of both Shire and non-shire venues for the 2008 Australia Day event. This included a combination of site tours and desk top analysis to determine the potential future locations and venues for the Australia Day Celebrations. The ADPG still conclude that this venue is the best option at this point in time that is conducive to this particular event and rotation can be re-considered in the future.

At the 23 June 2008 Ordinary Council Meeting, Council resolved to:

- “1. Endorse the Serpentine Camping Centre as the venue for the 2009 Australia Day Celebrations, and
2. Consider \$14,300 in the 2008/2009 budget deliberations for the 2009 Australia Day Celebrations, towards which external funding assistance of \$3,777 was to be sought.”

The actual cost for the 2009 celebrations was \$15,472 to which \$4,549 was granted.

Council is asked to endorse the recommendations of the ADPG for the SCC to be the venue for the 2010 Australia Day Celebrations.

### **Sustainability Statement**

**Effect on Environment:** SCC grounds have numerous large trees providing shade, and alleviate the need to hire and erect either marquees or umbrellas. Food preparation and serving can be carried out both in under cover areas and within the commercial kitchen, if necessary.

The use of SCC as the venue could result in a slight increase in car/transport use, with the venue being in the less populated outer lying areas of the Shire. A free bus service was offered in 2009 and twelve residents made use of the service and more enquiries were received from the Serpentine area.

The event would use gas BBQ's and a public address system that would emit some noise to the environment for the duration of one morning at a similar level to any of the events that take place on any of Council's recreation grounds throughout the year.

**Resource Implications:** At the SCC, maximum use would be made of the available shade from the verandahs and trees. The venue itself caters well for a large crowd and offers good facilities. There are 400 chairs and 40 trestle tables available on site which would reduce the need to hire seating. An excellent PA and sound system, as well as use of a large well equipped commercial kitchen is available.

The dining hall with stage would be used for the ceremonies. This room is not air conditioned and so in 2009, Lotterywest funding allowed for air-conditioners to be hired which made the room more comfortable. Funding for this purpose will be pursued for the 2010 event. An indoor sports hall, which includes a climbing wall, basketball, badminton and volleyball courts, is also available. Outdoors there is a mini golf range, basketball courts and a large grassed area for other activities. Flying fox activities are available at an extra cost. There is a swimming pool with security fencing, which would not be used for the event.

There are both recycling and normal waste bins available at the SCC.

With the anticipated increase in attendance due to the popularity of the previous events, as well as an incremental increase in catering, estimated costs would take the budget (ex GST) up to \$14,800, of which \$5,500 will be sought in grants. The budget requested is in fact less than that actually spent for the 2009 celebrations. Due to the current economic climate, some items usually budgeted for have been either reduced or removed, and additional funding sought. If necessary other funding will be sought to cover costs.

**Use of Local, Renewable or Recycled Resources:** The Australia Day event engages the assistance of a number of local voluntary groups on a rotational basis. This allows groups to have an annual break and participate at the event rather than working continually. Catering sources include local produce suppliers, where possible, to support local business.

The ADPG believe that holding the event at the same venue could be an advantage as the volunteers will know what to expect, although the Group is mindful of keeping the event "fresh" so that those attending every year can experience something different.

**Economic Viability:** It is anticipated that there will be the need to increase the budget allocation for Australia Day, no matter which venue is used, due to a combination of increasing costs in transportation/hiring of equipment, increased numbers attending and the fact that catering and entertainment costs have increased. In order to offset the increasing cost of this important annual event, funding assistance will again be sought.

**Economic Benefits:** The annual Australia Day Celebrations has the potential to promote community facilities that may be of interest to the wider community and families around the Shire who use/visit the area for future functions and events. This can lead to increased local activity and spending by residents and their friends and families.

**Social – Quality of Life:** By providing a free event for the community, the Shire fulfills a social need within the community. It is an event where both new and existing residents of all ages, along with families and friends can meet and socialise together in a friendly and relaxed atmosphere. As well as the formality of the citizenship ceremony, there are many other activities and entertainment for the enjoyment of all attendees. This event also promotes the many volunteer groups within the community as it allows them to be involved in both organising and participating in the celebration of Australia Day.

**Social and Environmental Responsibility:** Council is able to build the capacity of the volunteers involved to participate in the organisation of the event through the assignment of tasks through volunteer team leaders.

This is the kind of event that connects the wider community, giving a feeling of improved quality of life about where they live. It also has the potential to break down social barriers which exist between groups/residents within localities, as well as between localities. It therefore has the potential to build relationships and increase community connection and cohesion, which can lead to better communication, support and long-term community well being.

**Social Diversity:** Public transport is limited, so cars are relied upon in most instances for all the venues investigated. This venue has excellent access for people with disabilities and prams to all areas of the site. The event has the potential to celebrate the rich diversity of cultures within our Shire. The event would reflect both indigenous and non indigenous heritage and culture through the participation of the Aboriginal elder, didgeridoo player, displays and activities that reflect the area's culture.

**Statutory Environment:**

Health Act  
Health (Public Buildings) Regulations  
Health (Food Hygiene) Regulations  
Food Standards Code

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Council is requested to consider a budget allocation of \$14,800 in the 2009/2010 budget deliberations. Funding assistance will be sought to cover \$5,500 of this.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategy:

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

*Objective 3: High level of social commitment*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategy:

5. Harness community resources to build social capital within the Shire.

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

Strategies

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

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

*Objective 3: Compliance to necessary legislation*

Strategy:

2. Develop a risk management plan.

**Community Consultation:**

All feedback on the suitability of this venue has been extremely positive. Previous evaluation of community venues, in each locality across Serpentine Jarrahdale Shire suggests that at this point in time, there does not appear to be a more suitable venue.

Consideration must still be given to the fact that due to damage occurring as a result of strong easterly winds and risk to public safety, hire companies are now refusing to hire out marquees or will not assemble a marquee on the day if strong winds are present or predicted due to risk and public safety concerns. This situation is the single biggest factor that will dictate our capacity to rotate the event across the various localities within the Serpentine Jarrahdale Shire. Should the marquee situation alter in the future (eg materials, structure), then different sites would become more viable for use.

As this event is heavily underpinned by volunteer support, it is critical that we are aware of the importance of addressing the needs of these groups. The ability to engage with the wider community has been a strong feature of community group feedback in relation to the layout of venues.

**Comment:**

With limited possibilities for an alternative venue, the ADPG was unanimous in their decision to recommend the SCC as the preferred venue for the 2010 Australia Day Celebrations. This decision was influenced by a number of factors including large shaded areas for outdoor activities including breakfast, ample parking and toilets, access to every area of the site for wheelchairs and prams, a wide variety of activities, as well as the availability of some of the equipment required for the event being already on site. Volunteers were extremely happy with the high level of community engagement experienced, especially while cooking.

A third year at the same venue would consolidate what was learnt in the previous two years.

Therefore it is recommended that the SCC is the venue for the 2010 Australia Day Celebrations given its suitability for the nature of the event and that a budget allocation of \$14,800 be considered in the 2009/2010 budget deliberations.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Endorse the Serpentine Camping Centre as the venue for the 2010 Australia Day Celebrations.
2. Considers \$14,800 in the 2009/2010 budget deliberations for the 2010 Australia Day Celebrations, towards which external funding assistance of \$5,500 will be sought.
3. Serpentine Camping Centre remain as the venue for future Australia Day celebrations until such time as a request is received to review.

**Committee Recommended Resolution:**

That Council:

1. Endorse the Serpentine Camping Centre as the venue for the 2010 Australia Day Celebrations.
  2. Considers \$14,800 in the 2009/2010 budget deliberations for the 2010 Australia Day Celebrations, towards which external funding assistance of \$5,500 will be sought.
- Committee Note: The Officer Recommended Resolution was changed by deleting part 3.

**SD002/07/09 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Price, seconded Cr Harris**

**That Council:**

1. **Endorse the Serpentine Camping Centre as the venue for the 2010 Australia Day Celebrations.**
2. **Considers \$14,800 in the 2009/2010 budget deliberations for the 2010 Australia Day Celebrations, towards which external funding assistance of \$5,500 will be sought.**
3. **Serpentine Camping Centre remain as the venue for future Australia Day celebrations until such time as a request is received to review.**

**CARRIED 6/3**

**Cr Twine voted against the motion**

SD003/07/09 COMMUNITY SAFETY & CRIME PREVENTION PLAN ENDORSEMENT (A0101)		
Proponent:	Serpentine Jarrahdale Shire	In Brief:  Council is asked to endorse the Draft Serpentine Jarrahdale Shire Community Safety & Crime Prevention Plan (2009 to 2012) for submission to the Office of Crime Prevention for final endorsement.
Owner:	Not applicable	
Officer:	Andrew Stuart - Community Development Officer	
Signatures Author:		
Senior Officer:	Suzette Van Aswegen - Director Strategic Community Planning	
Date of Report:	25 June 2009	
Previously:	CRD08/09/04	
Disclosure of Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

*History of the Community Safety & Crime Prevention Project:*

In 2004 Council entered into a formal partnership with the State Government through the Office of Crime Prevention (OCP). A local Safer Community WA Serpentine Jarrahdale Crime Prevention Group (Steering Committee) was established. The Steering Committee met several times over the 2005–2006 period, however, the project was stalled due to the resignation of the Shire Councillor who was the Chairperson and coordinator of this Committee at that time.

In July 2008, Community Development Officer, Andrew Stuart was contracted with the assistance of a \$10,000 OCP Grant to assist the Steering Committee to drive the Community Safety & Crime Prevention Project (CSCPP), establish a Shire Staff Reference Group, establish a Steering Committee, undertake community consultation, schedule several training workshops & community forums and finally to write the *Draft Serpentine Jarrahdale Shire Community Safety & Crime Prevention Plan 2009 – 2012*. (CSCPP).

***A copy of the draft Community Safety & Crime Prevention Plan is with attachment marked SD003.1/07/09.***

The work of the Steering Committee was to engage wide community consultation with administering the Community Safety Survey Questionnaire throughout the Shire districts, compile local statistics on crime patterns and also to develop local partnerships with community groups, local businesses, and interested community residents. A very large component of the Steering Committee's workload was to compile all the resource material and collate the community survey results which were completed in May 2009.

**Sustainability Statement**

***Economic Viability:*** With an endorsed CSCPP in place, the potential for grant funding that is available from the OCP is up to \$5,000 per month. There is further potential for Council or the community to apply to additional funding bodies to value-add to the grant requests. This is in addition to the one-off incentive grant of \$20,000 which will be provided as an up-front payment to address any priority projects in the CSCPP.

Additional grant funding can also be applied for through a number of funding programs as required to value-add to the CSCPP agreement. This will allow external funding to be better channelled through to groups for the implementation and provides priority status for initiatives covered in the CSCPP.

***Economic Benefits:*** The proposal should have economic benefits through crime prevention and community safety strategies that benefit local businesses and possibly reduced insurance premiums. This is likely to include increases in land value, business retention and investment.

***Social – Quality of Life:*** Production of a CSCPP has the potential to improve quality of life by focusing on the promotion of social interaction and healthy activities and by reducing community fears and apprehensions.

***Social and Environmental Responsibility:*** The proposal will promote the capacity and self reliance of our communities and build the resilience and security of our citizens. Fostering partnerships and enabling full participation will be the hall marks of its implementation. The Community Development Officer has already tentatively engaged the following groups: Neighbourhood/Rural Watch; Police Department; OCP – Anti-Graffiti section & the Crime Prevention Through Environmental Design section; Constable Care program; Local Government Insurance Services – risk management & public liability section. This includes the provision of access to funding programs and further support for a multi-agency approach.

***Social Diversity:*** The proposal aims to assist all social groups through community safety & crime prevention, providing for diversity in our community. Social groups include: youth, seniors, indigenous, ethnic minorities, disabled, families. All aspects of social life will continue to be promoted through the ongoing work of the Steering Committee.

