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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 JUNE 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

### IN ATTENDANCE:

**COUNCILLORS:** S Twine .....Presiding Member  
 M Harris  
 C Buttfield  
 C Randall  
 T Hoyer  
 A Lowry  
 K Petersen

**OFFICERS:** Mr R Gorbunow .....Acting Chief Executive Officer  
 Mr B Gleeson ..... Director Development Services  
 Mr A Hart ..... Director Corporate Services  
 Mr D van der Linde..... Acting Director Strategic Community Planning  
 Mr S Wilkes .....Executive Manager Planning  
 Mr T Turner ..... Manager Health, Rangers & Compliance  
 Mr C Portlock .....Manager Environmental Services  
 Mrs C McKee ..... Manager Community Development  
 Mr M Daymond ..... Senior Planner  
 Mr L Man ..... Senior Planner  
 Mr C Wansborough.. Project Manager, Water Sensitive Urban Design  
 Ms P Kursar ..... Minute Secretary

**OBSERVER:** Ms J Cable ..... Coordinator Customer Relations

**APOLOGIES:** Councillor M J Geurds  
 Councillor B Brown  
 Councillor A Ellis  
 Ms J Abbiss

Members of the public – 13  
 Members of the press – 1

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

John Kirkpatrick - 77 Mead Street, Byford

*I have no persuasion either way as to whether George Street should be constructed or not. My questions are:*

Q1 *Has a final design been done for George Street?*

A1 Yes

Q2 *If so, who approved it?*

A2 Design was undertaken by the Shire and has been presented to Councillors.

Q3 *How much is the final estimate?*

A3 Approximately \$1.1m.

Q4 *How much will be recovered from the developers along George Street?*

A4 Proportional amounts will be contributed by landowners at the time that they develop their land. The contribution amount is based on the length of frontage of their property to George Street as defined in Council's Local Planning Policy 53.

The exact amount of contributions from landowners is not known at this time as the method of cost apportionment is dependent on the final construction costs of George Street which are not known at this stage, there is only a cost estimate.

Q5 *How much grant funding has been either applied for or obtained and from where?*

A5 A first round of Royalty for Regions Grants funding for this project was applied for in 2011, however George Street did not meet the criteria.

Q6 *How much funding is coming from municipal funds and what percentage of the budget is that?*

A6 There are no municipal funds allocated in the fully costed Plan for the Future for this project.

Gerald Bergsma - 133 Lightbody Road, Mardella

*Thank you for a top job on sealing 1km of Lightbody Road. This has made a real difference to safety and dust for our residence.*

Q *I am requesting Serpentine Jarrahdale Shire to put another 1km of sealing on the budget to help other neighbours who are struggling with dust and road safety issues.*

A Council may consider this when the 2011/12 budget is deliberated.

Anthony Thorp – 135 Larsen Road, Byford

*Regarding the development of Lot 3 Larsen Road. Earthworks carried out over the last 3 weeks has changed from what was done in 2008. The water retention areas seems have been made smaller and higher and sand has been carted in for the proposed housing area and today was being graded.*

Q *Is this consistent with council approvals and if not, why has work not been stopped?*

A An audit of works on the site was undertaken by Shire officers on 24 May 2011. The works being undertaken in the Multiple Use Corridor and drainage reserve are consistent with the relevant subdivision approvals.

Clayton Oud – 301 Lightbody Road, Mardella

*Councillors, my comments in relation to the answer I received to my question last month. Firstly, my question was not answered. Secondly, the information you have given is contradictory to the Shire's Local Planning Policy No. 53 pertaining to the construction of George Street.*

*This policy was modified and adopted by Council on 3 March. One of the modifications adopted was the removal of clause 6.2 of the policy requiring landowners to fund on street parking as a condition of development. The cost implications to Council were that Council would fund the on street parking component at a cost of approximately \$540,000.*

*The second paragraph of your answer states that landowners would now be required to fund the costs of any on street parking.*

Q1 *Please clarify who will be responsible for funding the on street parking on George Street?*

A1 When a person applies to build a commercial development in George Street, or anywhere in the Shire, there is a certain number of parking bays that they should provide on-site. However, most commercial developers don't want to put car bays on their lot because they want to build over more of the lot, so they have more floor area to let, which generates long term profits. Therefore, it is extremely common that developers apply to build some off-site/on-street parking on Council's road reserve rather than on their lot. A one-off cost to build an on-street bay, that they would otherwise have to provide on-site, combined with a potentially increased lettable floor area, is why it is so common to have applications made.

Council has discretion in its town planning scheme to allow a reduction in on-site car parking bays as a trade off for the developer constructing off site/on-street car parking bays. Whether they are provided on-site or off-street, the shopper still ends up with an appropriate number of bays.

LPP 53, when first drafted, contained a clause requiring landowners to fund the on-street parking. Even though this is what usually happens, Council couldn't actually make them all pay for on-street parking by way of a policy as, theoretically, it is possible that a commercial developer on George Street may want to provide all their own parking on their own site and not try and put any of their required parking on the road reserve. Therefore it had to be removed from LPP53 as a developer doesn't have to pay for on-street parking if they provide it all on-site.

The answer given is correct. If a landowner wants to have on-street parking they will have to pay for it. Each landowner when they submit a planning application for their

commercial development will indicate the number of on-site or off-site/on-street bays they want. If they want on-street bays they will have to pay for it. whether they pay for on-street parking or not has to be done on a case by case basis under the town planning scheme rather than apply to all landowners as part of a policy as it is a developer's right to put all their bays on-site of they wish.

*In light of the fact that clause 6.2 of the Policy was removed on the grounds that land owners will be supplying adequate off street car parking and therefore will not create a demand for on street car parking, I ask:*

Q2 *Why is on street car parking necessary?*

A2 Objective 19, Element 2: Movement Network of Liveable neighbourhoods states that on-street parking where required, should be accommodated for in street design. There are numerous benefits by containing on-street parking on public roads including traffic calming and reduction in traffic congestion caused by as hoc parking on Council verges and surrounding private property

Sharon Gossage – Lot 247 Thatcher Road, Byford

*The waterway surrounds the back and three quarters of the side of my property including my paddocks and stables. In the Byford Structure Plan it clearly marks this area as area 27 rural residential zone but in the Byford Townsite Drainage and Water Management Plan 6.5.30 it states in close proximity to the waterway that no horses are allowed.*

Q1 *Now that the waterway has been moved surrounding my property, where does this leave me?*

A1 Council at its meeting held on 23 May 2010 determined that the draft Local Structure Plan (LSP) for Lot 3 Thatcher Road and Lot 3 Alexander Road, Byford is satisfactory for advertising for public comment. The LSP is now required to be modified in accordance with Council's requirements before advertising can commence. If the LSP is ultimately approved by Council and the Western Australian Planning Commission after advertising, this would not restrict the owner of Lot 247 Thatcher Road, Byford from activities on their land as they currently enjoy.

John Kirkpatrick - 77 Mead Street, Byford

*I wrote to the shire following the Annual Electors Meeting on an issue. I also emailed the shire and followed up with a hard copy which I delivered to the front counter at the shire office on another issue. I have neither received acknowledgement nor a reply to either nor contact with the Shire, although the matters in question have been dealt with.*

Q1 *Will the shire as a matter of courtesy at least, acknowledge receipt of correspondence even if they choose not to reply to it?*

A1 The questions asked at the Annual Meeting of Electors have been responded to in writing. With reference to the other issue, please provide further information eg date forwarded and the issue. As stated by you at Council's meeting of 23 May 2011, these matters have all been dealt with.

Sharon Gossage – Lot 247 Thatcher Road, Byford

- Q2 *Will there be some sort of retaining wall where the waterway meets the back of my property to stop the erosion.*
- A2 The proponent for Marri Park Estate proposed to improve the right-angled bend in the south-north multiple use corridor near the north-eastern corner of Lot 247 Thatcher Road, Byford. An outward spread of the bend and a low height retaining wall with a maximum height of one metre has been incorporated into the detailed design to reduce the severity of the 'dog leg' bend in the multiple use corridor. This will also reduce the propensity for erosion on the outer banks, thereby improving flood risk management and maintenance requirements. The Shire will require an aesthetically pleasing wall constructed with natural looking blocks. The Shire will expect the proponent's landscape architect to incorporate this feature into their design. Additional stabilisation will be achieved through vegetation establishment at this location.

David Houseman –17 Clifton Street, Byford

*My statement relates to the Byford Town Site Detailed Area Plan, namely Section 7.3, Residential objectives R3 to maximize the use of rear laneways. 7.1.0 subdivision and development guidelines (iv) lot configuration (infill).*

*Where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway. The laneway will then form the frontage to the "rear" lot. Development of the resultant lot shall then address the laneway. In the case of a corner lot, resulting development shall address both street and laneway. No portion of the lot shall be provided with frontage to the primary street. This will retain the existing character of the streetscape. Subdivisions dividing these lots will not be supported. The roll-out of the rear laneway widening will be coordinated by council policy (to be prepared).*

*Sheila Twine (Shire President) has publicly stated in The Examiner newspaper that all services to the rear lot be provided by Clifton Street. This situation is completely at odds with the detailed area plan. I have publicly stated that the narrow strip of land that abuts Clifton Street was purely intended as a connection point for gas, water and electricity so as not to contravene the said plan regarding the streetscape.*

*It is time to name the laneway so that it can be used to provide mail and rubbish services to the frontage of the new lot.*

*In order to gain subdivision clearance arrangements, were made to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of the subject lots are made aware of the need to comply with the Byford Town Site Detailed Area Plan relating to these lots (local government).*

*It is time for the shire to stop sitting on its hands and be proactive. This saga has been going on for years.*

Q *Can the shire act on this issue?*

A The Western Australian Planning Commission (WAPC) granted approval for the subdivision of this property into two lots, with one lot fronting Clifton Street and the rear lot fronting a right of way (ROW). The landowner has completed the subdivision and obtained subdivision clearance from the WAPC.

A narrow access leg is provided from Clifton Street to the rear lot, for the purposes of extending services such as water and power. This access leg also serves an access to Clifton Street for residents of the rear lot.

The rear lot has not been provided with an address at this time and the Shire has requested Landgate to allocate an address to this lot. It is understood that Landgate are likely to allocate this rear lot with an address on Clifton Street and not an address off the ROW.

The existing ROW's in Byford are unnamed. The Planning Services team are currently investigating the administrative processes involved for the naming and gazettal of the ROW's. This process involves the State Government and may take some time to complete. The fact that the ROW is not named, does not impact upon the allocation of an address to the rear lot by Landgate or the sale of the property.

The Shire will investigate how the future dwelling on the new lot will be provided with a rubbish service. The service will either be provided from Clifton Street or via the ROW, if safe access can be provided for the rubbish truck to use the ROW.

*By the way, the rates bill arrived as soon as the subdivision was approved.*

### **3. PUBLIC QUESTION TIME:**

*Public question time commenced at 7.02pm*

David Houseman – 17 Clifton Street, Byford

Thank you Ms Twine for today responding to my statement given at the Ordinary Council Meeting on the 23<sup>rd</sup> May 2011. I feel that our back and forth questions and responses are getting me nowhere with my aspirations. I ask that a meeting between myself and Senior Members of the planning department be arranged to discuss, amongst other things, the Shire failing to comply with the Byford Structure Plan before the next Ordinary Council Meeting. Thank you.

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

Clayton Oud – PO Box 78, Mundijong

Firstly, I would like to commend the author of the answers to my previous questions asked at the Council meeting of the 23<sup>rd</sup> May. The answer provided was both detailed and relevant to what I asked and I appreciate the respect shown in formulating a concise response that actually answered my questions. However, the answer to Question 3 of Mr John Kirkpatrick's question at the May council meeting was that the final estimate for the construction of George Street was \$1.1 million. This contradicts the answer to my question at the 27<sup>th</sup> April meeting that the cost including 90 degree parking would be \$1.6 million.