**Policy/Work Procedure**

**Implications:**

A suite of community safety & crime prevention recommendations are contained within the Plan. The CSCPP may also affect a number of policies depending on the outcomes such as the new engineering standards for sub divisions; eg. Crime Prevention Through Environmental Management (CPTM) and Crime Prevention Through Environmental Design (CPTED).

**Financial Implications:**

An annual allocation of \$1,200 is currently provided by the OCP, for the development and administration of the CSCPP, as well as a one off allocation of \$20,000 for priority projects. Administration recommend budget considerations of \$40,000 in the 2009/2010 Budget of which \$20,000 is based on

obtaining this one off allocation of grant funding. Administration also recommend that all future funding for the implementation of the CSCPP be considered through the Plan for the Future process.

### **Strategic Implications:**

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

#### **1 People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

- 2 Develop good services for health and well being.
- 3 Retain seniors and youth within the community.
- 4 Respect diversity within the community.
- 6 Ensure a safe and secure community.

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

##### Strategies:

- 1 Increase information and awareness of key activities around the Shire and principles of sustainability.
- 3 Design and develop clustered neighbourhoods in order to promote liveability.
- 4 Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

##### Strategies:

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

#### **4 Governance**

*Objective 1: An effective continuous improvement program*

##### Strategies:

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

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

##### Strategies:

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

### **Community Consultation:**

The OCP sets out the minimum consultation guidelines in relation to each Shire Council producing a local community safety plan. The CSCPP Steering Committee has completed tasks over and above these minimum guidelines through extensive community consultation occurring over a ten month period.

This year long project involved the in-depth consideration of existing information; two rounds of consultation forums with residents, community groups, agencies; and also an extensive community survey questionnaire which resulted in a comprehensive set of recommendations contained within the CSCPP.

There has been ongoing consultation with the Shire Staff Reference Group, and also the Community Reference Group and several interested members from the general public (local residents) over this same period.

A Community Safety Forum (public workshop) was also held on the 25 September 2008 with the OCP attending to present, and also a Community safety segment was added to our Seniors Morning Tea held 21 October 2008 called “Keeping Our Seniors Safe”. Both workshops were well attended.

Another community forum & workshop under the community safety banner was held for all community groups and interested public members in collaboration with the Local Government Insurance Services (LGIS) with running two free workshops on “Risk Management & Public Liability Insurance for Community Groups”. Both workshops were well attended.

The CSCPP Steering Committee met monthly through 2008/09 to develop the community’s priority projects listed in the CSCPP and await the final endorsement of the CSCPP by Council and then OCP, in order to assist community groups to obtain further external grant funding to commence the community’s priority projects as soon as possible.

**Comment:**

In accordance with the OCP partnership agreement, Council is requested to endorse the Draft Serpentine Jarrahdale CSCPP, and forward it to the OCP.

The CSCPP is Council’s strategic document which outlines the overarching outcomes that will achieve each of the community safety and crime prevention recommendations through each of the priority project initiatives detailed in the CSCPP. Through the implementation of this plan, each of these initiatives strategically planned for by various community partnerships throughout the Serpentine Jarrahdale Shire, will be achieved.

**Voting Requirements:** Simple Majority

**SD003/07/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Price

That Council:

1. **Endorses the Draft Serpentine Jarrahdale Shire Community Safety & Crime Prevention Plan (2009–2012) as a guide to future financial, land use and community planning decisions and any future planning, allocation and commitment of resources are to be considered through the Plan for the Future process.**
2. **Submits the endorsed Serpentine Jarrahdale Shire Community Safety & Crime Prevention Plan (2009–2012) to the Office of Crime Prevention.**
3. **Congratulates the Community Safety and Crime Prevention Steering Committee and for their work on this valuable community project over the past 12 months.**

**CARRIED 9/0**



SD004/07/09 PROPOSED SHED - LOT 800 (228) KING ROAD, OAKFORD (P02118/03)		
Proponent:	P Steele and E Greaves	In Brief  Application for the construction of an oversize and overheight outbuilding. Approval with conditions is recommended.
Owner:	As Above	
Author:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	18 June 2009	
Previously	SD055/12/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 17 March 2009  
 Lot Area: 11.09 Hectares  
 MRS Zoning: Rural Water Protection  
 TPS Zoning: Rural Groundwater Protection  
 Use Class & Permissibility: Single Residence – incidental development (outbuilding) – P Use  
 Rural Strategy Policy Area: Rural

### **Background**

An application was previously lodged in 2008 for a proposed outbuilding to be constructed on this lot. The proposed outbuilding was for a floor area of 687m<sup>2</sup> with a wall height of 8.2 metres high. Council at its Ordinary Council meeting in December 2008 refused the application, passing the following resolution:

**SD055/12/08 Committee Decision/Officer Recommended Resolution:**

*“That the application for approval to commence development for an oversize and overheight shed on Lot 800 (#228) King Road, Oakford be refused for the following reasons:*

- 1. The size and height of the shed will have a deleterious effect on the visual amenity of the streetscape by virtue of it not being in keeping with the Rural character of the locality.*
- 2. The proposed shed does not comply with Council’s adopted Local Planning Policy 17 Incidental by virtue of the building being oversize and overheight”*

The property owners subsequently lodged a new application for a reduction in size to the proposed outbuilding with a floor area of 570m<sup>2</sup>, wall height of 6.0m and a ridge height of 7.2m. The proposal is consistent with 20% variations permissible under Local Planning Policy 17 (LPP 17) with the exception of the ridge height. The proposal is presented to Council for consideration as:

1. The proposal has the potential to impact on the amenity or character of the area; and
2. The proposed ridge height of the shed cannot be approved by Officers under delegated authority. The property contains an existing 100m<sup>2</sup> outbuilding that the owners advise that they will remove from the property to ensure that they comply with LPP17.

***The location plan, elevation plan and an aerial photograph are with attachments marked SD004.1/07/09.***

### **Sustainability Statement – Outbuildings**

<b>Sustainable Element</b>	<b>Comment</b>
Is there remnant native vegetation on site or adjoining verge?	Existing remnant vegetation is present in the north western corner of the property, near the existing cottage and dwelling. The remainder of the lot is relatively clear with grass cover.
Is remnant native vegetation to be retained or removed as a result of this proposal?	There is no proposal to remove vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. The hardstand yard and shed has limited existing vegetation and would be highly visible from King road.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The shed location is proposed approximately 80 metres from the King Road entrance. Existing vegetation is minimal as only two larger trees stand near the proposed location and some smaller vegetation along the King Road boundary. The shed has the potential to be visually dominant from the King Road boundary.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	The proposed location is approximately 130 metres from the western neighbour. Several large existing trees on neighbours property provide some screening.
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 proposal does not indicate any water re-use or stormwater collection. A condition addressing stormwater retention would be necessary.

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Rural Strategy 1994

**Policy/Work Procedure Implications:**

LPP17 Residential and Incidental Development  
Statement of Planning Policy No. 2.3 Jandakot  
Groundwater Protection Policy

**Financial Implications:**

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

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

5. Value and enhance the heritage character, arts and culture of the Shire.

**2. Environment**

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Advertising to adjoining properties was conducted. No objections were received.

**Comment:**

**LPP17 Residential and Incidental Development**

<b>Policy Requirement</b>	<b>Required</b>	<b>Proposed</b>	<b>Comments</b>
<b>Setbacks</b>			
Primary Street	20m	67m	Complies
Rear	20m	52m	Complies
Side	10m	295m	Complies
Side	10m	395m	Complies
Floor Area (combined total floor area of all outbuildings)	Max. 500m <sup>2</sup>	570m <sup>2</sup>	Does not comply with 500m <sup>2</sup> requirement, Variation sought. See Planning assessment below
Wall Height	Max. 5m	6m	Does not comply with 5m requirement. Variation sought. See Planning assessment below.
Roof Height	Max. 6m	7.2m	Does not comply with 6m requirement. Variation sought. See Planning assessment below.

LPP 17 states that variations to the applicable development standards can be varied, subject to the applicant providing justification, a decision being made by officers on the potential impact of the proposal on the amenity or character of the area and variations in excess of 20% being presented to Committee or Council for a determination.

Council in determining the application needs to consider a number of matters, in particular:

- Whether sufficient justification has been provided;
- The potential impact on the amenity and character of the area; and
- The permissibility of land uses.

Each of these matters is discussed in the following sections.

**Justification for proposal**

The reason the applicants seek a shed of such size remains as per their previous submission:

*“The shed is to be used for the storage of vehicles, trucks and an assortment of farm care machinery. The necessity for the height of the proposed shed is for the restoration of large boat, which will need a gantry crane to undertake the restoration. It may be used on the odd occasion to store redundant machinery from our business which is located at Naval Base”.*

Council needs to consider whether the information provided is sufficient to justify a variation to the standard requirements of LPP 17.

**Impact on character and amenity of the area.**

In terms of assessing the potential impact on the character and amenity of the area, officers are of the opinion that the following matters should be considered:

- The characteristics of the surrounding area;

- The scale and form of the proposed development;
- The location of the proposed development; and
- Measures that are proposed and/or possible to minimise impacts.

The surrounding rural properties are a range of lot sizes and relatively flat in topography. The proposed cream coloured shed has the potential to be visible from both King Road and adjoining landowners.

In terms of the scale of the proposed development, each of the proposed variations is either equal to or less than a 20% variation from the standard development requirements under LPP17. It is in the opinion of officers that considered in isolation of other planning considerations, the proposed variations are considered to be not unreasonable.

The proposed development is situated some 67 metres from the front boundary and approximately 300 metres from side boundaries. The location of the proposed development is considered to be appropriate.

Recognising the scale of the proposed development, a mixture of both mature and young vegetation is considered necessary to minimise the impact on the amenity and character of the area and provide screening of the shed in a short period of time

#### Use of the land

In determining the application, both the proponent and Council need to be mindful of the use class classification under TPS 2. Based on the information submitted to Council, it is recommended that the use of the land be considered to be 'Single Residence' and that the proposed development represents 'incidental development'. The land can only be used for the purposes approved and should the applicant seek to change the use at any time, a formal application for a change of use would be required. There are a specified and limited number of uses that are permissible in the Groundwater Protection Zone. A number of uses that may be permissible in other zones, such as Commercial Vehicle Parking, are not permitted in the Groundwater Protection Zone.

#### Conclusion

Council needs to have regard to the merits of the particular proposal, the provisions of LPP 17 and the potential impact on the amenity and character of the area. On balance, it is recommended that the proposed development be approved subject to significant screening to be undertaken to the southern and eastern side of the proposed outbuilding.

**Voting Requirements:** Simple Majority

#### **Officer Recommended Resolution:**

That the application for approval to commence development for an oversize and overheight shed on Lot 800 (#228) King Road, Oakford be approved subject to the following conditions:

1. The existing outbuilding on the property shall be removed within 30 days of the completion of the new shed.
2. The land shall be used for no other purpose without development approval.
3. No commercial vehicle parking is permitted in the shed or on the property.
4. A schedule of colours being submitted for the proposed shed, prior to the issue of a building licence, for approval by the Director Development Services. Cream coloured walls/roof are not permitted.
5. A landscape plan shall be submitted prior to the issue of a building licence for approval by the Director Strategic Community Planning.
6. Landscaping with appropriate local native species for the purpose of screening the eastern and southern end of the outbuilding is to be undertaken to the satisfaction

- Director Strategic Community Planning by September 2010. This screening is to be maintained and replaced if necessary at all times.
7. 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.
  8. 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.

Advice Notes:

1. The outbuilding is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
2. The land shall be used only for the purposes of 'Single Residence', as defined under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, unless specifically approved by Council.
3. With regard to condition 3 commercial vehicle parking is defined as the following under Town Planning Scheme No. 2

*"Commercial Vehicle Parking –*

- a) *means the parking of one commercial vehicle on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals.*
- b) *If a trailer or the like having no independent means of propulsion is attached to a prime mover or other motorised vehicle, the two in combination shall be regarded as one commercial vehicle for the purpose of this Scheme.*
- c) *However where a trailer or the like is not presently attached to a prime mover or other motorised vehicle, it shall, subject to paragraph (d) be regarded as a separate commercial vehicle for the purpose of this Scheme.*
- d) *Where there is one prime mover and one trailer on a lot, and even though not attached they are ordinarily used in combination, the two shall be regarded as one commercial vehicle for the purpose of this Scheme."*

**SD004/07/09 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Murphy, seconded Cr Twine**

**That the application for approval to commence development for an oversize and overheight shed on Lot 800 (#228) King Road, Oakford be approved subject to the following conditions:**

- 1. The outbuilding having a maximum wall height of 5 metres and a maximum roof height/ridge height of 6 metres. Revised plans are to be submitted to the satisfaction of Director Development Services prior to the issue of a building licence.**
- 2. The existing outbuilding on the property shall be removed within 30 days of the completion of the new shed.**
- 3. The land is zoned Rural and shall be used for no other purpose without development approval.**
- 4. No commercial vehicle parking is permitted in the shed or on the property.**
- 5. A schedule of colours being submitted for the proposed shed, prior to the issue of a building licence, for approval by the Director Development Services. Cream coloured walls/roof are not permitted.**
- 6. A landscape plan shall be submitted prior to the issue of a building licence for approval by the Director Strategic Community Planning.**

7. Landscaping with appropriate local native species for the purpose of screening the eastern and southern end of the outbuilding is to be undertaken to the satisfaction Director Strategic Community Planning by September 2010. This screening is to be maintained and replaced if necessary at all times.
8. 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.
9. 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.

**Advice Notes:**

1. The outbuilding is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
2. The land shall be used only for the purposes of 'Single Residence', as defined under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, unless specifically approved by Council.
3. With regard to condition 4 commercial vehicle parking is defined as the following under Town Planning Scheme No. 2  
*"Commercial Vehicle Parking –*

- a) *means the parking of one commercial vehicle on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals.*
- b) *If a trailer or the like having no independent means of propulsion is attached to a prime mover or other motorised vehicle, the two in combination shall be regarded as one commercial vehicle for the purpose of this Scheme.*
- c) *However where a trailer or the like is not presently attached to a prime mover or other motorised vehicle, it shall, subject to paragraph (d) be regarded as a separate commercial vehicle for the purpose of this Scheme.*
- d) *Where there is one prime mover and one trailer on a lot, and even though not attached they are ordinarily used in combination, the two shall be regarded as one commercial vehicle for the purpose of this Scheme."*

**CARRIED 9/0**

**Committee Note:** The Committee considered the proposal was not in keeping with the rural character of the area due to the wall height and roof height being over the maximum allowable limits in Local Planning Policy 17.

**Council Note:** The Committee Recommended Resolution was changed with the addition of the words 'the land is zoned Rural' to condition 3. The Presiding Officer advised that this was a minor amendment which did not affect the intent of the recommendation.

SD005/07/09 REQUEST FOR RENEWAL OF PLANNING APPROVAL FOR PROPOSED EXPANSION AND REFURBISHMENT TO EXISTING SHOPPING CENTRE – LOT 22 (867) SOUTH WESTERN HIGHWAY, BYFORD (P00462/02)		
Proponent:	Dykstra Planning	<p>In Brief</p> <p>Approval for expansion and refurbishment of the Byford Village Shopping Centre was issued on 15 November 2007. The expansion and refurbishment have not commenced and the approval will expire on 15 November 2009. The applicant now seeks to renew this approval.</p> <p>It is recommended that the term of the existing approval be extended for a further period of 12 months.</p>
Owner:	Lenz Corporation Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 June 2008	
Previously	SD019/08/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 27 May 2009  
 Lot Area: 5140m<sup>2</sup>  
 L.A Zoning: Commercial  
 MRS Zoning: Urban  
 Byford Structure Plan: Town Centre  
 Byford Town site Detailed Area Plan: Town Centre  
 Date of Inspection: November 2008

## **Background**

### Original application

At the Ordinary Council Meeting held 27 August 2007, Council resolved to approve the proposed expansion and refurbishment of the Byford Village Shopping Centre. The conditional approval was subject to the Public Transport Authority (PTA) granting approval to the car parking layout on the rail reserve. This approval from the PTA was received by the Shire on 12 November 2007. The Form 2 Approval was subsequently issued on 15 November 2007.

***A copy of the locality plan, aerial photograph, elevation and site plans are with attachments marked SD005.1/07/09.***

***A copy of the current Form 2 Approval is with attachment marked SD005.2/07/09.***

### Subsequent Application - 2008

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

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

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

Considerable progress has been achieved with the resolution of each of the above-mentioned matters. The applicant has formally requested that Council prioritise the issuing of a building licence application (and associated requirements under the existing approval) ahead of a determination on the new development application. The applicant has requested that a determination on the new development application be deferred for a period of six (6) months.

#### Request for renewal and consideration of proposed car-parking

As the current planning approval is due to expire on 15 November 2009, the applicant is seeking to renew the 2007 approval for a further 12 months. The applicant has provided the following information in support of the request:

*“The basis for this request is that Council, in dealing with the original application and subsequently issuing planning approval, now has a responsibility to ensure the landowner is not unfairly prevented from implementing the approval”*

This report provides Council with an opportunity to consider whether to grant an extension of time for the existing approval. In addition to the above, this report provides Council with the opportunity to grant delegated authority to provide a recommendation to the Western Australian Planning Commission (WAPC) for the proposed car parking areas within the rail reserve.

#### Sustainability Statement

**Effect on Environment:** The existing vegetation along the South Western Highway and Abernethy Road frontages of the site and the existing large gum tree in the forecourt are intended to be retained. The addition of some larger tree species in the beds along the street frontages is recommended for the purpose of providing shade to the car parking area and to improve the streetscape. Some of the existing large trees along the western side of the George Street road reserve and within the railway reserve can be retained and will be a relevant consideration in the Shire’s recommendation to the WAPC on the development application.

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

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Byford Structure Plan (BSP)  
Byford Townsite DAP

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

Local Planning Policy 19 (LPP19) provides guidance in respect of the permissibility of different land uses within the BSP Area.

#### **Financial Implications:**

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

#### **Strategic Implications:**

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



### **1. People and Community**

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

### **2. Environment**

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

### **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

### **4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

## **Community Consultation**

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

## **Comment**

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

- Issues remaining outstanding prior to the commencement of works;
- The provisions of TPS 2, providing Council with the ability to extend the term of an approval;
- The current status of the revised application;
- The requirements of the BSP;
- The current status of the BTCLSP; and
- The overall merits of extending the term of the current approval.

Each of the matters is discussed in the following sections.

## **Issues remaining outstanding prior to the commencement of works**

As noted in the background section of this report, conditional planning approval was granted for the redevelopment of the site in November 2007. A building licence application was lodged in June 2009. The technical assessment of the building licence application against the Building Code of Australia is nearing completion. The applicant has also been working through the conditions of the planning approval that need to be addressed prior to the commencement of development on-site. Once all requirements of the Building Code of Australia and the conditions of planning approval have been satisfied, development is able to commence on site.

It should be noted that some delays were experienced in the delivery of a stormwater management plan for the proposal. In recent weeks, considerable progress has been achieved in this respect and Officers are now confident that the requirements of the Byford Townsite Drainage and Water Management Plan can now be satisfied.

Also in parallel with the above-mentioned matters, progress has been achieved towards the resolution of issues surrounding car-parking. Formal approval has not been granted under the MRS for the commencement of works within the rail reserve. Although PTA has previously provided their in-principle support for the proposal.

Based on the information available to Officers, the proposed car-parking constitutes 'development' and all development within a regional reservation under the MRS needs to be approved by the WAPC. Some types of development are exempt from requiring approval; to date, no exemption has been demonstrated by the applicant.

At this point in time, the full technical assessment of the car-parking arrangements has not yet been completed, however, it is expected to conclude shortly. In order to complete the assessment of the application and in turn provide a recommendation to the WAPC in an efficient manner, it is recommended that Council authorise the Director Development Services to consider this matter.

#### Status of the revised proposal

A revised proposal was lodged with Council in October 2008. Council at its meeting of 3 March 2009 considered the revised proposal and resolved to defer formal consideration of the proposal, pending the resolution of the following matters:

- The BTCLSP;
- Storm water Management; and
- Car parking.

There is some commonality between the outstanding matters (prior to the commencement of works) for the existing approval and the revised proposal. Progress achieved with the resolution of outstanding matters for the existing approval may also assist with the ultimate progression of the new proposal.

The applicant has recently requested that a determination on the revised proposal be deferred for a period of 6 months (until December 2009) to *'enable Council Officers to prioritise the progression of the existing approval'*.

Based on information available to Officers, it is understood that the applicant is keen to ensure that a valid approval exists at all time. It is further understood that the granting of an extension of time for the existing approval would reduce the time and commercial pressures on the applicant to commence works on-site and providing greater opportunity to resolve outstanding matters for the revised redevelopment proposal.

There is no statutory obligation on Council to agree to the application being deferred. Should Council not agree to the matter being deferred, arrangements would be made to present the report back to Council at the earliest opportunity. As noted in a report to Council in March 2009, Officers would not be in a position to recommend that development approval

be granted for any new significant proposals until such time as the Byford Town Centre Local Structure Plan has been finalised.

In a statutory environment, each individual application needs to be considered on its merits. While the assessment of the revised proposal is substantially progressed, it has no formal status in the form of an approval. The existence of a new application (revised proposal) is not considered to be a relevant planning consideration in determining whether to extend the term of the existing approval.

### Renewal of Planning Approval

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

#### **"6.9 TERM OF PLANNING APPROVAL**

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

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

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

The applicant submitted a request for renewal on the 27 May 2009, thereby complying with the timeframe specified in clause 6.9.2 above. It is open to Council to consider an extension to the term of the existing planning approval.

### BSP

The BSP was adopted by the Council in accordance with the provisions of clause 5.18.3.15 of TPS 2 on 22 August 2005 to provide a framework for the development of the Byford urban area. Council at its meeting of 17 February 2007 progressed a number of minor modifications to the BSP, including placing notation 17 on the plan that states:

*"Town centre requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. Local Structure Plan is to include an investigation with Transit Oriented Urban Design: the location, nature, role, relationship and distribution of different activities within the town centre including 800 metre walkable catchment area..."*

The proposed modification to the BSP was subsequently endorsed by the WAPC.

The timing of the current request for renewal of planning approval, relevant to the preparation of a local structure plan for the Byford Town Centre (consistent with the BSP notation) is a relevant consideration for Council. This matter is further discussed below.

### BTCLSP

To satisfy the requirements of the BSP, arrangements have been made for the preparation of a Local Structure Plan (LSP) for the Byford Town Centre Area. To date, the following have been achieved:

- Consultants have been engaged;
- Stakeholder workshops have been held;

- Technical investigations have been completed; and
- A draft LSP and Local Water Management Strategy have been delivered to Officers for assessment.

Arrangements are currently being made for the LSP to be presented to Council at the earliest opportunity, with a view to commencing the statutory decision-making phase. It is anticipated that the LSP will be presented to Council by September 2009, providing Council with the opportunity to determine whether the LSP is satisfactory for advertising.

It is expected that the LSP will be progressed through the normal statutory processes outlined in the Shire's TPS 2, including formal advertising and determinations by both Council and the WAPC. The purpose of the LSP is to set a framework for the future development of the Town Centre area. As part of the LSP, associated design guidelines will also be prepared focussing on the built form environment of the Town Centre. The purpose of these guidelines is to ensure that all future development is economically, socially and environmentally sustainable in the long term.

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

#### Merits of extending the term of the existing approval

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

- A determination has been made by the WAPC on the proposed notation to the BSP, requiring the preparation of a LSP for the Byford Town Centre;
- Considerable progress has been achieved with the preparation of a LSP for the Byford Town Centre; and
- The Department of Water has finalised the Byford Townsite Drainage and Water Management Plan.