Q1 As the 1.1 million does not include the on street car parking that Council still intends on building shouldn't the cost estimate for the total construction of George Street be revised up to 1.6 million?

The answer to Mr Kirkpatrick's 5<sup>th</sup> question was that George Street failed to meet the criteria for Royalties for Regions Grant funding.



- Q2 As the forward capital works programme is able to be reviewed with items either deferred or replaced upon a reprioritisation of the demands of other projects, and to ensure that the Royalties for Regions Grand funds nominated for the construction of George Street by the Shire are not now lost to the Shire, can upgrading a further section of Lightbody Road to a sealed standard now be included in Royalties for Regions funding applications. This would be an eligible project for the country Local Government Fund and would serve to protect the re-sheeting programme that the Shire has already commenced.

The Shire President asked if Mr Oud had been to George Street recently as a new sealed area has been made on George Street for additional parking. The Shire President advised that the questions would be taken on notice and responded to in writing.

John Kirkpatrick – 77 Mead Street, Byford

- Q1 How much money has the Council spent this financial year to date responding to appeals to State Administrative Tribunal and State Planning Commission on staff including administration, legal fees, legal representation and consultants?

Planning/Development applications were lodged for Lot 2 South West Highway, Aspen Developments (Kangaroo Paddock) and Hungry Jacks proposed location corner South West Highway and Beenyup Road

- Q2 How many conditions were recommended and approved by Council on each application?  
Q3 How many were rejected on appeal?  
Q4 Which ones were they?

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

SD132/06/11 - Kathy Williams & Sally Staaden– Lot 1 Dirk Road, Keysbrook

- Q1 Is it the normal for the planning department of the Shire to be so pro this type of development? It seems the planning department has been very helpful to the proponents as they have made a lot of recommendations for this proposal.  
Q2 Has the planner any involvement in this proposal?  
Q3 We ask council to go through the 14 points why this proposal was rejected and explain how these issues have been addressed by the proponent.

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

SD132/06/11 - Pat and Guy Jellicoe – PO Box 25, Serpentine (read out by Kathy Williams)

- Q1 I would like to know why Council is not addressing the 14 points put forward at the meeting in October 2010 where this project was defeated 7 to 2 votes. The agenda does not address these 14 points.  
Q2 Please explain how they are now able to present this new proposal to Council which to me looks like they have disregarded the findings and concerns addressed at that meeting.

This is a great concern and if this project goes ahead, Council need to be very wary of the precedent it is setting. A full explanation would be appreciated.

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

SD132/06/11 - Denyse Needham – 3345 South West Highway, Keysbrook

You posted 2 resolutions last year in April and October to refuse this proposal on 14 grounds, none of which have been addressed in the new Officers recommended resolution.

Q1 How can the officers just put another recommendation for approval forward to the Councillors and not address any of the key reasons for refusal the last 2 times?

Director Development Services advised that the question would be taken on notice and responded to in writing, however the officer report has addressed the issues and officers have been diligent at addressing issues.

Ms Needham responded that she does not believe the fact that the 14 issues that were placed in the previous refusal including statutory planning issues and the unsuitability of the development in the agricultural protection policy area. None of these issues are addressed in the officer's recommendation. I am not sure how you are dealing with this matter as it was lost at Sustainable Development Committee.

The Shire President apologised that an error had been made, as the motion was lost at the Sustainable Development Committee. The report should read Officer Recommended Resolution, not Committee.

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

SD132/06/11 - Shane Rowley – Gobbey Road, Keysbrook

Q1 By allowing the approval for this development, how is the council going to say no to other people doing the same and how can this be allowed on a rural zoned property which is already containing 7 houses and a new one already approved.

Q2 As this development doesn't fit any of the criteria for this and zoning, why doesn't Council listen to the local community which does not want this as previously debated?

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

*Public question time ended at 7.13pm*

## **4. PUBLIC STATEMENT TIME:**

*Public statement time commenced at 7.13pm*

SD132/06/11 - Kathy Williams & Sally Staaden – Lot 1 Dirk Road, Keysbrook

The proposal put forward for Fisher Road is not in keeping with the zoning of this area which is rural and in a Rural Protection Area. We believe it is splintering the Keysbrook area because this proposal for so much accommodation is some distance from the hub of Keysbrook.

Council needs to consider carefully this proposal which would definitely set a precedent for this type of development. Lots of land has been advertised and offered for sale leasehold, and inviting families to move to this development and enjoy a rural lifestyle. Is this going to end up an out of control development in the future? While there may be conditions on how long people stay in these dwellings there is absolutely no way this could be policed effectively.

We urge Councillors to listen to the Keysbrook community in their disapproval of this proposal. This is the most controversial and important decision you as councillors are going to make for the people of the Keysbrook area in the near future and we will be very interested in the way you vote today.

SD132/06/11 - Tony Van Merwyk - 345 Westcott Road, Keysbrook

I would like to lodge an objection to the above. We reside on a farm of 600 acres at 345 Westcott Road, Keysbrook and enjoy the peace and quiet of rural life and subscribe to Council's long dated policy of a minimum 40 hectare lot size for the protection of agricultural activities.

I have always been impressed with the Shire's Draft 2001 Rural Strategic Review which clearly enunciates the Shire's feeling about rural land and subdivisions. I think p44 and p45 of that review clearly states the Shire's desired objectives.

May I quote from Page 45:

Council has never been particularly uncomfortable with the 40 hectare minimum size of lots. This is because the standard is consistent with, and in fact acts to reinforce, the settlement philosophy by underlying the Rural Strategy. The strategy for development within the Shire is:

One of town and village expansion to accommodate populating growth... rather than "sprawl", the larger towns would have a model development pattern that forms an interconnected and tightly knit group of distinct "urban village" (Rural Strategy, April 1994, p30).

The rural Policy Area plays an integral role in the maintenance of this vision of "distinct villages" etc.

The proposed development under question will bring with it a dense population base in caravans and on site buildings. This development is some 5 - 5.5kms from the nearest "development node", the township of Serpentine. This development should be placed in close proximity to Serpentine. It would support the township. It would prevent the "sprawl" referred to above.

People living at the Caravan Park could walk on site to the township and become an integral part of that community. At 5km distance the majority would hop into their vehicles. Allowing this development would undermine your rural strategy and become harder to enforce in the future.

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SD132/06/11 - Denyse Needham – 3345 South West Highway, Keysbrook

Councillors – by majority you refused this application twice before for 14 very good reasons, however this item keeps coming back before you with the major reasons for refusal not even addressed. It is not good planning to approve this development in the middle of a productive farming area. It is going to create “land use conflict”.

I have said all this before at the last two Ordinary Council Meetings in April and October 2010 – I can’t see how anything has changed and I find it difficult to believe you would allow 24 dwellings on one title, zoned rural, without insisting they connect to scheme water. Developers are not allowed to subdivide below 2 hectares without being connected to scheme water.

But one of the main reasons we are so opposed to this development is the lack of honesty and credibility displayed by the proponent, by advertising plots of land to build on and come and live in permanently is building a life style village by stealth and the proponent has done nothing to change our minds as to her real purpose.

*Public statement time ended at 7.20pm*

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

*Deputation commenced at 7.20pm*

### SD116/06/11 - Lyle Robertson (NS Projects)

A deputation was formally lodged by NS Projects on 22 June 2010 and the Shire President granted permission for the applicant to address the Ordinary Council Meeting on 27 June 2011 in relation to item SD116/06/11.

#### **Introduction:**

Thank you for the opportunity to provide this deputation. I am here to talk to you on behalf of the Proponent of the Whitby Local Structure Plan presented to you at Agenda Item SD116/06/11.

- Over the last 18 months we have spent a significant amount of time, planning and designing the Local Structure Plan and carrying out the technical investigations to underpin it. Since its lodgement in December 2010 we have responded to two rounds of comments from Shire officers, hosted a presentation and site briefing with officers and councillors and before that a separate site briefing of officers.
- This project is now at a critical milestone.....approval of the Shire to proceed to advertising.
- To paraphrase from the Agenda: “The advertising of an LSP is the most important part of the process to ensure Council has the most relevant information from a range of stakeholders..... some matters cannot be resolved without the input of other agencies and the community”
- There are some 35 proposed modifications on the LSP alone and while we generally agree with and have worked collaboratively with Shire officers on many of the changes in the schedule of modifications there are only a few proposed “modifications” we seek to have altered in order to enable other stakeholders to provide their comments that will ultimately help the Shire agree an appropriate final LSP. There is also a further point

which the Proponent has committed to supporting the Shire on and I would like to reiterate that support tonight.

- Points I would like to cover tonight include:
  - Co-located Facilities
  - Third Pipe – our key point.
  - SW Hwy Access

### **Co-Located Facilities**

- Collocated Facilities are addressed in Item F of the Agenda Recommendation.
- The proponent understands the Shire's concerns about timely establishment of ovals for active recreation when collocated with the DET.
- The proponent is also keen to see timely delivery of community assets for the community it is creating.
- The proponent has therefore offered to pre-fund the early establishment of co-Located Active Open Space and will work with the Shire and DET to realise early establishment of Active Open Space for the community, and where possible aid in realising any management agreement which may be required between the Shire and DET.

### **Water Reuse / 3<sup>rd</sup> Pipe (Item 12 of the Agenda Report)**

- We are generally supportive of the Shires vision for the implementation of alternative water sources for non-drinking water purposes.
- As required by the District Structure Plan, we have included in the planning and design of the LSP space for provision of a 3<sup>rd</sup> pipe system.
- We have been in dialogue with the Shire (officers) over this item since preparing our initial submission on the District Structure Plan approximately 12 months ago. One of the key points we have repeatedly raised with Shire officers has been the need for clarity on the regional non-drinking water objectives and the need for the Shire to understand the operational and governance issues. We have never been given any guidance in this regard until receipt of the Sustainable Development Committee Agenda on Friday 17 June 2011 which indicated a preference for a "GROUNDWATER OPTION". This is based on preliminary desktop studies that have to our understanding, not yet been made available to the proponent or formally endorsed by the Shire.
- The Local Structure Plan was lodged with the Shire on 23 December 2010. As recently as 9 June we were advised for the first time by Shire Officers of the DRAFT APPROVAL FRAMEWORK FOR THE USE OF NON-DRINKING WATER IN WA. It was to our great surprise in receiving the Sustainable Development Committee Agenda to find that a Stage 1 Feasibility Study, as outlined in the DRAFT FRAMEWORK, is now being considered a prerequisite to proceeding to advertising.
- We feel that the requirement to complete this study prior to advertising is unreasonable. The potential time to prepare the report is largely an unknown but and in asking our Environmental Consultants the advice has varied from 10 weeks with significant assumptions that all the information required is readily available and cooperation is received from the key authorities OR up to 6 months or more if significant research is required. A further concern is that this simply a DRAFT Framework and has not yet to our knowledge been implemented in WA or formally adopted or approved. Equally it is not clear what the Shire's expectations are.....are we as one landowner required to complete the study at a District scale on behalf of all other landowners?

- A key issue which we do not feel is well understood is the operation and management of 3<sup>rd</sup> pipe systems. As with all infrastructure there is a need to find an “operator”. We currently understand that Water Corp, perhaps the logical choice, does not accept management of 3<sup>rd</sup> pipe infrastructure. Does this then mean the Shire will be the operator? To date we have not received this commitment from the Shire, in fact it is not yet clear whether the Shire has made a formal decision on a 3rd pipe with a full understanding of the costs and obligations. Unless there is a willing operator at a District scale NO AMMOUNT of technical or feasibility studies will realise a third pipe system.
- We do not feel the approach of adding an additional study to the requirements for proceeding to advertising at the last minute is fair or reasonable. We would be pleased to work in partnership with the Shire DURING the advertising period to further investigate the requirements and suitability of this Stage 1 Study and share information. This will be done in consultation with the Shire DURING the advertising period.

#### **SW Hwy Access through Bush Forever:**

- We are not asking the Shire to approve or endorse the access point proposed. At this point we are simply asking the LSP to be advertised as is so we can obtain the correct input from other Agencies which will include DPI Bush Forever, DEC and the broader community.