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

#### Options:

There are primarily three (3) options available to Council, as follows:

- Extend the term of the existing approval for a defined period of time;
- Not extend the term of the existing approval; or
- Defer consideration of the request until a later point in time.

In the instance that Council resolves not extend the term of the existing approval, the approval would expire on 15 November 2009. The landowner is unlikely to be able to commence construction and substantially complete the works in this time.

#### Conclusion

Each individual application needs to be carefully considered on its merits. The applicant has requested an extension of time to the existing approval for a number of reasons, including being able to commence on-site at the earliest opportunity and also to provide opportunity to ultimate progress with the finalisation of a revised development proposal in parallel with Council considering the Byford Town Centre Local Structure Plan.

Since the introduction of note 17 on the BSP, Council has clearly discouraged all significant development applications within the Byford Town Centre until the Byford Town Centre Local Structure Plan has been finalised. Officers are of the opinion that that the renewal of the existing approval for this site is distinguishable from other types of development applications that the Shire has previously considered or is likely to have to consider prior to the finalisation of the Town Centre Local Structure Plan.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**SD005/07/09 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Kirkpatrick, seconded Cr Harris**

**That Council:**

- 1. Extend the term of the approval granted for Lot 22 (867) South Western Highway, Byford on 15 November 2007 for a further period of 12 months, expiring on 15 November 2010.**
- 2. Agree to defer consideration of the revised proposal as requested by the landowner, lodged 10 October 2008, for a period of 6 months, from the date of this resolution.**
- 3. Authorise the Director Development Services to provide a recommendation to the Western Australian Planning Commission on the development application lodged for the proposed car parking within the rail reserve.**

**CARRIED 9/0**

<b>SD008/07/09 PROPOSED ROAD NAMES - LOT 3 THATCHER AND LOT 3 LARSEN ROAD, BYFORD (\$133493 )</b>		
<b>Proponent:</b>	RP Koltasz Smith	In Brief  Applicant seeks approval for proposed road names for Stages 1-5 at Lot 3 Larsen Road, Byford.
<b>Owner:</b>	Goldtune Investments.	
<b>Author:</b>	Casey Rose - Planning Assistant	
<b>Senior Officer:</b>	Brad Gleeson – Director Development Services	
<b>Date of Report</b>	16 July 2009	
<b>Previously</b>	NIL	
<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:                      15 July 2009  
L.A Zoning:                              Urban Development  
MRS Zoning:                            Urban  
Byford Structure Plan:                Residential R20

**Background**

With residential development rapidly occurring in the Byford urban cell, the requirement for road naming will be an ongoing function needing assessment and subsequent implementation

by Council. The developer has requested street names to be considered. This report provides Council with the opportunity to consider the proposed street names, ahead of a decision by the Geographic Names Committee.

### **Sustainability Statement**

**Social – Quality of Life:** The use of names with significant connection has the potential to provide reassurance to the community that urban development recognises the historical values of the early settlers of the district.

**Statutory Environment:** Section 26A of the Land Administration Act 1997

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

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

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

5. Value and enhance the heritage character, arts and culture of the Shire.

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

##### Strategies:

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

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

##### Strategies

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

### **Community Consultation:**

Not required.

### **Comment:**

The developer had previously liaised with planning staff as to a selection of names for the subdivision and initially applied names from Council's current approved list. After referral to Geographic Names Committee, several of the names chosen from Council's current list were deemed unsuitable due to topographical reasons. Deleting several of the names would render an interruption in the proposed 'landscape themed' names.

Subsequently, the applicant proposed an alternative list of names which were derived from the Portuguese language. It was proposed that a Portuguese theme may address the history of a small number of early settlers having Portuguese origin, however, following further research it was considered the proposed names, of a Portuguese theme, were not suitable for this subdivision.

The applicant has now proposed an equestrian theme which aptly reflects a more recent historic use of much of the nearby land surrounding the Byford Trotting Complex. The new

theme acknowledges the strong community connection to the Byford Trotting Complex by proposing names of harness racing circuits both within Australia and around the world, particularly regions of the United States where harness racing is strongly followed.

The developer provided the following information:

Road Number	Road Name	Description
1.		(See Comment on Main Distributor Road)
2	Woodbine Trail	A major venue in Toronto, Canada
3	Goshen Turn	One of the first known venues that trotting/harness racing was ever conducted in the USA, and is situated in New York State
4	Globe Drive	Representing Globe Derby a venue in South Australia
5	Rocklea Link	A venue in Queensland
6	Bathurst Lane	A venue in New South Wales
7	Menangle Bend	Menangle is a venue in New South Wales
8	Forbury Road	Forbury is a venue in New Zealand
9	Hawthorne Avenue	Located in the US State of Illinois
10	Rosecroft Street	Rosecroft Racecourse is located in the US State of Maryland
11	Harold Court	To signify Harold Park a well known venue in New South Wales

NB: Evans Way already exists as a gazetted and partially constructed road, starting south of Larsen then turning east towards Alexander Road.

Advice from Geographic Names Committee GNC has been sought by the developer and the GNC have approved use and suitability of the names proposed.

#### Major Distributor Road

The naming of road number 1 will need to be addressed separately as this connecting road forms the main town centre distributor road and traverses several of the larger residential subdivisions. It is recommended the name for this road be given careful consideration before implementing as it will be a major carriageway through the Byford urban cell. This road forms part of the Larsen road subdivision and the applicant will require approval for a road name in order to finalise the subdivision and request issue of titles for the lots.

It is recommended that the name Gloucester, as pertaining to Gloucester Park, be omitted from the above proposed names as this name may be of significance to the community and in particular the Byford Trotting Complex fraternity. Council may wish to give consideration to the name being used for a major distributor road within the Byford Area.

Currently a portion of the main distributor road (sometimes referred to as the Thomas Road deviation) has been approved as part of the Byford Central subdivision. The name given to that portion of the road was previously approved as Indigo Parkway. There are two options available for Council to consider in light of a pending application for road naming in this locality:

1. To retain Indigo Parkway as the name for the entire distributor road and therefore apply Indigo Parkway also to all subsequent portions of the road as subdivision applications are lodged, including the Larsen Road development.
2. Consider renaming of Indigo Parkway and investigate an alternative name that can appropriately address suitability for the district distributor road then apply the new name to all future portions of the main distributor road.

The Geographic Names Committee provides guidance to local authorities when addressing nomenclature applications and includes changing road names:

*“The renaming of roads is discouraged unless there are good reasons for a change of name. Typical reasons are redesign of a road, changed traffic flow, mail delivery problems, misspelling of a name and duplication problems. Renaming is particularly necessary when a road is cul-de-saced, resulting in two or more separated sections of road, as this can provide difficulties for emergency services. Renaming may also be helpful in solving house numbering problems.*

*Where a change to the name of a road is proposed the name selected should conform to the Road Naming Guidelines. In addition, for regional roads the change of name should have broad community support, and for local roads, majority support from affected residents.”*

As the construction of the affected subdivisions has not yet been completed and residents are unlikely to be impacted by a road name change, it is suggested that Council investigate naming options for the distributor road in the near future.

***A copy of the location plan, subdivision with proposed road names and a portion of the Byford Structure Plan Map are with attachments marked SD008.1/07/09.***

It is considered that the proposed roads are appropriate and approval is recommended.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

1. That the proposed road names for portion of Stages 1 – 5 in Lot 3 Larsen Road, Byford (WAPC Reference 133493) be approved as identified on the plans attached to and forming part of the approval.
2. The Geographic Names Committee be informed of Council’s decision.

**Committee Recommended Resolution:**

That Council:

1. Reject the proposed road names and that the names of prominent Western Australian trotting/pacing horses be used.
2. Refer the matter to the July Ordinary Council Meeting.

Committee Note: The Officer Recommended Resolution was changed to reject the proposed list and include names of prominent Western Australian horses.

**SD008/07/09 COUNCIL DECISION/New Motion:**

Moved Cr Harris, seconded Cr Price

That Council:

1. Advise the Geographic Names Committee that it does not support the proposed road names.
2. Lodge a list of names based on the names of prominent Byford trotting/pacing horses and horse industry personalities with the Geographic Names Committee.
3. The Geographic Names Committee be requested to consider the name “San Simeon” as the preferred name for the main distributor road in the area.
4. The Director Development Services be authorised to liaise with the Geographic Names Committee to gain approval for road names within the submitted subdivision.

**CARRIED 9/0**



SD010/07/09 ADOPTION OF DRAFT LOCAL PLANNING POLICY NO. 30 – MINERAL SANDS EXTRACTION (A1646)		
Officer:	Simon Wilkes - Executive Manager Planning	In Brief  A draft Local Planning Policy has been prepared to provide guidance and direction for both proponents and Council with respect to mineral sands extraction. It is recommended that the draft Local Planning Policy be adopted ahead of formally inviting public comment on the Local Planning Policy.
Senior Officer:	Brad Gleeson – Director Development Services.	
Date of Report	29 June 2009	
Previously	Nil.	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Within the Shire of Serpentine-Jarrahdale there is commercial interest in the extraction of mineral sands; this interest is both current and expected to continue into the future. There are a wide range of potential impacts from mineral sands extraction; these impacts may be positive and/or negative and need to be carefully addressed by proponents and assessed by decision-making authorities such as the Shire.

To provide guidance to both proponents (in the preparation of proposals) and the Shire (in the assessment of proposals) an opportunity to prepare a local planning policy (LPP) was identified. This report provides Council with the opportunity to consider a draft LPP for mineral sands extraction and to adopt the draft LPP ahead of stakeholder comment being sought.

***A copy of the draft LPP is with attachments marked SD010.1/07/09.***

### **Sustainability Statement**

***Effect on Environment:*** Mineral sands extraction can have a significant impact on the environment. The LPP outlines the matters that are considered to be particularly relevant for the preparation and assessment of proposals.

***Resource Implications:*** There are potentially significant resource impacts associated with mineral sands extraction. The LPP outlines the matters that are considered to be particularly relevant for the preparation and assessment of proposals.

***Use of Local, renewable or recycled Resources:*** Mineral sands extraction can have a significant impact, both positive and negative, on the use of local, renewable and recycled resources. The LPP outlines the matters that are considered to be particularly relevant for the preparation and assessment of proposals.

***Economic Viability:*** A key consideration for mineral sands extraction is the economic viability of each operation, with the associated capacity of each operation to deliver the identified benefits and to minimise any negative impacts. The LPP identifies economic viability of operations to be a relevant planning consideration.

***Economic Benefits:*** Each proposal will deliver different economic benefits and employment creation opportunities. The duration, scope and type of economic benefits to both the local area and broader region is considered to be a relevant planning consideration and is recognised in the draft LPP.

**Social – Quality of Life:** Mineral sand extraction proposals can have a significant impact on the quality of life of a wide range of different stakeholders, with the impacts potentially being direct and indirect in nature. The LPP outlines the matters that are considered to be particularly relevant for the preparation and assessment of proposals.

**Social and Environmental Responsibility:** Having a clear policy framework in place will enable proponents, Council and other stakeholders, to have clear guidance on what matters are considered to be relevant and in turn require careful consideration. The LPP can potentially enable stakeholders to better understand and ultimately contribute towards, and have confidence in, decision-making processes.

**Social Diversity:** In itself, the policy will not contribute towards greater social diversity, however, the LPP seeks to ensure that social impacts, both positive and negative, are considered to be relevant planning considerations.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 – Clause 9.3(a)  
Extractive Industry Local Law

**Policy/Work Procedure Implications:** There are a number of other relevant local planning policies that should be read in conjunction with draft LPP 30. These include draft LPP 26 (biodiversity) and draft LPP 29. Collectively, the policy framework outlines a wide range of matters that should be considered for each mineral sands proposal

**Financial Implications:** The direct costs associated with the formal advertising of the LPP are likely to be in the order of \$300 and are within existing operational budgets.