*Deputations ended at 7.30pm*

## **6. PRESIDENT’S REPORT:**

### **Changes in Elected Member Wards**

Members of the gallery, you may be aware that our rapid growth in population has resulted in a change in ward boundaries for your Elected Members. Serpentine Jarrahdale Shire wards are being reduced from four to three. The Byford ward is gaining an additional councillor, taking the number to four. Oakford is unchanged with two councillors and the rest of the Shire makes up the third ward and will have three councillors.

A further change is being made as part of Local Government reform, being lead by Minister John Castrilli. This has resulted in reducing the number of your councillors from ten to nine. Because of these significant changes, your Council has decided that all positions will be declared vacant at election time. Elections are to be held in October and nominations will be sought in September.

You have demonstrated by your presence here, that you are already interested and taking an active part in our Shire. This is your opportunity to consider standing for council at the coming elections. As an elected member you would be influential in the future development of the Shire and of the wider Peel Region. You would be joining a constructive and innovative team consisting of the Chief Executive Officer, the Shire staff and the Elected Members.

Please give this serious consideration and discuss the topic with your friends and families. Yes, it is a commitment, and yes, there is a lot of work involved for a miniscule amount of financial reward. No-one does this for the money. However, the job carries satisfaction with its responsibilities. Your children and grandchildren would be the beneficiaries of your efforts.

## 7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer declares an interest in common in item SD132/06/11 as her residence was within the area of initial consultation and at the time a member of her household made a submission.

Cr Buttfield declared an interest of impartiality in item SD132/06/11 although she has been advised that it is not necessary to do so. Cr Buttfield advised that she has family members that live in the area. Cr Buttfield advised that this will not affect the way in which she votes on this matter.

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

### 8.1 Ordinary Council Meeting – 23 May 2011

Moved Cr Buttfield, seconded Cr Petersen

The *attached* (E11/2841) minutes of the Ordinary Council Meeting held on 23 May 2011 be confirmed.

CARRIED 7/0

### 8.2 Special Council Meeting – 3 June 2011

Moved Cr Lowy, seconded Cr Harris

The *attached* (E11/2934) minutes of the Special Council Meeting held on 3 June 2011 be confirmed.

CARRIED 7/0

## REPORTS OF COMMITTEES:

### COUNCIL DECISION

Moved Cr Randall, seconded Cr Buttfield

That Item SD132/06/11 be discussed out of order whilst members of the gallery are present to hear the item.

**CARRIED 7/0**

### COUNCIL DECISION

Moved Cr Lowry, seconded Cr Harris

That the meeting be closed to members of the public at 7.35pm to allow Council to discuss confidential item SD132/06/11 as per the Local Government Act 1995 section 5.23(2)(h).

**CARRIED 7/0**

|                        |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD132/06/11            | <b>CONFIDENTIAL ITEM</b> – REQUEST FOR RECONSIDERATION OF PROPOSED HOLIDAY ACCOMMODATION, RURAL USE (HORSE AGISTMENT), RESTAURANT, RECEPTION CENTRE, CARETAKER'S DWELLING AND USE NOT LISTED (RECREATION ROOM) - LOT 250 (31) FISHER ROAD, KEYSBROOK (P02745/01) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Proponent:             | Greg Rowe & Associates                                                                                                                                                                                                                                           | <p>In Brief</p> <p>The applicant lodged an application for review with the State Administrative Tribunal against the previous refusal dated 27<sup>th</sup> April 2010 for the proposed Caravan Park and Holiday Accommodation on Lot 250 Fisher Road, Keysbrook.</p> <p>A revised proposal was then presented to Council on the 25<sup>th</sup> October 2010 for 'In Principle' support, which was not granted.</p> <p>The revised proposal is now presented to Council for formal reconsideration, as required under Section 31 of the State Administrative Tribunal Act 2004.</p> |
| Owner:                 | K Wilson & H Rendell                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Author:                | Michael Daymond - Senior Planner                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Senior Officer:        | Brad Gleeson - Director Development Services                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Date of Report         | 18 May 2011                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Previously             | OC021/10/10<br>SD128/04/10                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Disclosure of Interest | The Chief Executive Officer declares an interest in common in this item as her residence was within the area of initial consultation and at the time a member of her household made a submission.                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

### SD132/06/11 Officer Recommended Resolution:

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to refuse an application for planning approval for Lot 250 (31) Fisher Road, Keysbrook.
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.



- C. Council note that the State Administrative Tribunal requires the proposed to be reconsidered under Section 31 of the State Administrative Tribunal Act 2004 on or before 27 June 2011
- D. The proposed Holiday Accommodation, Rural Use (Horse Agistment), Restaurant, Reception Centre, Caretaker's Dwelling And Use Not Listed (Recreation Room) at Lot 250 Fisher Road, Keysbrook be approved subject to the following conditions:

#### PLANNING

1. A maximum of 14 chalets and 10 modular (park) homes, for a total of 24 short term holiday accommodation units, are permitted to be developed on site. Any further expansion of the development requires separate approval from Council.
2. The proposed modular (park) homes and chalets are not permitted to be occupied for a period longer than 4 weeks by any person at any time and for a maximum total of 3 months in any 12 month period. The modular (park) homes and chalets are only permitted to be used for short term accommodation and are not permitted to be used for permanent long term habitation.
3. Camping and the parking of caravans on site is not permitted.
4. The proposed chalets are to be setback a minimum of 20.0 metres from South Western Highway.
5. A site plan, elevation and floor plans of the proposed modular (park) homes and chalets are to be submitted for approval by the Director Development Services prior to the issue of a building licence.
6. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Director Development Services prior to the erection of any signage on the site.
7. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
8. A schedule of colours, materials and finishes for the development is to be submitted and approved by the Director Development Services prior to the issue of a building licence. Zinalume, vivid white and off-white colour wall and roofing materials are not to be used.
9. The operation of the horse agistment and equestrian activities are to be in accordance with the 'Agistment Management Plan & Horse Keeping Systems' document attached to and forming part of this approval.

#### ENVIRONMENTAL HEALTH

10. A suitable potable water supply must be provided for the food premises and all holiday units to the satisfaction of the Director Development Services.
11. A Drinking Water Quality Management Plan shall be submitted and approved by the Director Development Services and the Department of Health WA prior to the commencement of any site works associated with this approval. Once approved, the Drinking Water Quality Management Plan is to be implemented in its entirety.

#### ENGINEERING

12. Arrangements being made to the satisfaction of the Director Engineering for the upgrading and/or construction of Fisher Road between South Western Highway and the driveway to the site prior to commencement of occupancy of the development.
13. No vehicular access is permitted from the South Western Highway.
14. Crossovers to be designed and constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications.

15. All driveway surfaces are to be constructed of a suitable permeable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
16. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted.
17. A Geotechnical Report covering the area affected by development on the lot being submitted by a professional engineer (structural) to the satisfaction of the Shire prior to the issue of a building licence and before the commencement or carrying out of any work or use authorised by this approval.
18. Stormwater being contained on-site or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.
19. Arrangements being made to the satisfaction of the Director Engineering for the installation of adequate lighting at the intersection of South Western Highway and Fisher Road in accordance with the specifications of Main Roads WA.

#### ENVIRONMENTAL

20. All existing native trees on the subject lot and adjacent road verges 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.
21. A Landscape and Vegetation Management Plan shall be submitted and approved by the Director Strategic Community Planning prior to the commencement of any site works associated with this approval. This plan is to include works to control weeds of national significance that have been identified in the Dirk Brook within the property boundaries.
22. Within 30 days of occupation and use of the site, landscaping is to be established in accordance with the approved Landscape and Vegetation Management Plan and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

#### EMERGENCY SERVICES

23. A Fire Management Plan shall be submitted to and approved by the Shire prior to commencement of construction activities.
24. In carrying out the development the approved Fire Management Plan must be complied with at all times.

- E. That the State Administrative Tribunal and those persons who lodged a submission during the comment period be advised of Council's decision.

#### ADVICE NOTES

1. In relation to condition 12, the upgrade is to be in the form of widening of the existing sealed portion of the road from 3.4 metres to 7.4 metres.
2. An application for an effluent disposal system suitable for the site shall be lodged with the Shire, for approval by the Shire and the Department of Health, prior to the issue of a building licence.
3. The irrigation area must have adequate nutrient retentive capability as approved by the Department of Environment and Conservation.
4. The irrigation area must achieve adequate setback from waterways, dams and/or any other water sources such as bores.
5. The applicant is advised that no signs are to be displayed in the road reserve at any time.

6. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Food Regulations 2009 to the satisfaction of the Shire.
7. The food premises must be constructed in accordance with Australian Standard: AS 4674-2004 Design, construction and fit-out of food premises
8. The development is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.
9. Construction noise not to be emitted from the construction site prior to 7.00am or after 7:00pm on Monday to Saturday and not at all on Sundays or Public Holidays.
10. Main Roads WA advise the following:
  - a) The applicant is required to undertake a noise impact assessment in accordance with the guidelines of the Western Australian Planning Commission's State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
  - b) No earthworks shall encroach onto the South Western Highway road reserve;
  - c) No stormwater shall be discharged onto the South Western Highway road reserve;
  - d) The applicant shall make good any damage to the existing verge and its vegetation made good at the applicant's expense; and
  - e) No vehicle access shall be permitted onto the South Western Highway road reserve.
11. No buildings are permitted 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.

Committee Note: Condition 11 was amended to include the word 'drinking'. The Presiding Member deemed this as a minor change and did not change the intent of the motion.

#### **COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Randall**  
**That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.45pm.**  
**CARRIED 7/0**

*Acting CEO left the room at 7.56pm and returned at 7.58pm*

*Cr Lowry left the room at 7.58pm and returned at 8.00pm*

*Acting Director Strategic Community Planning left the room at 7.59pm and returned at 8.00pm*

#### **COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Harris**  
**That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 8.12pm .**  
**CARRIED 7/0**

#### **SD132/06/11 COUNCIL DECISION/NEW MOTION:**

**Moved Cr Buttfeld, seconded Cr Harris**

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of its decision to refuse an application for planning approval for Lot 250 (31) Fisher Road, Keysbrook.

- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.**
- C. Council note that the State Administrative Tribunal requires the proposed to be reconsidered under Section 31 of the State Administrative Tribunal Act 2004 on or before 27 June 2011.**
- D. The proposed Holiday Accommodation, Rural Use (Horse Agistment), Restaurant, Reception Centre, Caretaker's Dwelling And Use Not Listed (Recreation Room) at Lot 250 Fisher Road, Keysbrook be refused for the following reasons:**
- 1. The proposed use of the property for Holiday Accommodation does not comply with the purpose and intent of the Rural zone as provided for by Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 as follows:**
    - 5.10.1 The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities in the Scheme Area.**
- The proposed Holiday Accommodation, including 24 accommodation units, is not considered to be a rural pursuit or associated with a rural pursuit.**
- 2. The proposed development is not consistent with State Planning Policy 3 Urban Growth and Settlement as it is isolated from the existing Keysbrook town site.**
  - 3. The proposed development is contrary to the Shire's planning objectives of ensuring that development maximises the use of existing services and infrastructures, in particular at existing towns and villages.**
  - 4. The proposed development is contrary to the objective of the Agricultural Protection Policy area, which seeks to ensure that productive agricultural enterprise remains the primary land use.**
  - 5. The proposed development is contrary to the objective of supporting and protecting agricultural and horticultural industries, as it would result in increased pressure for fragmentation of land to other uses.**
  - 6. The proposed development has the potential to have a detrimental impact on the existing Keysbrook town site.**
  - 7. The proposed development, which includes 24 accommodation units, a restaurant a reception centre and a Use Not Listed (Recreation Room) is considered to represent over development of the site.**
  - 8. The proposed land use is considered detrimental to the amenity of the occupiers of adjacent properties and the surrounding locality by reason of the visual amenity impacts that will arise from the proposed use of the land.**
  - 9. The proposal has the potential to compromise the landscape environment of the locality and the district and does not comply with the Landscape Protection Policy by way of visual amenity.**

**CARRIED 7/0**

### **COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Buttfield  
That the meeting was re-opened to the public at 8.28pm  
CARRIED 7/0**

|                                                                                                                                                                                               |                                                                                                                                                        |                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD116/06/11 PROPOSED LOCAL STRUCTURE PLAN – LOTS 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 SOUTH WESTERN HIGHWAY, NORMAN ROAD, KIERNAN STREET, REILLY ROAD, AND ROBERTSON ROAD, WHITBY (A1950) |                                                                                                                                                        |                                                                                                                                                                                                                                                                   |
| Proponent:                                                                                                                                                                                    | Roberts Day                                                                                                                                            | In Brief<br><br>A proposed Local Structure Plan for the Whitby precinct is presented to Council.<br><br>It is recommended that Council determine the proposed Local Structure Plan be suitable for advertising – subject to modifications to be undertaken prior. |
| Owner:                                                                                                                                                                                        | Urban Pacific Limited                                                                                                                                  |                                                                                                                                                                                                                                                                   |
| Author:                                                                                                                                                                                       | Lawrence Man - Senior Planner                                                                                                                          |                                                                                                                                                                                                                                                                   |
| Senior Officer:                                                                                                                                                                               | Brad Gleeson - Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                   |
| Date of Report                                                                                                                                                                                | 25 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                   |
| Previously                                                                                                                                                                                    | Nil                                                                                                                                                    |                                                                                                                                                                                                                                                                   |
| Disclosure of Interest                                                                                                                                                                        | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                   |
| <b>Delegation</b>                                                                                                                                                                             | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                   |

### **Key Details**

|                                           |                                                                                                                                                                                    |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of Receipt:                          | 23 December 2010                                                                                                                                                                   |
| Lot Area:                                 | 504.33 hectares                                                                                                                                                                    |
| L.A Zoning:                               | Urban Development, Parks and Recreation, Rural                                                                                                                                     |
| MRS Zoning:                               | Urban, Urban Deferred, Parks and Recreation                                                                                                                                        |
| Precinct:                                 | Precinct A                                                                                                                                                                         |
| Mundijong-Whitby District Structure Plan: | Residential, Centre, Multiple Use Corridor, Possible Future TAFE Site, Two Primary Schools, High School, Bush Forever, Conservation Category Wetland, Parks and Recreation Reserve |
| Site Inspection:                          | 10 February 2011 and 12 April 2011                                                                                                                                                 |

### **Background**

The long term planning for the urbanisation commenced for Mundijong and Whitby in 1994 through the identification of the area for urban purposes within the Serpentine-Jarrahdale Shire Rural Strategy. Subsequent to this, the area surrounding the Mundijong rural village was rezoned to 'Urban' through a Metropolitan Region Scheme amendment in 2006.

In December 2010, the Mundijong-Whitby District Structure Plan (DSP) was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area. The Mundijong-Whitby DSP is in the process of being finalised by Council and is anticipated to be presented to Council in the next 2-3 months.

The Mundijong-Whitby DSP identifies objectives and planning principles for each of the seven (7) precincts that form the DSP area. The DSP requires further detailed design and planning to articulate the vision and objectives at Local Structure Planning (LSP) stage. The Whitby LSP extends entirely within the Whitby precinct or Precinct A of the Mundijong-Whitby DSP area and seeks to provide this information to allow for land development to occur.

The submitted LSP is the first LSP received within the Mundijong-Whitby DSP area.

The Shire's Technical Officers have undertaken an assessment of the proposed LSP in accordance with the approved Mundijong-Whitby DSP and have provided the applicants with it feedback, concerns and issues on the 8 February 2011. Site visits were undertaken with

Council's Technical Officers on the 10 February 2011 and with Elected Members and Technical Officers on the 12 April 2011 respectively.

The Applicants have provided a response on the assessment issued by Council's Technical Officer's. A key issues paper was issued 24 May 2011, with a meeting held on the 2 June 2011 to progress the outstanding matters.

As an outcome of this process, the following report provides Council with the opportunity to consider if the draft LSP and accompanying documents is suitable for advertising. It is recommended the proposed Local Structure Plan and accompanying documents to be determined as satisfactory for advertising following modification.

***A copy of the LSP map and Operative part is with attachments marked [SD116.1/06/11](#).***

***A copy of the LSP Explanatory section is with attachments marked [SD116.2/06/11](#).***

***A copy of the Integrated Land Management Strategy is with attachments marked [SD116.3/06/11](#).***

***A copy of the Local Water Management Strategy is with attachments marked [SD116.4/06/11](#).***

### **Sustainability Statement**

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

##### *Vegetation*

The LSP includes a Bush Forever site and two potentially significant local natural areas. These assets are proposed for retention in the LSP.

The LSP is supported by an Integrated Landscape and Vegetation Strategy that sets out strategies for landscaping and revegetation to mitigate the loss of trees and landscape value. The site incorporates a large number of scattered trees. The LSP proposes the retention of trees predominantly in the proposed areas of public open space (POS). Additional provisions have been made to ensure the retention of trees in road reserves. The applicant has worked with the Shire to investigate alternative fill arrangements to minimise environmental disturbance and allow for the improvement in tree retention. The urban development of the site precludes retention of all trees on the site.

##### *Watercourses*

Three creek lines affect the LSP area including Manjedal Brook, a streamline within the Bush Forever site, and an un-named creek line through the centre of the LSP area. All three watercourses are proposed for retention, improvement and management through the LSP and the Integrated Landscape and Vegetation Strategy.

A number of conservation category wetlands are located adjacent to the LSP area. The LSP proposes buffers of 50 metres from each conservation category wetland and treatments for their management.

#### ***Resource Implications:***

A large portion of the area has been set aside for multiple use corridors (MUC's). These corridors will address a drainage and recreation function to the benefit of the community. These areas will be in public ownership and the maintenance and upkeep of the areas will

be the responsibility of the local authority. The Shire needs to consider the cost implications of establishing and maintaining large areas of POS.

**Economic Benefits:** The LSP provides for a future District Activity Centre and local activity centres which will generate local employment opportunities. The Whitby LSP intends to provide employment opportunity for up to 2,300 people of the 4,500 resident labour force. This represents employment self sufficiency of 50% for the LSP.

**Social – Quality of Life:** The LSP provides for a range of lot sizes creating a range of lifestyle opportunities for future residents. The LSP sets aside a significant portion of the developable area as POS. The community will benefit from the POS through increased recreational opportunities.

The development of a District Activity Centre will provide a range of services and facilities to the community. A community facility is also identified to be included within the District Activity Centre. Education facilities are also provided.

**Social and Environmental Responsibility:** The proposed LSP is supported by a range of studies to demonstrate environmental responsibility and social benefit, including:

- Environmental assessment;
- Integrated Landscape Management Strategy;
- Traffic Report;
- Commercial Activity Strategy;
- Local Water Management Strategy; and
- Engineering Servicing Report.

**Social Diversity:** The proposed LSP provides for a diverse range of housing stock that will provide for a diverse community. There are a number of commercial, retail and mixed use land uses that will ensure that the community is a sustainable development.

**Statutory Environment:**

Town Planning Scheme No. 2 (TPS 2)

Clause 5.18.3.2 provides that upon receiving a proposed structure plan, the local government is to either:

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

It is recommended that the proposed Whitby LSP be determined to be satisfactory for advertised, subject to modifications as per item (b) above.

The Shire's Technical Staff has assessed the proposed LSP in accordance with TPS No.2, DSP and Local Planning Policy (LPP) requirements.

***A schedule of recommended modifications to the Local Water Management Strategy to be made prior to advertising is with attachments marked [SD116.5/06/11](#).***

***A Schedule of Recommended Modifications to the LSP to be made prior to advertising is included with attachments marked [SD116.6/06/11](#).***

If the local government deems the proposed LSP as satisfactory for advertising, with or without modifications, it is to forward a copy of the LSP to the WAPC and give notice in accordance with the provisions of TPS 2.

**Policy/Work Procedure**

**Implications:**

LPP 6 Water Sensitive Design  
LPP 8 Landscape Protection Policy  
LPP 19 Byford Development Requirements  
LPP 22 Water Sensitive Urban Design  
LPP 24 Designing Out Crime  
LPP 26 Biodiversity Planning  
LPP 63 Integrated Transport and Land Use Planning

**Financial Implications:**

Urbanisation and development within the Shire will result in indirect financial costs implications for Council. The implementation of the proposed LSP will result in increased demand for the provision of services provided by the Shire.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary | Objective                                                                                                                                                |
|---------------------|-------------------|------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| NATURAL ENVIRONMENT | Landscape         | 1                | Safeguard         | Restore and preserve the visual amenity of our landscapes.                                                                                               |
|                     |                   | 3                |                   | Maximise the preservation of existing trees and vegetation.                                                                                              |
|                     |                   | 4                |                   | Incorporate environmental protection in land use planning.                                                                                               |
| BUILT ENVIRONMENT   | Land Use Planning | 7                | Urban Villages    | Press for the provision of public transport and the density of development needed to give effect to transit orientated design.                           |
|                     |                   | 8                |                   | Ensure local structure plans have a range of attractions within a walkable distance of residential areas.                                                |
|                     |                   | 21               | Landscape         | Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.                              |
|                     |                   | 22               |                   | Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses. |
|                     |                   | 25               | Transport         | Ensure future public transport needs and infrastructure is incorporated into the land use planning process within the Shire and region.                  |
|                     |                   | 26               | General           | Facilitate the development of a variety of well planned and connected activity centres and corridors.                                                    |
|                     |                   | 27               |                   | Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.                                          |



|                              |                            |                                                     |                                                                                                                 |                                                                                                   |
|------------------------------|----------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>PEOPLE AND COMMUNITY</b>  | <b>Relationships</b>       | 27                                                  | Celebrate                                                                                                       | Actively engage, and value the contribution of all stakeholders in better decision making.        |
|                              |                            | 28                                                  |                                                                                                                 | Engage existing and new residents in sharing neighbourly and community values.                    |
|                              | <b>Places</b>              | 29                                                  | Vibrant                                                                                                         | Create vibrant urban and rural villages.                                                          |
|                              |                            | 37                                                  | Innovative                                                                                                      | Promote and encourage the development of affordable and appropriate lifelong living environments. |
|                              | <b>OUR COUNCIL AT WORK</b> | <b>Leadership</b>                                   | 1                                                                                                               | Leadership throughout the organisation                                                            |
| 9                            |                            |                                                     | All decisions by staff and elected members are evidence based, open and transparent.                            |                                                                                                   |
| 16                           |                            | Leadership through organisational culture           | Elected members and staff live our values and lead by example.                                                  |                                                                                                   |
| 17                           |                            |                                                     | The organisational culture of elected members and staff is one of inspiration, inclusion and innovation.        |                                                                                                   |
| 18                           |                            |                                                     | Elected members and staff operate in an environment of trust, respect, openness and transparency.               |                                                                                                   |
| 19                           |                            |                                                     | The elected members and staff have a relationship of unity and work together to achieve goals.                  |                                                                                                   |
| 22                           |                            |                                                     | The conduct of elected members and staff will be professional and reflect positively on the Shire at all times. |                                                                                                   |
| 26                           |                            | Society, community and environmental responsibility | The Shire is focussed on building relationships of respect with stakeholders.                                   |                                                                                                   |
| <b>Strategy and Planning</b> |                            | 27                                                  | Strategic Direction                                                                                             | Prepare effectively for future development.                                                       |

### **Community Consultation:**

If supported, the proposed LSP will be advertised for a period of 42 days by way of:

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Referral to relevant government agencies and local community groups;
- Advertisements in the local newspaper;
- Publication on the Shire's website; and
- Copies made available at the Shire Administration Building and libraries.

Following advertising, a summary of submissions will be presented to Council for consideration.