It is hoped that by having a clear policy framework in place, the preparation of proposals (by proponents) and the assessment of proposals (by Council) will be more efficient and effective, reducing financial risks to the different parties involved.

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

**1. People and Community**  
*Objective 1: Good quality of life for all residents*

- Strategies:**
1. Provide recreational opportunities.
  2. Develop good services for health and well being.
  3. Retain seniors and youth within the community.
  4. Respect diversity within the community.
  5. Value and enhance the heritage character, arts and culture of the Shire.
  6. Ensure a safe and secure community.

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

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

5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

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

## **2. Environment**

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

## **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

## **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.

2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft policy for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the District.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the Local Planning Policy include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website
- An advertisement being placed in a newspaper circulating within the district
- A letter being sent to companies that have identified themselves to the Shire as having a potential commercial interest in mineral sands operations in the Shire.

**Comment:**

The draft LPP is intended to provide guidance to proponents in the preparation of proposals, Council during the assessment of proposals and other stakeholders in providing comment to decision-making authorities on proposals. The LPP is intended to clearly outline Council's expectations in an open and transparent manner.

The draft LPP establishes a general presumption against mineral sands extraction unless significant benefits can be identified and potential impacts minimised. The draft LPP advocates that both proponents and Council take a precautionary approach. The draft LPP does not, however, preclude any mineral sands proposal from being considered within the Shire. Each and every proposal will need to be carefully considered on its merits. The LPP provides proponents with guidance on what matters are likely to be relevant and in turn provide the opportunity to demonstrate the merits of the proposal.

Each mineral sands extraction proposal will be different; whether it be in scale, location, nature of operation or timeframe. The policy identifies a broad range of potentially relevant planning considerations. Not all considerations will be relevant to each and every proposal. The LPP provides proponents with the opportunity to demonstrate to Council, with sufficient

information/justification, to outline that particular matters are not relevant; it is important to note that the onus of proof is on the proponent.

There are generally a number of different approvals required, from a range of different decision-making authorities, for mineral sands extraction. It is important that all stakeholders properly understand the different roles, responsibilities, decision-making processes and relevant assessment matters for each decision-making authority; clarity is really important and yet is often difficult to achieve. The draft LPP recognises that Council will likely not be the only decision-making authority for a proposal. The draft LPP provides proponents to clearly demonstrate what other decision-making processes are involved and what matters are/have been considered by other decision-making authorities, with a general view to reducing duplication where possible. The draft LPP makes it the proponent's responsibility to demonstrate the integration between the different decision-making authorities and processes as each proposal will be different.

### Options

There are three primary options that are available to Council in considering the draft Local Planning Policy, as follows:

- (1) to adopt the draft Local Planning Policy, without modification;
- (2) to adopt the draft Local Planning Policy, with modification/s; and
- (3) to not adopt the draft Local Planning Policy.

In the instance that Council decides to adopt the draft LPP, a further report will need to be presented to Council, post-advertising, to determine whether to grant final approval to the LPP.

### Conclusion

Having regard to the objectives of the draft LPP, the issues at hand and the options available to Council, it is recommended that the draft LPP be adopted pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 for the purpose of advertising.

**Voting Requirements:** Simple Majority

### **SD010/07/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Brown**

- 1. Pursuant to Clause 9.3(a) of Town Planning Scheme No.2 Council adopt draft Local Planning Policy No. 30 – Mineral Sands Extraction.**
- 2. Invites public comment on draft Local Planning Policy No. 30 – Mineral Sands Extraction for a period of not less than 21 days by way of a:**
  - a) notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area**
  - b) notice being placed in the Shire's Administration Centre**
  - c) notice being placed on the Shire's internet website**
  - d) letter being sent to companies that have identified themselves to the Shire as having a potential commercial interest in mineral sands in the Shire**
  - e) letter being sent to all relevant state government agencies, including but not limited to, the Department for Planning and Infrastructure.**

**CARRIED 9/0**

**Council note: The Shire President acknowledged the Officer time spent on this very comprehensive Local Planning Policy.**

**COUNCIL DECISION**

**Moved Cr Price**

**That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended.**

**MOTION LAPSED FOR WANT OF A SECONDER**

**COUNCIL DECISION**

**Moved Cr Murphy, seconded Cr Buttfield**

**That item SD011/07/09 be discussed as the last item of business.**

**CARRIED 9/0**

CGAM005/07/09		PERMIT VEHICLE USE ON JARRAHDAL ROAD, JARRAHDAL (A0512-03)
Proponent:	Forrest Products Commission	In Brief  A request for reconsideration of Council Decision has been received from Forrest Products Commission regarding the refusal for Palcon Group to use Class 3 vehicles to cart harvested timber product via Jarrahdale Road (from Albany Highway to Frollet Road).
Owner:	Not Applicable	
Officer:	Richard Gorbunow – Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	26 June 2009	
Previously	CGAM088/04/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

In March 2009 Palcon Group submitted an application to renew their permit to use Class 3 vehicles up to 27.5M to cart harvested timber for the Forest Products Commission along Jarrahdale Road (from Albany Highway to Frollet Road).

The original application was made in January 2008 and was approved by the Acting Chief Executive Officer, using delegated authority at that time.

The use of the road by articulated trucks is an alternative transportation. It will result in additional traffic movements and using combination vehicles has the potential to cause additional damage to road surfaces including verges, especially where there are horizontal curves along the road. The proposed route was inspected by the Director Engineering and the intersection of Jarrahdale Road and Frollet Road does not meet the guidelines for assessing the suitability of routes for multi-combination vehicles.

It was recommended that approval not be granted. Under current Policy all applications for Multi-Combination Vehicle must be submitted to Council for consideration

Council made the following resolution at the April Ordinary Council Meeting:

CGAM088/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

*Moved Cr Kirkpatrick, seconded Cr Harris*

1. Council does not endorse the use of oversize vehicles (Road Trains up to 27.5m in length) by the Forest Products Commission or its contractors to cart timber in any form on Jarrahdale Road, Jarrahdale.
2. Main Roads Western Australia and the Department of Environment and Conservation are to be advised in writing of the Council's decision to refuse the use of oversize vehicles (Road Trains up to 27.5m in length) by the applicant.

CARRIED 10/0

The Forrest Products Commission have submitted a request for Council to reconsider it's decision.

**A copy of the request is attached marked CGAM005.1/07/09 (IN09/6349).**

### **Sustainability Statement**

**Effect on Environment:** The use of larger combination vehicles reduces the number of truck movements on a road resulting in reduced congestion and reduced fuel use per unit of transported material. However, this also has an impact on road surfaces, especially the Forestry tracks, which are already in poor condition. The movement of large vehicles has the potential to generate dust impacts on neighbouring properties.

**Resource Implications:** The use of truck combinations reduces the burning of fossil fuels by increasing the efficiency of material haulage per unit of material.

**Social – Quality of Life:** The use of larger combination vehicles reduces the total number of trucks on the road, reducing congestion and truck noise and reducing the frequency aspect of truck conflict risk. However, the dust which may be generated on gravel roads by these movements is a potential nuisance to local residents and other traffic on these roads.

### **Statutory Environment:**

The operation of permit vehicles is controlled by Main Roads Western Australia (MRWA) on the basis of recommendations provided by Council. Road Traffic Act WA, Road Traffic Act Vehicle Standards regulations, MRWA – Concessional Loading Scheme requirements.

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

Policy ENG06-B-Double and Long Vehicle Permits is to be revised.

### **Financial Implications:**

The increased gross combination mass of road trains will result in an increase in road maintenance requirements.

### **Strategic Implications:**

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

6. Ensure a safe and secure community.

Council's Strategic Objective is to provide and maintain a safe road network and facilitate effective movement of traffic, cyclists, and pedestrian road users on Shire roads.

#### **2. Environment**

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

##### Strategies:

5. Reduce green house gas emissions.

### 3. Economic

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

### 4. Governance

*Objective 3: Compliance to necessary legislation*

Strategies:

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

#### **Community Consultation:**

No consultation is required.

#### **Comment:**

It is recommended that the applicants request is declined and Council reaffirms its original decision.

#### **Voting Requirements:**

Simple Majority

#### **CGAM005/07/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Buttfield  
Council reaffirms it's resolution as per CGAM088/04/09.  
CARRIED 9/0**

Cr Geurds declared an interest of impartiality in item CGAM006/07/09 and left the meeting at 8.09pm.

CGAM006/07/09		SALE OF STAFF STREET COTTAGES - MARKETING PLAN (A1505)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council approval is sought for the marketing plan and the sales brochure so the Shire can proceed with the sale of the Cottages in Staff Street, Jarrahdale.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	26 June 2009	
Previously	CGAM083/05/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

#### **Background**

In October 2008, Council resolved to appoint Byford Professionals real estate agents to dispose of four (4) cottages in Staff Street, subject to the preparation of a marketing plan.



A brochure has been prepared to promote the sale of the cottages.

***A copy of the brochure is with attachments marked CGAM006.1/07/09 (IN09/7820).***

### **Sustainability Statement**

***Economic Benefits:*** The sale of the cottages frees up capital for development works in the JHP. In the long term there will be benefits in the tourism industry and the possibility of the creation of local jobs as the park is being developed, which will support the ongoing operations of the JHP.

***Social Diversity:*** Tenants of the cottages are potentially displaced as a consequence of the sale of the cottages. Council has always intended on selling the cottages. Advance notice has been given to the tenants advising them of the impending sale.

**Statutory Environment:** Local Government Act 1995 (as amended)

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

**Financial Implications:** The proceeds of the sale of the cottages will be transferred to a reserve account and will be used for the development of the Jarrahdale Heritage Park.

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

1. Provide recreational opportunities.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

##### Strategies:

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

##### Strategies:

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

#### **2. Environment**

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

##### Strategies:

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

#### **3. Economic**

*Objective 1: A vibrant local community*

##### Strategies:

3. Develop tourism potential.

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**Community Consultation:**

Not Applicable.

**Comment:**

The Real Estate agent has advised the Shire that they will market the property via signage on outside the properties in Staff Street, Internet advertising will occur through the Real Estate Institute's website, advertising in newspapers and shop front advertising.

In addition to the advertising, a sales brochure has been prepared to promote the cottages to interested parties. The Brochure will be used to target potential users of the properties and provides details of the opportunities available to prospective purchasers of the properties.

Due to the zoning of the land, the properties are ideally positioned to take commercial advantage of the parkland surrounding the properties and direct marketing will include peak bodies for professional industries which suit that zoning, as will other associations that promote home crafts etc.

If the sales brochure is approved by Council, the process of disposal will commence immediately.

It is therefore recommended that Council approve the sales brochure.

**Voting Requirements:** Simple Majority

**CGAM006/07/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Twine  
That Council approve the Sales Brochure as per *Attachment CGAM006.1/07/09*.  
CARRIED 8/0  
Cr Geurds was not present and did not vote.

Cr Geurds returned to the meeting at 8.10pm.

## 9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM001/07/09 AMENDMENT OF SHIRE OF SERPENTINE-JARRAHDAL STANDING ORDERS LOCAL LAW 2002 (A0090/13)		
Proponent	Serpentine Jarrahdale Shire	<b>In Brief</b>  Amend the current Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002 (published in Government Gazette on 7 May 2003) to enable elected members to ask a question without notice at Ordinary Council Meetings.
Owner	Serpentine Jarrahdale Shire	
Officer	Anna Nolan - Manager Executive Services	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	11 June 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### Background

This matter was raised by an Elected Member in correspondence to the Chief Executive Officer on 30 September 2007 which included a request to amend the Shire's Standing Orders Local Law.