### **Comment:**

#### **Consistency with Local Planning Policy 29 – Mundijong-Whitby Planning Framework**

LPP 29 – Mundijong-Whitby Planning Framework is a Shire policy that seeks to provide guidance on the sequencing of planning and outlining of matters are to be addressed at each stage in the planning process.

In accordance with TPS 2 clause 5.18.3.5, subdivision will not be supported until such time as a structure plan has been adopted. A structure plan, pursuant to clause 5.18.7.1 shall be considered to be a LSP prepared and adopted in accordance with LPP 29.

As a result, a LSP is required to be prepared to provide guidance for future subdivision and development, elaborating on the level of detail provided in a DSP and identifying areas requiring more detailed planning through detailed area plans, LPPs and similar. The LSP shall have sufficient information to be able to demonstrate integration with surrounding areas, be useable for Development Contribution Plans and demonstrate consistency with the Mundijong-Whitby DSP.

In accordance with *Section 3.4 – Landowner Initiated Planning* of LPP 29, landowner initiated LSPs are required to address the Column B requirements of Table 1.

***An Assessment of Proposed Whitby LSP against Information Requirements of LPP 29 – Mundijong-Whitby Planning Framework adapted from Table 1 is included with attachments marked [SD116.7/06/11](#).***

The Whitby LSP largely satisfies the requirements of Section 3.4 of LPP 29.

As specified within *Section 3.8 – Referral to Third Parties*, the Shire reserves the right to seek advice from third parties. Along with assessment by the Shire, the Whitby LSP has been referred to the following parties:

- Main Roads; and
- Department of Water.

#### Compliance with the Mundijong-Whitby DSP

The Whitby LSP is generally consistent with the requirements of the Mundijong Whitby DSP.

***An Assessment of Proposed Whitby LSP against Information Requirements of the Mundijong-Whitby District Structure Plan is included with attachments marked [SD116.8/06/11](#).***

Elements of the Whitby LSP that is not consistent with the DSP is discussed and elaborated upon as individual items within this report.

#### Key Issues

There are a number of critical elements of the LSP, as follows:

1. Residential Land Uses;
2. Activity Centres;
3. Schools;
4. TAFE site;
5. POS for Active Recreation;
6. Regional/District Sporting Facility;
7. Overall POS
8. District Activity Centre Rail Crossing;
9. Movement Networks;
10. Pedestrian and Cyclist
11. Public Transport;
12. Water Reuse/Third Pipe Infrastructure;
13. Domestic Animal Control; and
14. Tree Retention.

The following information addresses the critical elements of the LSP.

## 1. Residential Land Uses

The LSP proposes a range of residential land uses. The applicant advises that this includes residential density outcomes ranging from “country lifestyle lots” from 1500m<sup>2</sup> to 2500m<sup>2</sup>, “conventional lots” from 250m<sup>2</sup> to 700m<sup>2</sup> and “local activity node lots” from 150m<sup>2</sup> to 500m<sup>2</sup>. The LSP provides indicative residential density codes, with the intent to provide a framework to allow for the preparation of more specific coding plans that can react to various elements, including tree retention and housing diversity, at the time of subdivision.

The residential density targets proposed by the LSP are consistent with the DSP. The LSP proposes lower densities to interface with South Western Highway, which will reflect the current rural character of the locality whilst supporting its urbanisation. The framework for residential development proposed by the LSP is supported for advertising to determine its acceptability to other relevant stakeholders.

The residential land densities as proposed by the Whitby LSP are largely consistent with the R15 overall density requirement of the DSP.

## 2. Activity Centres

The LSP proposes a District Activity Centre consistent with the DSP. The proposed Whitby LSP indicates that a detailed area plan (DAP) will be prepared to provide greater levels of guidance for the District Activity Centre.

The preparation of DAP is insufficient in terms of guiding the development of the District Activity Centre. In accordance with the requirements of State Planning Policy No 4.2: Activity Centres for Perth and Peel, the District Activity Centre will be subject to its own detailed planning through the preparation of an Activity Centre Structure Plan.

It is recommended that a modification be made to exclude the District Activity Centre from the Whitby LSP. This enables matters relating to transit orientated focus, floorspace, employment rates and exact configuration of the District Activity Centre to be separately evaluated and assessed when a the District Activity Centre Plan is presented for Council consideration. A modification to the LSP to excise the District Activity Centre is recommended.

Separate to the District Activity Centre, the LSP proposes four additional local activity nodes. These will also be planned in greater detail through separate DAPs. This will occur at subsequent stages of the land development process.

## 3. Schools

The Whitby LSP proposes two school sites within its boundaries, a government primary school and a government co-located primary and high school site. This is in accordance with the requirements of the DSP. The school sites have been located broadly in the areas as identified in the DSP and placed to preserve existing stands of trees to allow for the preservation of landscape character.

## 4. TAFE Site

The proposed Whitby LSP does not indicate a TAFE site of a minimum size of the 10ha as specified within the DSP. The proponents of the Whitby LSP has provided a letter signed by the Director General of the Department of Training and Workforce Development indicating that the Department “intends to provide training for the Mundijong-Whitby area from expanded facilities in Armadale to be operated by Polytechnic West”.

Based on this information, the proponent has not indicated the provision of land for the purposes of a TAFE site. However, the Director General of the Department of Training and

Workforce Development indicated within the same letter that the Department “does not object to being included in the Structure Plan provided it is under no obligation to take up the site”.

***The letter from the Department of Training and Workforce Development is included with attachments marked [SD116.9/06/11](#).***

Whilst the applicant has argued the TAFE site is not necessary, the DSP identifies the TAFE site adjacent to the District Activity Centre. The inclusion in the wider centre of such a facility would assist activation to provide for a truly mixed use activity centre and to support the urban areas of both Mundijong and Byford.

There is sufficient planning justification to locate the TAFE site within the District Activity Centre. The specific location of the TAFE site within the District Activity Centre can be resolved through the development of the District Activity Centre structure plan, however the LSP should include provisions that ensure the TAFE site forms part of the future centre plan. This can be achieved through a modification to the LSP.

#### 5. POS for Active Recreation

The Whitby LSP is seeking to provide active POS, in a co-located manner at the two school sites identified on the plan.

***A copy of the Concept Plan for the High School and Primary School site is included with attachments marked [SD116.10/06/11](#).***

There is a present shortfall in active POS areas within Serpentine Jarrahdale Shire. Through the experience obtained from the development of the Byford urban area, the timely delivery of active POS remains an ongoing issue.

Although all active POS areas are proposed to be co-located, an outcome consistent with the recommendations of the Community Facilities and Services Plan (CFSP), the recommendation is subject to feasibility work and negotiation, and should not be relied upon as the only option.

The Proponent and Shire Officers are to meet with the Department of Education regarding the feasibility and timing of co-located facilities (including ovals, hard courts, club rooms, indoor sports hall, etc.) and to explore the development of an initiative for the early provision of active POS suitable for structured sports where these facilities are required ahead of the Department’s schools program.

In summary, the co-location of facilities with school sites is defined by these steps:

- 1) Concept/Vision for Co-location;
- 2) Letter of Undertaking between Shire and Proponent;
- 3) Memorandum of Understanding between Shire, Proponent and Department of Education;
- 4) Preparation of Feasibility Study;
- 5) Decision by Shire, Proponent and Department of Education to proceed or not;
- 6) Joint Use Agreement between Shire and Department of Education;
- 7) Construction, Rollout and Implementation; and
- 8) Ongoing Monitoring and Review.

Council is provided with a series of options to ensure the delivery of POS for active recreation purposes occurs. To facilitate effective co-location in accordance with the CFSP and WAPC Liveable Neighbourhoods Element 8 – Schools Requirement 11, and to initiate the process discussed above, Council may:

- a) Proceed with the Whitby LSP and intent for co-location as proposed while progressing the Feasibility Study in parallel with the LSP approvals process in good faith;
- b) Proceed with the Whitby LSP and intent for co-location, but specify that if a Memorandum of Understanding between Shire, Proponent and Department of Education (Stage 3) cannot be struck prior to finalisation of the LSP, an amendment to the LSP will be required detailing separate POS areas for active recreation purposes; or
- c) Require the LSP to be modified at this time to provide sufficient land for active recreation facilities assuming effective co-location will not eventuate (i.e. a worst case scenario approach).

It is recommended that a separate council resolution be passed to outline a clear path forward to enable discussions for effective co-location for the provision of public open space for active recreation purposes. Option Two is the preferred option due to its consistency with the CFSP and Liveable Neighbourhoods. Active public open space remains a priority issue for the Shire and an active leadership role is critical to guide this process from concept to reality.

***The POS Calculations Table and POS Distribution plan is included with attachments marked [SD116.11/06/11](#).***

#### 6. Regional/District Sporting Facility

There is a need to achieve a suitable level of provision for regional/district sporting facilities. Both the CFSP and advice from the Department of Sport and Recreation indicates the need for a regional/district sporting facility in the locality. A number of stakeholders will need to be involved in identifying and evaluating potential options that may be available. The stakeholders will need to include, but not be limited to sporting groups, the Department of Sport and Recreation, Department of Planning and other relevant state government authorities for particular opportunities, such as the Department of Environment and Conservation.

The LSP contains Bush Forever Site 354 predominantly in the northern and north eastern portion of the LSP area. This area is partly reserved under the MRS for Parks and Recreation. It is intended that the areas of 'Urban Deferred' will ultimately also be reserved as Parks and Recreation to form part of the Bush Forever Site 354. The possible use of cleared portions of the Bush Forever site may be an opportunity, however the use of Bush Forever sites is within the jurisdiction of the Department of Planning.

The provision of regional/district sporting facilities has traditionally been beyond the scope of what may be required to be provided within a LSP and delivered solely by the private sector. It is therefore recommended that a partnership approach be adopted for regional/district sporting facilities, in parallel with the progression of the LSP through statutory processes.

The advertising of the LSP will facilitate the necessary discussions with the Department of Planning and other relevant stakeholders to determine the viability of this option to determine if any modifications to the LSP are necessary. As advertising is a vital part of that process, it is recommended that the issue does not preclude advertising the LSP.

***A copy of the Landscape Master Plan for POS is included with attachments marked [SD116.12/06/11](#).***

## 7. Overall POS

The LSP proposes 49.94 hectares of POS based on a number of MUCs, pocket parks, co-located open spaces with primary and high schools for active recreation purposes and foreshore reserve areas along Manjedal Brook on the southern boundary of the subject site. Based on Liveable Neighbourhood requirements, a creditable amount of public open space of 33.9ha is provided, marginally exceeding the 10% POS requirement of 32.68ha.

## 8. District Activity Centre Rail Crossing

As indicated in both the DSP and LSP a rail crossing is required from the District Activity Centre through to Soldiers Road on the western boundary of the Whitby LSP. This rail crossing is vital for the future activity and vibrancy of the District Activity Centre.

This rail crossing is largely beyond the scope and control of the proponent and is presently been driven by the Shire as part of the Implementation Strategy of the DSP. Shire's Technical Officers have been in negotiations with the Public Transport Authority (PTA) and Westnet Rail, operators of the freight rail line, to enable this to occur. The negotiations so far have indicated that it is the policy of the PTA that no new crossings will be allowed until the closure of an existing crossing. As a rail crossing and connection of the District Activity Centre is critical for the success of the Mundijong-Whitby urban area, negotiations for this crossing remains ongoing.

## 9. Movement Network

The LSP proposes a series of major neighbourhood connectors supported by major access and boundary streets. These streets are generally consistent with the DSP. Traffic modelling undertaken as part of the LSP is predicated on the extension of Tonkin Highway through to South Western Highway at Jarrahdale Road.

***A copy of the Traffic Impact Assessment is included with attachments marked [SD116.13/06/11](#).***

There is a departure between the alignment of the Northern Access Road onto South Western Highway through to the site in contrast to the DSP. As indicated within the Whitby LSP, the South Western Highway access through Bush Forever Site No.354 in contrast to its southern boundary as per the DSP. The proponents have undertaken significant research and prepared documentation for this proposed location.

***Written justification from the proponents for the location of the Northern Access Road to South Western Highway is included with attachments marked [SD116.14/06/11](#).***

Referral to Main Roads has indicated that the proposed location is satisfactory from a highway access perspective.

***Referral and Response from Main Roads in relation to the Northern Access Road to South Western Highway is included with attachments marked [SD116.15/06/11](#).***

The applicant has provided correspondence indicating that the Strategic Biodiversity Planning (Bush Forever) at DoP has indicated in-principle officer level support for the proposed road alignment.

***Correspondence and Response from Department of Planning, Strategic Biodiversity Planning in relation to the Northern Access Road to South Western Highway is included with attachments marked [SD116.16/06/11](#).***

The Shire's technical officers have undertaken multiple site visits, document review and entered into extensive discussions with the applicants in regards to the proposal.

The division of Bush Forever Site No.354 for the purposes of a northern access road to South Western Highway is a significant departure from the DSP and is considered unacceptable to the Shire primarily on environmental grounds. It represents a threat to flora habitat due to fill modification and disturbances to existing drainage patterns which cause erosion and degradation to the flora habitat. In addition to this, the disturbance of this area would result in the introduction of weeds and disease associated with additional through traffic.

There is a requirement for a prioritised fully channelled T-intersection at this location on South Western Highway to allow for full movement into the site and District Activity Centre. Due to significant level differences and the resulting battering requirements, the foot print of the intersection will result in disturbances and vegetation loss in the Bush Forever site.

The length of the turning lane would have to be of sufficient length (potentially significant) allowing reduction of speed. As the approach to the proposed access road occurs on the inside curve of the bend, engineering and safety requirements would require unrestricted sight lines and this would which would bring more clearing of vegetation.

The introduction of a prioritised fully channelled T-intersection at this location would threaten undisturbed remnant natural bushland as well as mature trees and shrubs planted after the construction of South Western Highway. These include species of the following:

- *Eucalyptus todtiana* – Pricklybark
- *Eucalyptus calophylla* – Marri
- *Allocasuarina fraseriana* – Common Sheoak
- *Allocasuarina huegeliana* – Rock Sheoak
- *Melaleuca viminea* – Saltwater paperbark.
- *Eucalyptus marginata* – Jarrah
- *Xanthorrhoea preissii* – Grass tree
- *Banksia grandis* – Bull Banksia
- *Eucalyptus calophylla* – Marri
- *Eucalyptus laeliae* – Butter Gum
- *Persoonia elliptica* – Spreading Snottygobble

The division of a Bush Forever site represents a threat to fauna habitat due to the separation of remnant bushland and habitat that would prevent small marsupial and reptile movements between fragmented areas of the Bush Forever site. Any migration of kangaroos, bandicoots and other native marsupials will be effected. Amelioration techniques such as culverts and tunnels would result in the increased predation by cats or foxes due to concentration of species migrating under the road.

The alternative location of the northern access road to South Western Highway consistent with the DSP on the southern edge of the Bush Forever site is preferred over the proposed location as identified in the Whitby LSP.

The location consistent with the DSP would not address concerns over the negative impacts to flora and fauna as a result of segregating the Bush Forever site.

An assessment of the location of the northern access road consistent with the DSP indicates that the construction of the prioritised fully channelled T-intersection would be closer to natural ground levels and future access road should not be damaging the existing remaining remnant trees there. For the purposes of slip roads and sight lines, the planting on verge is comprised of mostly introduced gum trees. Species that would be disturbed include:

- *Eucalyptus calocladyx* – Sugar Gum
- *Eucalyptus maculata* – Spotted Gum
- *Eucalyptus camaldulensis* – River Red Gum (numerous)
- *Eucalyptus robusta* – Swamp Mahogany
- *Eucalyptus cornuta* – Yate
- *Leptospermum* Victorian Tea Tree
- Foreign *Acacia* sp.
- *Jacaranda mimosifolia* – Jacaranda tree
- *Eucalyptus rudis* – Flooded Gum
- *Eucalyptus laeliae* – Butter Gum
- *Eucalyptus marginata* – Jarrah

It is recommended that the location of the northern access road be located on the south of the Bush Forever site consistent with the DSP. A modification to the LSP to this result would be required prior to advertising.

#### 10. Pedestrian and Cyclist

The LSP proposes a series of shared paths and on road cycle lanes largely consistent with the DSP. The pedestrian and cyclist movement network is linked with neighbourhood connectors and major access streets proposed for vehicle traffic.

As detailed in the LSP, shared paths are to be provided on Neighbourhood Connector roads with a footpath on the other side. As for roads carrying in excess of 3,000 vehicles per day, an on road cycle lane of 1.5 metres wide will be provided in each direction. The Whitby LSP provides a level of greater detail to that outlined in the Shire's Local Area Bicycle Master Plan. All access roads within the LSP area will have a footpath on at least one side of the road.

#### 11. Public Transport

The applicant has advised that a bus transit station is proposed to the west of the District Activity Centre within the LSP area. This transit station would need to be a dual system with turnaround facilities for buses accommodating two stands and one layover area. Further design and details will be required to fully integrate the public transport hub into the District Activity Centre during the preparation of the District Activity Centre Plan.

The Shire has commenced discussions with the PTA in relation to the provision of public transport in the short and medium term to improve the provision of public transport within the Shire. The Shire awaits the release of the draft Metropolitan Public Transport Plan by the Department of Transport for future guidance in relation to public transport infrastructure.

#### 12. Water Re-Use/Third Pipe

Clause 6.9 of the DSP requires stakeholders, at the planning and design phases, to make allowance for adequate road and verge widths to accommodate the service alignments of a possible future dual water supply system. Allowing for such a possible future dual water supply is intended in parallel with ongoing extensive investigations for a holistic approach to integrated water cycle management.

The DSP outlines that where a LSP is being progressed prior to the finalisation of the Shire's investigations, the LSP should include the planning and design for a third pipe system.

The Department of Water (DoW) provides the leadership for and manages the Government's approval process for Non Drinking Water (NDW) schemes. This is a four step process which requires proponents to submit the following studies over the project planning period:



1. Options evaluation and concept design study for application for initial endorsement;
2. Preliminary design study for application for final endorsement and approvals requirements;
3. Detailed design study for applications for licences to operate; and
4. Applications for approvals to construct.

The current status of planning of the Integrated Water Management (IWM) scheme is adequate to fulfil the requirements for initial endorsement (Step 1). It should be noted that Government may place conditions on the endorsement but that these will inform the scope of work leading up to the application for the final endorsement (Step 2). A briefing document needs to be prepared and submitted to DoW for the final endorsement and approvals requirements on completion of the further studies.

On the basis of the Shire's preliminary desktop investigations undertaken and conceptual designs developed, the IWM Study concluded that the lowest unit cost of water supplied would result from conventional potable water servicing arrangements (Business as Usual Option), albeit this finding was not subject to a "whole-of-life-cycle" economic assessment. The preferred IWM scheme put forward in the Study would be a dual water supply scheme sourcing NDW from local groundwater (Groundwater Option).

The scheme would comprise:

- A separate supply system supplying the NDW demands (except POS irrigation) from a local wellfield;
- A downsized conventional supply system supplying the potable water demands from the Water Corporation's existing Integrated Water Supply System (IWS) infrastructure; and
- Local bores supplying the irrigation demands of POS.

The capital cost of this Groundwater Option is likely to be in the order of \$115 million, which would be in the order of 18% more than Business as Usual Option.

The following studies will have to be completed as part of the process to comply with the requirements of the DoW:

Hydrogeological Assessment: The security and quality of the water supply for the Groundwater Option requires assessment. Further investigations are required to characterise the aquifers in the vicinity of the Mundijong Whitby area in order to quantify security of water supply, establish an optimal location of a bore field, develop a suitable bore field design and determine an appropriate treatment process.

Health and Environmental Risk Assessment: Should the water source prove to be sustainable then Health and Environmental Risk Assessments should be undertaken to assess the impacts of abstraction from the groundwater and the treatment and use thereof.

Business Case: It will be important to develop a Business Case for the Mundijong Whitby IWM Project to determine funding arrangements and impacts on the Developer Contribution Scheme (DCS), cost recovery through consumer sales via the NDW service and to and for possible grant funding applications; commence lobbying and negotiations with potential Service Providers regarding the delivery and operation of such a project; and justify the expense of the project to the landowners and developers in light of the DCS.

Preliminary Design: The current concept design concept should be optimised with specific focus on infrastructure configurations, processes and sizes. A key aspect will be to refine the capacity of the key infrastructure elements which should include a review of the various water demands and levels of service.

The LSP proposal only sought to recognise an alignment for a future 'purple pipe', consistent with a standard Water Corporation 2.1m alignment, on the opposite side of the road to water supply. The documentation submitted has not, from a technical perspective, fully satisfied the requirements set out in the DSP and as such a modification to the LSP is recommended.

The Department of Water in October 2010 released a document titled '*Draft Approval Framework For The Use of Non-Drinking Water in Western Australia*'. The framework seeks to recognise that non-drinking water systems provide water that is potentially of a lower quality than drinking water, but still suitable for many uses such as garden irrigation and toilet flushing. The framework seeks to encourage the use of non-drinking systems, providing that the systems meet the relevant water quality standards for protecting public health and the environment. The approval framework seeks to provide guidance for proponents, step by step, through the general considerations and specific approval requirements for establishing a non-drinking water system.

The framework seeks to establish a number of stages. The first stage in the development of a non-drinking water proposal is to evaluate the options and identify a viable proposal/conceptual design. From initial discussions with the proponent, and drawing from experiences in other parts of the Perth Metropolitan Area, there would appear to be potential to establish a system based initially on the use of 'community bores'. A community bore is defined under the framework as follows: '*a centralised bore or a number of bores supplying groundwater to multiple properties for non-drinking uses including garden water and in-house uses such as toilet flushing*'. The proponent, in initial discussions, has also indicated a potential willingness to install (up-front at the time of subdivision) a 3<sup>rd</sup> pipe system based on the initial use of community bores.

In order to ensure the effective and continuing integration of water planning and land use planning, the following is recommended:

- That the operative part to the LSP be modified to include reference to the preparation and approval of a 'Stage 1 Study'
- That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water's draft approval framework and that advertising of the LSP not commence until such time as the level 1 study has been completed, to enable the study to be advertised and ultimately adopted in parallel with the LSP.

***A relevant extract from the draft approval framework, outlining the requirements for a Stage 1 Study, is included with attachments marked [SD116.17/06/11](#).***

### 13. Domestic Animal Control

Appendix 15A of TPS 2 requires that as part of the detailed planning for the Whitby Area, that animal control measures be suitably addressed. There are a number of locations within the LSP area that will likely need to be carefully considered in terms of domestic animal control. The landscape strategy prepared by the proponent further recognises the potential impact on marsupials, such as chutichs, from introduced species such as cats.

The Shire has previously sought to incorporate cat control measures in a LSP, however on review by the officers of the DoP this approach has not been considered to be appropriate due to the urban nature of future subdivision and development and the potential impact on the marketing of land for sale. The incorporation of cat control measures in the proposed LSP currently before Council is again unlikely to be supported by the DoP, in its recommendation to the WAPC.

There is some precedent for utilising planning provisions to exclude or manage domestic cats in environmentally sensitive locations. However, a number of local governments have

instead developed local laws that include requirements to register cats and implement cat curfews in residential areas. Other mechanisms available to Council to control cats include:

- Advice being made available to prospective purchasers;
- Community education about the value of the reserve and the potential threat that cats pose to native fauna;
- Partnerships with relevant community-based organisations;
- Trapping within the reserve;
- Encouraging the micro-chipping of animals;
- Promoting sterilisation programs;
- Signage; and
- The erection of ‘cat-proof’ fencing.