Some local government authorities provide for questions without notice from Elected Members. Examples of these were discussed at Policy Forum on 4 March 2008. The proposed changes discussed were as follows:

### **QUESTIONS BY MEMBERS**

#### **1.1 Questions without notice**

- (1) *A Member who wishes to seek general information from the CEO at a Council meeting may, without notice:*
  - (a) *ask the CEO a question; and*
  - (b) *with the consent of the Presiding Member, ask the CEO one or more further questions.*
  
- (2) *Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that:*
  - (a) *the question be placed on notice for the next meeting of the Council; or*
  - (b) *the answer to the question be given within 7 days to the Member.*

#### **1.2 Questions during debate**

*At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.*

Council members who wish to ask a question without notice at Ordinary Council Meetings will be able to do so only if the Shire's current Standing Orders are amended to allow it. In

amending the Standing Orders to allow this motion, it could be argued that the new process will:

1. Indicate to ratepayers that their questions were delivered to Council in an accountable and transparent manner.
2. Raise ratepayer confidence in Council processes.
3. Provide Council members with the same opportunity to ask questions at Ordinary Council Meetings as given to members of the public.

Conversely it could be argued that the Standing Orders provide Councillors with sufficient opportunities to ask questions about matters on the agenda, raise motions of which notice has been given and Urgent Business and that the ability to ask questions without notice could be abused in order to promote individual agendas.

### **Policy/Work Procedure**

#### **Implications:**

Work procedures and policy implications were followed as set out in the CSWP19 - Local Laws Procedure Checklist and Eight Year Review. The work procedures experienced some delay as the Shire Officer needed to consult with the Department of Local Government and Regional Development on the statutory requirements for making an amendment to a local law. Accuracy and attention to detail will reduce the risk of the local law becoming an issue of concern with the Joint Standing Committee on Delegation Legislation.

#### **Financial Implications:**

The costs of advertising and publishing the amendment to the local law can be accommodated within the 2009/2010 budget.

#### **Strategic Implications:**

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

##### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### **Strategies:**

1. Respect diversity within the community.

*Objective 3: High level of social commitment*

##### **Strategies:**

1. Encourage social commitment and self determination by the SJ community.

##### **4. Governance**

*Objective 1: An effective continuous improvement program*

##### **Strategies:**

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

#### **Community Consultation:**

The amendment to the local law will go through the community consultation period of not less than six weeks in accordance with the *Local Government Act 1995*.

#### **Statutory Environment:**

Section 3.15 of the Act requires that a local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the **purpose** and **effect** of all of its local laws. This report recommends displaying the State-wide public notice in the local

government's library and community notice boards, including the local government's website.

### **Statutory Requirement:**

When making a local law, the Act requires:

- (i) the presiding person to give notice of the **purpose** and **effect** of the proposed new local law at a Council Meeting, and follow the set procedures:
  - (ii) to give State-wide public notice of its intention to make a local law, publicising the purpose and effect of the proposed local law, making a copy of the proposed local law available, to allow the public to make a submission during the public consultation period of not less than six weeks;
  - (iii) to display a copy of the new proposed local law in any place specified in the public notice, and take submissions about the new local law up to the date given in the public notice;
  - (iv) to give a copy of the public notice and copy of the proposed local law to the Minister(s) administering the Act(s); and
  - (v) request the CEO to report back to the Council on any submissions received, after the close of the public consultation period, for Council's consideration before making the decision to resolve to adopt the new local law.

### **Presiding Member's Notice of the proposed Local Law**

The **purpose** of the proposed amendment to the local law is to include a provision for Questions by Elected Members of which due notice has not been given and a provision for Questions during debate.

The **effect** of the amendment to the local law is to allow Elected Members to ask questions of the Chief Executive Officer when due notice has not been given and to ask questions during debate.

Below is the Gazette-ready format of the proposed amendment local law to be made available to the public during the period of community consultation:

## **LOCAL GOVERNMENT ACT 1995**

### **SHIRE OF SERPENTINE-JARRAHDALE STANDING ORDERS AMENDMENT LOCAL LAW 2009**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Serpentine-Jarrahdale resolved on [insert date of adoption after consultation is completed] to make the following local law:

#### **1. Citation**

This local law may be cited as the *Shire of Serpentine-Jarrahdale Standing Orders Amendment Local Law 2009*.

#### **2. Principal local law**

In this local law, the *Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002* published in the *Government Gazette* on 7 May 2003 is referred to as the principal local law. The principal local law is amended as follows:

#### **3. Clause 9.6A inserted**

After clause 9.6, insert:

**9.6A Questions during debate**

- (1) At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.

**4. Clause 3.11A inserted**

After clause 3.11, insert:

**3.11A Questions by Members of which due notice has not been given**

- (1) A Member who wishes to seek general information from the CEO at a Council meeting may, without notice –
- (a) ask the CEO a question; and
  - (b) with the consent of the Presiding Member, ask the CEO one or more further questions.
- (2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that:
- (a) the question be placed on notice for the next meeting of the Council; or
  - (b) the answer to the question be given within 7 days to the Member.

Dated: \_\_\_\_\_ 2009.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by authority of a resolution of the Council in the presence of:

D. NEEDHAM, Shire President  
J. ABBISS, Chief Executive Officer

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**OCM001/07/09 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Murphy, seconded Cr Twine**

**Council pursuant to section 3.12 of the Local Government Act 1995, give statewide and local public notice that it intends to make the Shire of Serpentine-Jarrahdale Standing Orders Amendment Local Law 2009 (as detailed in this report) with the purpose and effect of this local law as follows:**

**Purpose: To include a provision for Questions by Elected Members of which due notice has not been given and a provision for Questions during debate.**

**Effect: To allow Elected Members to ask questions of the Chief Executive Officer when due notice has not been given and to ask questions during debate before the motion is put.**

**CARRIED 9/0**

## 10. CHIEF EXECUTIVE OFFICER'S REPORT

OCM002/07/09		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief  Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	2 July 2009	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### OCM002.1/07/09 COMMON SEAL REGISTER REPORT – JUNE 2009

The Common Seal Register Report for the month of June 2009 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM002.1/07/09**.

### OCM002.2/07/09 POLICY FORUM – 7 JULY 2009

The following items were discussed at the 7 July 2009 Policy Forum:

Topic / Subject
<b>Issues / Clearing House &amp; Report on Progress</b>
Ward update
<b>Presentation</b>
Byford Town Centre Local Structure Plan
SJ Bikeplan
Community group insurance vs community funding program
Alcoa's offer to SJ Shire of a tour & presentation of their draft 5 year Mine Plan for 2010-2014
Rivers Regional Council Waste Site
<b>Strategic Planning</b>
Community Safety and Crime Prevention Plan (July 2009 - June 2012)
Mundijong District Structure Plan Summary Report
Urban Street Character Policy
<b>Statutory Planning</b>
Entry Statements and Tree Protection in Subdivisions
Status of Keysbrook Mineral Sand Mining
Briefing on major developments, subdivisions, local structure plans and detailed area plans
BSP review: Abernethy Road
Planning Reform briefing – Model Scheme Text
Planning Policy update
Budget overview 2009/10 & financial management reporting process
<b>Issues / Clearing House &amp; Report on Progress (continued)</b>
<ul style="list-style-type: none"> <li>• Report on progress of Council and Committee resolutions</li> <li>• Report on Councillor correspondence</li> </ul>

OCM002.3/07/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA –  
29 JULY 2009 (A1164)

***In the electronic attachments marked OCM002.3/07/09 (IN09/8798) is the agenda of the South East Metropolitan Zone Meeting to be held on 29 July 2009.***

OCM002.4/07/09 WALGA PEEL ZONE AGENDA – 30 JULY 2009 (A1164)

***In the attachments marked OCM002.4/07/09 (IN09/9089) is the agenda of the Peel Zone Meeting to be held on 30 July 2009.***

OCM002.5/07/09 WALGA ANNUAL GENERAL MEETING AGENDA – 8 AUGUST 2009  
(A1164)

***In the electronic attachments is the WALGA Annual General Meeting Agenda marked OCM002.5/07/09 (IN09/7953).***

OCM002.6/07/09 WALGA STATE COUNCIL AGENDA – 9 AUGUST 2009 (A1164)

***In the electronic attachments is the WALGA State Council Agenda marked OCM002.6/07/09 (IN09/8876) and Appendices marked OCM002.6a/07/09.***

**OCM002/07/09 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Brown  
The Information Report to 24 July 2009 is received.  
**CARRIED 9/0**

Cr Twine left the meeting at 8.10pm.

Cr Brown left the meeting at 8.11pm.

**COUNCIL DECISION**

Moved Cr Price, seconded Cr Harris that the meeting be adjourned.  
**CARRIED 7/0**

All those present at the start of the meeting were present in the room after the adjournment.  
The meeting reconvened at 8.22pm.



SD011/07/09 PROPOSED MODIFICATION TO THE BYFORD STRUCTURE PLAN – ABERNETHY ROAD, BYFORD (A1305/01)		
Officer:	Simon Wilkes – Executive Manager Planning Craig Wansbrough – Project Manager Water Sensitive Urban Design	In Brief  Technical investigations and concept designs have identified the potential to modify the general road widening requirement for Abernethy Road from 40 metres to 30 metres. A modification to the Byford Structure Plan is recommended.
Senior Officer:	Brad Gleeson – Director Development Services.	
Date of Report	20 June 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<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 the Byford Area, for both the short-term and long-term. The report that accompanied the BSP, upon its adoption in August 2005 stated the following:

*‘it will retain its role as the feeder road for the residential and rural precincts to the west of the Byford Town Centre’*

A subsequent modification to the BSP in 2006 included the following:

*‘Thomas Road, Abernethy Road and Orton Road to be widened to accommodate stormwater, refer Byford Urban Stormwater Management Strategy. Plan to require the final width of Abernethy Road to be 40 metres unless otherwise determined at the Local Structure Plan stage.*

A number of technical investigations have been progressed since 2005 that have provided further guidance on the future of Abernethy Road. The investigations include:

- The Byford Townsite Drainage and Water Management Plan (Department of Water, 2008)
- Byford Structure Plan Traffic Modelling (Maunsell, 2006)
- Preliminary road concept drawings (Aurecon, 2009 – draft)
- Various local structure plans including the Byford Town Centre (draft) and the Byford Main Precinct (draft)

This report provides Council with the opportunity to consider the key findings from the above-mentioned technical investigations and to progress a modification to the BSP and to reduce the general road reservation width for Abernethy Road.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No.2  
Byford Structure Plan

**Policy/Work Procedure Implications:** Nil

**Financial Implications:**

All costs associated with the current modification to the Byford Structure Plan can be achieved with the current operational budget.

The future funding arrangements for the upgrading and maintenance of Abernethy Road have significant financial implications for the Shire and other stakeholders. The total cost of the road upgrading of Abernethy Road is anticipated to be in the order of \$3 Million (excluding land).

**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.

***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. The proposed modification to the BSP does however represent a more efficient use of land.

***Use of Local, renewable or recycled Resources:*** Nil at this time, however there will be opportunities to consider the use of local, renewable or recycled resources through the detailed design, construction and on-going maintenance of Abernethy Road.

***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. This report to Council is not intended to directly 'lock in' funding arrangements and ultimately roles and responsibilities; a further report to Council will be required in that respect, in the context of the developer contribution arrangement for the Byford Structure Plan Area.

***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. The proposed modification seeks to ensure that the road reserve width is at a 'human-scale', opportunities for pedestrian and cycle movements are enhanced and sufficient land is available for landscaping and drainage functions.

***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 will be able to accommodate key principles including the delivery of a pedestrian and cycle friendly environment, landscaping treatment and water sensitive urban design.

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

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

1. Provide recreational opportunities.

5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

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

## **2. Environment**

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

## **3. Economic**

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

## **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The BSP was originally advertised for public comment and submissions carefully considered. The proposed modification to the BSP, reducing the generic road reserve width to 30 metres has not been advertised for public comment, for the reasons outlined below:

- There will be no net increase in the impact on the local community as a result of a reduced road reserve width;
- the reduced land requirements for future road widening will likely be positively received by landowners; and
- opportunities exist for stakeholders to comment on the future road widening and land use integration through the advertising of local structure plans.

It is open to Council to decide that the modification to the BSP be advertised prior to formal consideration, however, for the reasons above and the need to progress decision-making in a timely manner it is not recommended in this instance. Should the Western Australian Planning Commission consider the modification to the BSP materially alters the intent of the structure plan, the Shire will be required to follow the procedures set out in clause 5.18.3 including advertising the modification for public comment for a period of not less than 21 days.

**Comment**

There are a number of different matters that Council needs to consider in progressing the proposed modification to the BSP for Abernethy Road. In particular, the following matters are particularly relevant:

- A number of local structure plans
- A number of subdivision applications
- the developer contribution arrangement for the BSP area
- the retention of existing vegetation
- future detailed design and landscaping treatments.

**Local Structure Plans**

There are a number of different Local Structure Plans (LSPs) that abut the southern side of Abernethy Road, including:

- Byford Town Centre
- Byford Main Precinct
- Lots 6 and 27 Abernethy Road
- Lots 4 and 5 Abernethy Road

Although substantially progressed, none of the above LSPs have been finalised through statutory processes and as such there remains the opportunity to consider the exact road widening requirements and land use integration through the finalisation of each LSP.

**Adjoining subdivisions**

There are a number of subdivision approvals for land to the South of Abernethy Road. In general terms, the approvals issued by the Western Australian Planning Commission have

deferred consideration of the final interface between residential roads/the local road layout with Abernethy Road. There has been uncertainty for a number of years regarding the ultimate width of Abernethy Road. The proposed modification to the BSP represents an opportunity to set a clear direction forward, allowing a number of LSPs and in turn subdivisions to be finalised.

#### Byford Urban Stormwater Management Strategy and the Byford Townsite Drainage and Water Management Plan

The Byford Urban Stormwater Management Strategy (BUSMS) was progressed in parallel with the Byford Structure Plan. The BUSMS document has since been superceded by the Byford Townsite Drainage and Water Management Plan (DWMP). The history and relationship between the two documents was outlined to Council in a report in May 2009 and the integration of the DWMP into the statutory planning framework is currently being progressed.

The BUSMS identified Abernethy Road as a feature in the ultimate stormwater network for the Byford Area, with sections of the Abernethy Road reserve intended to provide a 'flood-conveyance' function in larger storm events. The BUSMS document indicated that the flood-conveyance function would likely be achieved through a 10 metre corridor, parallel to the road carriageway.

The DWMP further refined the flood modelling and strategy for urban water management in Byford. Officers have identified the opportunity to use the northern-carriageway of Abernethy Road, ultimately constructed at a lower height than the southern-carriageway, to serve the function of a flood-conveyance routes in events such as a 1:100 year ARI storm. In such events, the southern-carriageway can still serve the function of an emergency evacuation route. This arrangement adheres to the Urban Water Management principles outlined in the Byford townsite DWMP.

#### Traffic Modelling

Traffic modelling is useful to project future traffic volumes on a road network, having regard to different scenarios and different time horizons. In 2006, the Shire commissioned consultants Maunsell AECOM to undertake traffic modelling for the BSP area. The traffic modelling primarily examined two different scenarios, one being a full intersection treatment of Abernethy Road and future Tonkin Highway and the second being no intersection treatment, with access to/from Tonkin Highway instead being achieved only by Orton Road and Thomas Road.

In respect of Abernethy Road, the following are relevant extracts from the consultants report:

*"In all scenarios, the models indicate that 2 trafficable lanes on Abernethy Road (1 in each direction) would be required to accommodate the projected traffic volumes. Roundabout control at the four way intersections on Abernethy Road should be considered and perhaps at the intersection of the road leading to the neighbourhood centre."*

and

*"In both network scenarios where a full movement intersection at Tonkin Highway/ Abernethy Road was assumed (Figures 4 and 6), the resultant traffic projection was approximately 4,000vpd on Abernethy Road at the Tonkin Highway end. The traffic models indicate that only at the South Western Highway end are traffic volumes likely to be greater i.e. approximately 10,000vpd. As a result, traffic control signals would be appropriate at its intersection with South Western Highway."*

The traffic modelling for the broader Byford Area will need to be updated periodically, to ensure that traffic projections take into consideration actual traffic volumes, possible changes

to the road network and current/future urban development. In addition, it is a standard requirement that transport modelling be completed at the local structure plan stage and as such further information will become available to stakeholders through the progressive preparation and assessment of local structure plans in the Byford area.

Based on the information currently available, it is reasonable to suggest that at least some parts of Abernethy Road will achieve traffic volumes in excess of 7,000vpd, however, in no part is it likely to exceed 15,000vpd. The significance of the projected traffic volumes relates to the expected function of the road and its classification in the road hierarchy, as outlined in the following sections.

### Liveable Neighbourhoods

The BSP, as adopted in 2005, was based on a draft version (Edition 3) of Liveable Neighbourhoods. In 2008, the Liveable Neighbourhoods document became operational policy of the Western Australian Planning Commission to guide future urban development in the Perth Metropolitan Area. Element 2 of Liveable Neighbourhoods provides guidance on 'movement networks' and seeks to establish a classification system and hierarchy for different types of roads, with associated land use integration. The two most relevant road typologies to Abernethy Road are the 'Integrator B' and the 'Neighbourhood Connector'.

***The typical road cross-sections from Liveable Neighbourhoods is with attachment marked SD011.1/07/09.***

The explanatory report that supported the 2005 BSP included an indicative movement network plan, designating different elements of the road hierarchy in accordance with the (then draft) Liveable Neighbourhoods document. Abernethy Road was identified as serving the function of a 'neighbourhood connector' road.

***A copy of the indicative movement network from the BSP is with attachment marked SD011.2/07/09.***

Recognising the projected traffic volumes for Abernethy Road, the functional requirements for the road network including providing for regional drainage flows and an emergency evacuation route, coupled with expected land uses along Abernethy Road, an indicative cross-section has been prepared. The cross-section is generally consistent with the 'Integrator B' type road from Liveable Neighbourhoods, with a total reservation width of 30.0 metres.

The cross-section is indicative only and has been prepared to provide an indication of the possible future configuration of Abernethy Road. The cross-section demonstrates that a reduction in road reserve width from 40 metres to 30 metres is achievable and appropriate.

### Potential Water Corporation Service Corridor

The Water Corporation has previously identified a desire to use the Abernethy Road reservation as a 'service corridor' to the provision of trunk services. The following is an extract from previous correspondence received from the Water Corporation:

*"The Corporation supports the Shire of Serpentine Jarrahdale in requiring this road reserve to be created with a width of 40m from the Tonkin Highway reserve to George Street.*

*This will enable the location of two 1400mm diameter trunk water mains to be constructed without jeopardising the normal service alignments for other infrastructure. It will also enable these works to be constructed in the future in such a way that it would not require the total closure of the road, thus ensuring that traffic diversions and disruption to businesses are minimised."*

There has been on-going dialogue with the Water Corporation regarding the future of Abernethy Road and the achievement of a service corridor.

The infrastructure that Water Corporation proposes to include with the Abernethy Road reservation can be constructed within the central median, under road pavements and other infrastructure. The opportunity exists to minimise disruption and costs to stakeholders through the careful timing of infrastructure installation to coincide with other works including the construction/upgrading of the road carriageway.

Previously, Water Corporation has indicated a desire to install the trunk services within a 10 metre corridor, within the road reserve and abutting the road carriageway. It is understood that such a service corridor would not be able to support any significant vegetation, to ensure the protection of infrastructure. Should such a corridor be established, responsibilities for land acquisition, construction and on-going management would need to be resolved. Similarly, access arrangements for lots fronting Abernethy Road would also need to be resolved.

Shire officers have recently met with the Water Corporation to discuss the preliminary plans for the upgrade of Abernethy Road. The Water Corporation confirmed that they were seeking to install a number of water and sewerage pipes within this road reserve. It was agreed that the Shire would work closely with the Water Corporation during the preparation of detailed designs for Abernethy Road, to accommodate where possible, the water/sewerage pipes within the road reserve. These detailed designs also need to include other service agency requirements such as electricity, telephone and other services.

#### Funding/Developer Contribution Arrangement

There is the potential for the future upgrading of Abernethy Road to be considered as part of the developer contribution arrangement for the Byford Structure Plan Area. It is not possible to state with absolute certainty that any particular infrastructure item will be included in a final and operational contribution arrangement until due statutory processes have been completed, including advertising for public comment and a final determination by the Minister for Planning. Nothing within this report should be construed as endorsement nor a guarantee to any stakeholder that Abernethy Road will be included in the final and operational contribution arrangement for the Byford Structure Plan area.

There are a wide range of different matters that will need to be considered as part of the contribution arrangement including preliminary designs, cost estimates, timing, priorities and the responsibilities of different stakeholders. This report provides Council with the opportunity to provide a direction forward for Abernethy Road and allow stakeholders to make informed decisions in due course.

#### Landscaping treatments

At the time of detailed design and construction, careful consideration will need to be given to the landscaping treatment of the Abernethy Road reservation. The exact landscaping treatment will need to be site-specific and effectively integrated with adjoining land uses. The indicative cross-section of 30 metres demonstrates that there is sufficient space for effective landscaping to be achieved. Should Council wish to achieve additional width, over and above 30 metres, for the road reserve to accommodate additional landscaping treatment, both the land acquisition and landscaping treatment costs would likely need to be funded from municipal funds as the requirement would be over and above that considered reasonable through either subdivision processes or as part of a developer contribution arrangement.

#### Protection of remnant vegetation

There is some existing vegetation within the future alignment of Abernethy Road. A significant proportion of the remnant trees are non-local plant species.

#### Pedestrian and Cycle Movements

The first draft cross-section for Abernethy Road incorporated an on-road cycle lane (1.5 metre width) and an off-road dual use path. This level of infrastructure provision is appropriate, having regard to the following:

- the different land uses planned to abut Abernethy Road including two high schools;
- the recommendations provided in Liveable Neighbourhoods;
- the need to provide effective linkages into the Byford Town Centre.

Careful consideration will need to be given to the design and exact land use integration at the time of detailed design. The cross-section at this time is indicative, however, it demonstrates that an effective pedestrian and cycle movement network can be achieved along Abernethy Road within a 30 metre reservation. It is open to Council to identify matters that will need to be considered at the detailed design stage, including whether a cycle lane on the road is necessary.

### Statutory processes

Council in considering the proposed modification firstly needs to consider whether the modification represents a variation to the 'material intent' of the structure plan. Pursuant to Clause 5.18.4.1 of TPS 2, the Shire may adopt a minor change to a structure plan that, in the opinion of Council, does not alter the material intent of the structure plan. The Western Australian Planning Commission is afforded the opportunity to consider each minor change to a structure plan and determine whether it concurs with Council in so far as not altering the material intent of the structure plan.

The following are relevant matters for Council to consider:

- the BSP currently has a requirement
- a reduction in road reserve width represents a more efficient use of land and potential cost saving
- there are opportunities for all stakeholders to consider detailed design at the time of local structure plan.

On the basis of the above, Officers are of the opinion that the proposed modification does not alter the material intent of the BSP.

### Options

There are primarily 3 options available to Council, as follows:

- (1) adopt the proposed modification (as proposed) as a minor change to the BSP, pursuant to Clause 5.18.4.1 of TPS 2
- (2) determine that the proposed modification does not represent a minor change to the BSP and not proceed with a modification, leaving the BSP 'as is'.
- (3) determine that the proposed modification (as proposed) is not a minor change to the BSP and determine the modification satisfactory for advertising pursuant to Clause 5.18.3.2 of TPS 2.

Option 1 is recommended.