The option exists for Council to establish the area as a cat exclusion zone in the future, through the establishment of a local law or similar, should the above-mentioned suite of measures for cat control not be effective. This approach is understood to be consistent with the direction that a number of other local governments, including the City of Swan, are progressing.

In accordance with a Council resolution from 20 December 2010, when the Glades LSP in Byford was considered, a business case has been prepared for consideration as part of the 2011/2012 budget, to investigate the options for effective domestic cat control around key conservation areas. The Whitby LSP area featuring a Bush Forever site and other significant flora and fauna species is incorporated within this business case and will form part of these studies if commissioned.

#### 14. Tree Retention

Through the process of urban development, tree preservation on site is generally limited to approximately 10% of the existing trees located on site. The proponent has advised that they are seeking to retain trees on-site predominantly within POS areas, MUCs, school sites and along the Manjedal Brook reserve.

The Shire's seeks to preserve rural character and bushland environment even while urban development is occurring. When trees are identified for retention or in areas designated as environmentally sensitive, a concerted effort needs to be made to ensure tree preservation.

*Australian Standard 4970 – Protection of Trees on Development Sites AS 4970-2009 (with Amendment No. 1 (March 2010))* is a tool that assists in determination of the tree preservation matters so that trees identified for retention can to be conserved in accordance with the Shire's expectations.

It provides guidance on “how” and “when” trees should be protected on site. The Standard points out that trees must be considered through all stages of development starting from planning, then design, pre-construction, construction and post-construction. The document clearly notes that a collaborative approach for all involved in the design and development process, with the presence of a project Arborist being beneficial.

The utilisation of AS 4970 will ensure the following is undertaken:

- Tree survey - detailed, accurately plotted on survey plan.
- Preliminary tree assessment - retention value, hazard and risks, leading to evaluation and a report detailing indicative tree protection zones requirements
- Preliminary design of the development layout - consideration against location of proposed roads, lots, lot sizes, proximity to buildings and other structures, location of services, cut and fill, space needed for construction activities (including equipment maneuvering and parking, compaction of the ground) and long-term management

- Submission of technical documentation - including a comprehensive arboricultural impact assessment with a Tree Protection Plan and specification is required. This is a result of a determination of tree protection measures, through the Landscape and Vegetation Masterplanning process.

It is recommend that AS 4970 be adopted for the preservation of trees when designing infrastructure around existing single tree and areas of vegetation in buffers, POS, MUCs, school sites and along Manjedal Brook.

### **Conclusion**

The advertising of a LSP is the most important part of the process to ensure Council has the most relevant information from a range of stakeholders not involved in preliminary assessment. As identified in the key issues identified within the body of the report some matters cannot be resolved without the input of other agencies and the community.

Information obtained through advertising will equip Council with the information required to make the most appropriate decision. Based on this, not every issue requires complete resolution ahead of advertising, as this would preclude other stakeholders and the community being involved in the planning process and makes advertising a formality rather than a real opportunity to be involved.

A schedule of modifications to be undertaken prior to advertising, to ensure modifications of a technical nature is undertaken. Whilst there are some major issues regarding the LSP and the greater implementation of the DSP, the advertising of the LSP will enable these issues to be progressed and resolved. Therefore it is important to progress the LSP to advertising.

### **Options**

There are three options available to Council with respect to the proposed LSP, as outlined below.

- Option 1) Pursuant to Clause 5.18.3.2 (a) of TPS2, determine that the proposed LSP is satisfactory for advertising;
- Option 2) Pursuant to Clause 5.18.3.2 (b) of TPS2, determine that the proposed LSP is not to be advertised until modifications undertaken;
- Option 3) Pursuant to Clause 5.18.3.2 (c) of TPS2, determine that the proposed LSP is not satisfactory for advertising and give reasons for this to the Proponent.

The officer recommendation below is based on Option 2.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

That Council:

- A. Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Structure Plan for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken.
- B. Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Integrated Land Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is not to be advertised until

modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken.

- C. Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Water Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is deemed to not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken.
- D. Following receipt of the revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby Precinct incorporating the modifications included in Attachment SD116.6/06/11 - Schedule of Modifications, advertise the proposed Local Structure Plan for the Whitby Precinct pursuant to Clause 5.18.3.5 of Town Planning Scheme No. 2 for a period of 42 days by way of:
- (i) Letters to all landholders within a 500 metre radius of the LSP boundary;
  - (ii) Referral to relevant government agencies and local community groups;
  - (iii) Advertisements in the local newspaper;
  - (iv) Publication on the Shire's website; and
  - (v) Copies made available at the Shire Administration Building and libraries.
- E. Following receipt of a revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby Precinct incorporating the modifications included in Attachment SD116.6/06/11, forward a copy of the proposed Local Structure Plan to the Western Australian Planning Commission pursuant to Clause 5.18.3.6 of Town Planning Scheme No. 2.
- F. The Shire to actively engage and to work in partnership to deliver co-located active public open space adjacent to school sites within the Whitby LSP area through:
- (i) the preparation of a Letter of Undertaking with the Proponent; and
  - (ii) together with the Proponent and Department of Education for a Joint Use Agreement.
- These actions are to be completed prior to the finalisation of the Local Structure Plan. If these agreements are not finalised prior to finalisation of the Local Structure Plan, Council will require the Local Structure Plan to be modified to include areas for active public open space.
- G. The Shire reaffirms its requirement that the development make allowances for road and verge widths to accommodate the service alignments of a future dual use water supply system (third pipe).

Committee Note: Committee requests Shire officers to work with the proponent regarding the list of modifications to this item for submission to the June Ordinary Council Meeting.

*Councillor Randall left the room at 8.32pm and returned at 8.34pm*

*Councillor Lowry left the room at 8.32pm and returned at 8.34pm*

*Senior Planner left the meeting at 8.35pm*

#### **NEW MOTION:**

**Moved Cr Hoyer**

**That Council:**

- A) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Structure Plan for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street,**

**Reilly Road, and Robertson Road, Whitby is not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, as well as:**

- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and substitute the recommended modification with the following: ‘That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water’s draft approval framework.’**
- ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: ‘Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. ’**
- iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: ‘Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.’**

**B) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Integrated Land Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, as well as:**

- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and substitute the recommended modification with the following: ‘That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water’s draft approval framework.’**
- ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: ‘Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. ’**
- iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: ‘Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.’**

**C) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Water Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is deemed to not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, however:**

- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and**

- substitute the recommended modification with the following: ‘That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water’s draft approval framework.’
- ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: ‘Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. ’
  - iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: ‘Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.’

**D) Following receipt of the revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby Precinct incorporating the modifications included in Attachment SD116.6/06/11 - Schedule of Modifications, advertise the proposed Local Structure Plan for the Whitby Precinct pursuant to Clause 5.18.3.5 of Town Planning Scheme No. 2 for a period of 42 days by way of:**

- (i) Letters to all landholders within a 500 metre radius of the LSP boundary;
- (ii) Referral to relevant government agencies and local community groups;
- (iii) Advertisements in the local newspaper;
- (iv) Publication on the Shire’s website; and
- (v) Copies made available at the Shire Administration Building and libraries.

**E) Following receipt of a revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby Precinct incorporating the modifications included in Attachment SD116.6/06/11 and Part A, B and C of the resolution, forward a copy of the proposed Local Structure Plan to the Western Australian Planning Commission pursuant to Clause 5.18.3.6 of Town Planning Scheme No. 2.**

**F) The Shire to actively engage and to work in partnership to deliver co-located active public open space adjacent to school sites within the Whitby LSP area through:**

- (i) the preparation of a Letter of Undertaking with the Proponent; and
- (ii) together with the Proponent and Department of Education for a Joint Use Agreement.

**These actions are to be completed prior to the finalisation of the Local Structure Plan. If these agreements are not finalised prior to finalisation of the Local Structure Plan, Council will require the Local Structure Plan to be modified to include areas for active public open space.**

**G) The Shire reaffirms its requirement that the development make allowances for road and verge widths to accommodate the service alignments of a future dual use water supply system (third pipe).**

**H) That a water re-use management plan has not yet been prepared by the proponents, in accordance with the requirements of Clause 6.9 in the District Structure Plan, however in the circumstances Council is prepared to support**

the Local Structure Plan for the purposes of advertising and that Council note that the applicant is prepared to progress the necessary investigations in parallel with the advertising of the Local Structure Plan and that the matter be further considered by Council at the time that the Local Structure Plan is presented to Council for potential adoption, post-advertising and may be subject to changes, as required by Council, at that time.

Motion lapsed due to the lack of a seconder.

#### **NEW MOTION**

Moved Cr Buttfield, seconded Cr Randall

That Council defer the item to the July meeting as Councillors have not had enough time to read the extra information supplied by Officers.

Lost 2/5

#### **SD116/06/11 COUNCIL DECISION/NEW MOTION**

Moved Cr Hoyer, seconded Cr Lowry

That Council:

A) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Structure Plan for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, as well as:

- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and substitute the recommended modification with the following: 'That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water's draft approval framework.'
- ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: 'Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. '
- iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: 'Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.'

B) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Integrated Land Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, as well as:

- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and substitute the recommended modification with the following: 'That the



- LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water's draft approval framework.'
- ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: 'Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. '
  - iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: 'Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.'
- C) Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No. 2 determine that the proposed Local Water Management Strategy for the Whitby Precinct, Lots 22, 23, 24, 25, 26, 27, 29, 45, 302, 399 South Western Highway, Norman Road, Kiernan Street, Reilly Road, and Robertson Road, Whitby is deemed to not to be advertised until modifications included in Attachment SD116.6/06/11 - Schedule of Modifications are undertaken, however:
- i. delete the Recommended Modification with Modification Recommended #10, in reference to DSP Clause 6.9 Dual Water Supply System and substitute the recommended modification with the following: 'That the LSP explanatory report (Section 4.8.3) be re-drafted to make reference to the Department of Water's draft approval framework.'
  - ii. replace the Recommended Modification within Modification Reference #3 and substitute it with a new modification that states: 'Modify the LSP Map to show the alignment as detailed by the Proponents and an alternative alignment of the access road to South Western Highway to the south of the Bush Forever site No.354. '
  - iii. replace the Recommended Modification within Modification Reference #2 and substitute it with a new modification that states: 'Amend Part 1 section 7.6.2 to provide for the preparation of an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2. Amend the LSP to show the District Activity Centre to be not coloured but depicting the main structure and a separate note indicating that an Activity Centre Structure Plan in accordance with the DSP and State Planning Policy 4.2 will be prepared.'
- D) Following receipt of the revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby Precinct incorporating the modifications included in Attachment SD116.6/06/11 - Schedule of Modifications, advertise the proposed Local Structure Plan for the Whitby Precinct pursuant to Clause 5.18.3.5 of Town Planning Scheme No. 2 for a period of 42 days by way of:
- (i) Letters to all landholders within a 500 metre radius of the LSP boundary;
  - (ii) Referral to relevant government agencies and local community groups;
  - (iii) Advertisements in the local newspaper;
  - (iv) Publication on the Shire's website; and
  - (v) Copies made available at the Shire Administration Building and libraries.
- E) Following receipt of a revised proposed Local Structure Plan, Integrated Land Management Strategy and Local Water Management Strategy for the Whitby

Precinct incorporating the modifications included in Attachment SD116.6/06/11 and Part A, B and C of the resolution, forward a copy of the proposed Local Structure Plan to the Western Australian Planning Commission pursuant to Clause 5.18.3.6 of Town Planning Scheme No. 2.

- F) The Shire to actively engage and to work in partnership to deliver co-located active public open space adjacent to school sites within the Whitby LSP area through:
- (i) the preparation of a Letter of Undertaking with the Proponent; and
  - (ii) together with the Proponent and Department of Education for a Joint Use Agreement.

These actions are to be completed prior to the finalisation of the Local Structure Plan. If these agreements are not finalised prior to finalisation of the Local Structure Plan, Council will require the Local Structure Plan to be modified to include areas for active public open space.

- G) The Shire reaffirms its requirement that the development makes provision for road and verge widths to accommodate the service alignments for the planned installation of a dual use water supply system (third pipe).