### Conclusion

Abernethy Road is identified as an important arterial road within the BSP Area. A number of local structure plans, detailed subdivisions and the developer contribution arrangement for the BSP area are all influenced by, and potentially dependent upon, the future form and function of Abernethy Road. It is important that Council establish a direction forward so that all stakeholders can progress their decision-making from an informed position.



**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 adopt a modification to the Byford Structure Plan to reduce the final width of Abernethy Road from “40 metres unless otherwise determined at the local structure plan stage” to “30 metres unless otherwise determined at the local structure plan stage”.
2. Forward the modification to the Western Australian Planning Commission pursuant to clause 5.18.4.2 of Town Planning Scheme No. 2.
3. Upon the receipt of advice from the Western Australian Planning Commission, concurring with Council that the modification does not alter the material intent of the Byford Structure Plan advise landowners, current local structure plan proponents and relevant government agencies of the modification.
4. Note that a further report will be provided to Council with respect to the Developer Contribution Arrangement for the Byford Structure Plan Area.
5. That in the instance that the Western Australian Planning Commission determine that the proposed modification alters the material intent of the structure plan, the Director Development Services be delegated authority to determine that proposed modification is satisfactory for advertising pursuant to clause 5.18.3.2. of Town Planning Scheme No.2.

**Committee Recommended Resolution:**

That Council endorse the Byford Structure Plan showing the width to be 40 metres from George Street to the future Tonkin Highway interpass.

Committee Note: The Officer Recommended Resolution was changed by inserting a new condition 1 and deleting conditions 2 to 5.

**SUPPLEMENTARY INFORMATION**

The Director Development Services wishes to provide the following additional information for Councillors awareness when considering the Committee Recommended Resolution:

1. The Developer Contribution Arrangement (DCA) for Byford is required to be approved by the Western Australian Planning Commission (WAPC) and the Minister for Planning. Officers are of the opinion that it is unlikely that the DCA will give Council the ability to collect money from developers to spend on purchasing land on Abernethy Road, over and above the necessary road reserve width of 30 metres.
2. Should the DCA not give Council the ability to take a contribution for a 40 metre reserve then there will be a significant financial impact on Council as the purchasing of land would need to be paid for from municipal funds. Preliminary estimates on the total value of the land that would need to be purchased is approximately \$1,800,000, assuming a further 10 metre widening to a total width of 40 metres.
3. There is likely to be major landowner opposition to the widening of this road in excess of 30 metres.
4. The WAPC document “Liveable Neighbourhoods” states that for Integrator B type roads, a total road reserve width is generally 30 metres. Based on estimated traffic volumes and functions for this road, Abernethy Road fits this criteria and can be designed at 30 metres.
5. The preliminary design for this road incorporates a wide median and wide verges on either side. Significant areas are allowed for in the design to provide for the planting of trees and vegetation.
6. A 40 metre road reserve width in the Byford Town Centre zone is not in keeping with the orderly and proper planning for a town centre, which aims to have buildings located close together, provide for a narrow streetscape and to slow down traffic speeds.

It is recommended that Council support the Officer Recommended Resolution.

**SD011/07/09 COUNCIL DECISION/New Motion:**

**Moved Cr Harris, seconded Cr Price**

**That Council:**

- 1. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 adopt a modification to the Byford Structure Plan to reduce the minimum width of the Abernethy Road reservation from “40 metres unless otherwise determined at the local structure plan stage” to “30 metres unless otherwise determined at the local structure plan stage”.**
- 2. Forward the modification to the Western Australian Planning Commission pursuant to clause 5.18.4.2 of Town Planning Scheme No. 2.**
- 3. Upon the receipt of advice from the Western Australian Planning Commission, concurring with Council that the modification does not alter the material intent of the Byford Structure Plan advise landowners, current local structure plan proponents and relevant government agencies of the modification.**
- 4. Note that a further report will be provided to Council with respect to the Developer Contribution Arrangement for the Byford Structure Plan Area.**
- 5. That in the instance that the Western Australian Planning Commission determine that the proposed modification alters the material intent of the structure plan, the Director Development Services be delegated authority to determine that proposed modification is satisfactory for advertising pursuant to clause 5.18.3.2. of Town Planning Scheme No.2.**
- 6. All the existing trees along Abernethy Road are to be identified and incorporated where possible in the final design.**

**CARRIED 8/1**

**Cr Murphy voted against the motion**

**Council Note: The Officer Recommended Resolution was changed by rewording condition 1 to change “to reduce the final width” to “reduce the minimum width”.**

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**12. CLOSURE:**

There being no further business, the meeting closed at 8.38pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 24 August 2009.

.....  
Presiding Member

.....  
Date

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD001/07/09 DEVELOPMENT SERVICES INFORMATION REPORT – BUILDING, HEALTH & RANGERS AND PLANNING SERVICES		
Officer:	Jason Robertson – Manager Building Services, Tony Turner – Manager Health and Ranger Services and Simon Wilkes - Executive Manager Planning	In Brief  Information report
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	18 June 2009	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD001/07/09 Committee Decision/Officer Recommended Resolution**

**That Council accept the Development Services Information Report.  
CARRIED 7/0**

SD006/07/09 PROPOSED ILLUMINATED PYLON STREET SIGN – SOUTH WESTERN HIGHWAY ROAD RESERVE (CNR BEENYUP ROAD), BYFORD (P05261/01)		
Proponent:	Churchill Consultancy	In Brief  Applicant seeks approval for an illuminated pylon street sign within the South Western Highway road reserve (cnr Beenyup Road) in Byford. The proposed sign will be advertising the 'Byford by the Scarp' development.  It is recommended that the application be refused as it does not comply with the Byford Townsite Detailed Area Plan.
Owner:	Crown Land	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 June 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD006/07/09 Committee Decision/Officer Recommended Resolution:**

**That Council under the Metropolitan Region Scheme refuse the application for development approval for the proposed illuminated pylon sign within the South Western Highway road reserve (cnr Beenyup Road) in Byford, in accordance with the Western Australian Planning Commission's Notice of Delegation, for the following reasons:**

1. The proposal is inconsistent with section 7.14(A)(x) of the adopted Byford Townsite Detailed Area Plan relating to proposed signage in the Town Centre which does not permit the construction of an off-building pylon sign.
  2. The proposal would adversely impact upon the visual amenity of the Byford townsite.
- CARRIED 7/0**

SD007/07/09		PROPOSED RETROSPECTIVE APPROVAL FOR A TEMPORARY SEA CONTAINER - LOT 2 JARRAHDAL ROAD, JARRAHDAL (P01536/03)	
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Application for retrospective approval for a temporary Sea Container for storage. Approval is recommended subject to conditions.	
Owner:	Shire of Serpentine Jarrahdale		
Author:	Helen Maruta - Planning Officer		
Senior Officer:	Brad Gleeson - Director Development Services		
Date of Report	24 June 2009		
Previously	Nil		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

**SD007/07/09 Committee Decision/Officer Recommended Resolution:**

That the application for retrospective approval for the temporary placement of one sea container on Lot 2 Jarrahdale Road, Jarrahdale be approved subject to the following conditions:

1. The container shall be screened from view of the street, including secondary streets and adjacent properties.
2. The sea container shall be painted with colours to the satisfaction of the Director Development Services to ensure the structure blends in with the surrounding environment.
3. The sea container to be removed 2 years from the date of this approval or within sixty days of the completion of the church repairs whichever occurs first.

**CARRIED 7/0**

SD009/07/09 PROPOSED REMOVAL OF TREES ADJACENT TO LOTS 537 AND 541 WARRINGTON ROAD, BYFORD (P08102)		
Proponent:	Ventura Homes Impressions Homes	In Brief  Two applications have been received to remove trees within the verge of Warrington Road, adjacent to the display village that is currently under construction. Approval for the removal of the trees is recommended.
Owner:	Ventura Homes Impressions Homes	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	1 July 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD009/07/09 Committee Decision/Officer Recommended Resolution:**

**That Council:**

1. Pursuant to The Glades Stage 1 Detailed Area Plan clause 5L, approve the removal of the two (2) trees within the road verge adjacent to Lot 537 and one (1) tree adjacent to Lot 541 Warrington Road, Byford.
2. Grant Development Approval pursuant to Town Planning Scheme No. 2 for the proposed removal of the two (2) trees within the road verge adjacent to Lot 537 and one (1) tree adjacent to Lot 541 Warrington Road, Byford.

**CARRIED 7/0**

SD012/07/09 SUBMISSION ON DISCUSSION PAPER FROM THE WESTERN AUSTRALIAN PLANNING COMMISSION – STREET TREES AND UTILITY PLANNING (A1048/03)			
Officer:	Heleen Muller – Senior Strategic Planner	In Brief  A consultation paper was released by the Western Australian Planning Commission (WAPC) in May 2009 regarding street trees and utility planning. It is recommended that a submission be lodged, in favour of the proposed amendments to state planning policy.	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning		
Date of Report	25 June 2009		
Previously	NA		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>		

**SD012/07/09 Committee Decision/Officer Recommended Resolution:**

That Council

- (A) Note the discussion paper titled ‘Street Trees and Utility Planning’, released for public comment by the Western Australian Planning Commission in May 2009.  
(B) Authorise Council Officers to lodge with the Western Australian Planning Commission the draft submission provided with attachment marked SD012.2/07/09.

**CARRIED 7/0**

SD013/07/09 SUBMISSION ON DISCUSSION PAPER – REVIEW OF THE TOWN PLANNING REGULATIONS AND THE MODEL SCHEME TEXT (A0779)		
Officer:	Deon van der Linde – Executive Manager Strategic Planning	In Brief  The Department for Planning & Infrastructure released a consultation paper regarding the Review of the Town Planning Regulations 1967 and the Model Scheme Text as part of the “Building a Better Planning System”. This report provides Council with the opportunity to submit a response to the discussion paper.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	30 June 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD013/07/09 Committee Decision/Officer Recommended Resolution:**

That Council receive the Discussion Paper Review of the Town Planning Regulations 1967 and the Model Scheme Text and the Additional Discussion Paper on Structure Plans and endorse the submission outlined as provided in attachment SD013.3/07/09, advising the Department for Planning and Infrastructure accordingly.

**CARRIED 7/0**

CGAM001/07/09 MONTHLY FINANCIAL REPORT – MAY 2009 (A0924/07)		
Proponent:	Not Applicable	In Brief  To receive the Monthly Financial Report as at 31 May 2009.
Owner:	Not Applicable	
Officer:	Belinda van der Linde – Acting Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	23 June 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM001/07/09 Committee Decision / Officer Recommended Resolution:**

**Council receives the Monthly Financial Report, as at 31 May 2009, in accordance with Section 6.4 of the Local Government Act 1995.**

**CARRIED 7/0**

CGAM002/07/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief  To confirm the creditor payments made during the period of 22 May 2009 to 25 June 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto – Finance Officer	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	25 June 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM002/07/09 Committee Decision / Officer Recommended Resolution:**

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 22 May 2009 to 25 June 2009, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.**

**CARRIED 7/0**

CGAM003/07/09 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Not Applicable	In Brief  To receive the sundry debtor balances as at 30 June 2009.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	1 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM003/07/09 Committee Decision / Officer Recommended Resolution:**

**That Council receives the report on Sundry Debtor Outstanding Accounts as at 30 June 2009.  
CARRIED 7/0**

CGAM004/07/09		RATE DEBTORS REPORT (A0917)
Proponent:	Not Applicable	In Brief  To receive the rates report as at 30 June 2009.
Owner:	Not Applicable	
Author:	Kellie Bartley - Finance Officer	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	2 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM004/07/09 Committee Decision / Officer Recommended Resolution:**

**That Council receives the report on the Rate Debtors accounts as at 30 June 2009.  
CARRIED 7/0**

CGAM007/07/09		INFORMATION REPORT
Proponent:	Not Applicable	In Brief  To receive the information report to 30 June 2009.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	30 June 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM007/07/09 Committee Decision / Officer Recommended Resolution:**

**That the Information Report to 30 June 2009 be received.  
CARRIED 7/0**

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