- H) That a water re-use management plan has not yet been prepared by the proponents, in accordance with the requirements of Clause 6.9 in the District Structure Plan, however in the circumstances Council is prepared to support the Local Structure Plan for the purposes of advertising and that Council note that the applicant is prepared to progress the necessary investigations in parallel with the advertising of the Local Structure Plan and that the matter be further considered by Council at the time that the Local Structure Plan is presented to Council for potential adoption, post-advertising and may be subject to changes, as required by Council, at that time.

**CARRIED 7/0**

*Cr Lowry left the room at 9.14pm.*

**SD113/06/11 COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Buttfield**

**That Item SD113/06/11 be discussed out of order whilst members of the gallery are present to hear the item.**

**CARRIED 6/0**

**Cr Lowry was not present and did not vote.**

*Cr Lowry returned to the room at 9.17pm.*

*Manager Environmental Services left the meeting at 9.24pm*

|                                                                                        |                                                                                                                                                        |                                                                                                                                                  |
|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| SD113/06/11 AMENDED DETAILED AREA PLANS 2 - 4 - LOT 220 ABERNETHY ROAD, BYFORD (A1727) |                                                                                                                                                        |                                                                                                                                                  |
| Proponent:                                                                             | Roberts Day                                                                                                                                            | In Brief<br><br>Council is requested to support amendments to Detailed Area Plans (DAPs) 2- 4. It is recommended that the amendment be approved. |
| Owner:                                                                                 | Australand Holdings Limited                                                                                                                            |                                                                                                                                                  |
| Author:                                                                                | Peter Varelis – Project Officer                                                                                                                        |                                                                                                                                                  |
| Senior Officer                                                                         | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                  |
| Date of Report                                                                         | 24 May 2011                                                                                                                                            |                                                                                                                                                  |
| Previously                                                                             | SD093/01/10 & SD094/04/11                                                                                                                              |                                                                                                                                                  |
| Disclosure of Interest                                                                 | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                  |
| <b>Delegation</b>                                                                      | <b>Council</b>                                                                                                                                         |                                                                                                                                                  |

Date of Receipt: 20 April 2011  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban

### **Background**

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

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

The applicant then sought further amendments to DAPs 2-4 to deal specifically with the type, height and materiality of fencing for R5 coded lots within the DAPs that abut the existing Byford Trotting Complex. The applicant also sought amendments to the provisions of the DAP regarding the specifics of fencing forward of the building line. Council at its Ordinary Council meeting held on 27 April 2011, resolved as follows:

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

*Moved Cr Harris, seconded Cr Randall*

1. *Pursuant to Clause 5.18.5.1(c) (i) of Town Planning Scheme No. 2, Council refuse to approve the proposed amendments to Detailed Area Plan 2-4.*
2. *Council seeks to reaffirm its position on Local Planning Policy 9 - Multiple Use Trails pertaining to “uniform fencing is to be provided on either side of a multiple use trail. Fencing is to be of post and rail or post and wire construction.”*
3. *Owners or developers are at liberty to screen within the private property with vegetation to affect privacy.*

*CARRIED 8/1*

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

In light of Council's decision not to support solid fencing abutting the trotting complex, the applicant has revised the type of fencing proposed and has provided an alternative for Council's consideration.

**An elevation of the proposed fencing is with the attachments marked [SD113.1/06/11](#).**

### **Sustainability Statement**

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

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

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

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

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

### **Policy/Work Procedure**

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

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

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Summary   | Objective                                                                                                                                    |
|---------------------|-------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| NATURAL ENVIRONMENT | Climate Change    | Mitigation          | Ensure that energy and water conservation is addressed at the local level.                                                                   |
|                     |                   |                     | Minimise resource use                                                                                                                        |
|                     | Energy            |                     |                                                                                                                                              |
| BUILT ENVIRONMENT   | Land Use Planning | Community Reduction | Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire. |
|                     |                   | Urban Villages      | Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.                  |
|                     |                   |                     | Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.                                 |

|  |  |                  |                                                                                                                                         |
|--|--|------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
|  |  | Buildings        | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                                             |
|  |  |                  | Encourage built form that positively contributes to streetscape amenity.                                                                |
|  |  |                  | Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location. |
|  |  |                  | Enable built form that accommodates a range of business and family circumstances and needs.                                             |
|  |  | Water Management | Promote, implement and celebrate best practice integrated water cycle management.                                                       |

### **Community Consultation:**

There is no statutory requirement for community consultation, however, Council may pursuant to provision 6.2.1 (d) of TPS 2 resolve that consultation be undertaken prior to making a final determination. The Local Structure Plan for (formerly) Lot 9 Abernethy Road, Byford was advertised in accordance with the relevant provision of TPS 2. The submissions during this period are discussed further in this report.

### **Comment**

#### *Fencing Maintenance*

Fencing along the Public Access Way will be maintained in accordance with the relevant provisions of the Dividing Fences Act 1961. Landowners are responsible for the exterior fencing adjoining their property and the Shire responsible for exterior fencing adjoining crown land, being the Public Access Way.

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

This report provides Council with the opportunity to formally consider an alternative form of fencing than that previously considered by Council.

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

The following justification/explanation has been provided by the applicant:

*"The purpose of this submission is to seek Council's approval under the Fences Local Law for picket-style fencing to the side and rear boundaries of R5 lots within Kalimna Estate.*

*The proposed fencing consists of 150mm wide treated pine palings with a 30mm gap between palings to achieve visual permeability. The overall height of the fences will be 1800mm. The proposed fencing is shown in the attached image. This fencing has been selected to reflect the rural character of the Byford area.*

*Australand will be providing uniform boundary fencing to all lots within Kalimna to ensure consistency of materials and finishes*

*The R5 lots provide a transition between the residential lots of Kalimna estate and the Tonkin Highway to the west and the Byford Trotting Complex to the east. Post and*

*rail/wire fencing is considered inappropriate in this context; this type of fencing is more suited to larger properties in rural or semi-rural areas.*

*The proposed fencing reflects the rural character of the Byford area and is appropriate for large lots within a residential estate. The proposed fencing will provide benefits of privacy, safety and security for residents of the R5 lots, while also achieving visual permeability and reflecting the rural character of Byford."*

**An elevation of the proposed fencing is with the attachments marked [SD113.1/06/11](#).**

A number of matters have been considered as part of the technical assessment of the proposed fencing, as outlined in the table below.

| <b><u>Matter</u></b>                 | <b><u>Comment</u></b>                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Finished levels of lots</u>       | The lots are proposed to be filled to a minimum height, the fill is to be contained in the front portion of the block to facilitate the construction of the proposed house. It is anticipated that the filling of land to the rear of these properties is to a bare minimum and that no retaining is structurally required. |
| <u>Opportunities for landscaping</u> | Permeable fencing provides the opportunity for landowners to plant out the boundary with various types of creeper species. The developer also intends to landscape along the boundary of the fence in the pedestrian access way.                                                                                            |
| <u>Designing out crime</u>           | It is important that passive surveillance opportunities are established, access is limited and that there is a clear delineation between the public and private realm.                                                                                                                                                      |

There is the ability for Council, under its Fencing Local Law and TPS. 2 to consider the proposed form of fencing. Should Council not be supportive of the proposed fencing, it may assist the applicant if Council outlined any alternative forms of fencing.

#### *Fencing Forward of Building Line*

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

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

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

**A copy of the amended DAPs is with the attachments marked [SD113.2/06/11](#).**

## **Options**

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

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

Option 1 is recommended.

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

## **Conclusion**

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

**Voting Requirements:** Simple Majority

## **Officer Recommended Resolution**

That Council:

- A. Pursuant to Clause 5.18.5.1(c) (i) of Town Planning Scheme No. 2, adopt amendments to Detailed Area Plans 2 - 4 for Lot 220 Abernethy Road, Byford as provided in attachment SD113.2/06/11.
- B. The applicant and the Western Australian Planning Commission be advised of Council's decision.

## **SD113/06/11 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Harris, seconded Cr Hoyer**

**Pursuant to Clause 5.18.5.1(c)(i) of Town Planning Scheme No. 2, Council refuse the proposed amendments to Detailed Area Plan 2-4 for the following reasons:**

- (a) Council's Local Planning Policy 9 - Multiple Use Trails require that "uniform fencing is to be provided on either side of a multiple use trail with fencing to be of post and rail or post and wire construction". The proposed fence is inconsistent with this Policy as fencing on the eastern side of the trail is constructed of either post and wire or post and rail.
- (b) The proposed lots are large in size and adequate privacy screening such as landscaping, can be provided within these lots.
- (c) The proposed lots form part of the buffer area to the Byford Trotting area and Council seeks to ensure that all fences on property boundaries in this area, are open style. The proposed fence would be inconsistent with other similar fences on larger lots abutting the Byford Trotting area and would create a precedent.
- (d) The proposed fence would not allow adequate outlook onto the trail from the properties to provide surveillance (Designing Out Crime Planning Principles – Local Planning Policy 24).

**CARRIED 7/0**

**Council Note:** Committee considered that the proposed modification to the Detailed Area Plan should not be supported as it was not in accordance with Council's Local Planning Policy 9 (Multiple Use Trails), the lots form part of the buffer area around the Byford Trotting complex where Council's seeks to ensure that fences are open style and is not in accordance with Local Planning Policy 24 (Designing Out Crime Planning Principles) as it would not allow adequate outlook from the properties to provide surveillance to public areas.

| SD114/06/11 AMENDED DETAILED AREA PLAN - THE GLADES RESIDENTIAL ESTATE<br>STAGE 5, BYFORD (A1922) |                                                                                                                                                        |                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                        | Taylor Burrell Barnett                                                                                                                                 | In Brief<br><br>Council is requested to endorse amendments to a Detailed Area Plan for Stage 5 at the Glades Estate, Byford. The amendments reflect additional lots created through an amended subdivision layout recently approved by the Western Australian Planning Commission (WAPC). |
| Owner:                                                                                            | LWP Byford Syndicate Pty Ltd                                                                                                                           |                                                                                                                                                                                                                                                                                           |
| Author:                                                                                           | Peter Varelis – Project Officer                                                                                                                        |                                                                                                                                                                                                                                                                                           |
| Senior Officer                                                                                    | Brad Gleeson - Director<br>Development Services                                                                                                        |                                                                                                                                                                                                                                                                                           |
| Date of Report                                                                                    | 9 May 2011                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| Previously                                                                                        | SD13/08/10                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| Disclosure of Interest                                                                            | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                                           |
| <b>Delegation</b>                                                                                 | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                           |

Date of Receipt: 28 April 2011  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential  
 Local Structure Plans: The Glades - Local Structure Plan

### **Background:**

Council has received an amended Detailed Area Plan (DAP) for the Glades Residential Estate, Byford: Stage 5, for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2).

***A copy of the amended DAP is with attachments marked [SD114.1/06/11](#).***

Council at its Ordinary Meeting held 23 August 2010 resolved as follows:

*“Moved Cr Harris, seconded Cr Butfield*

*That Council:*

- A. *Approve the Detailed Area Plan for the Glades Residential Estate Stage 4 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
- B. *Approve the Detailed Area Plan for the Glades Residential Estate Stage 5 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
- C. *Advise the Western Australian Planning Commission accordingly.*

**CARRIED 8/1”**

Subsequent to Council’s endorsement of DAP Stage 5 the WAPC approved an amended plan of subdivision covering Stage 5. For this reason and on this basis amendments were made to DAP Stage 5 to reflect the recently revised plan of subdivision.

### **Sustainability Statement**



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

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

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

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

**Statutory Environment:** Planning and Development Act 2005  
TPS 2  
Liveable Neighbourhoods  
State Planning Policy No. 3.1 (R-Codes)  
Planning for Bushfire Protection Guidelines

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

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category | Focus Area               | Objective Number | Objective Summary   | Objective                                                                                                                                    |
|-----------------|--------------------------|------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <b>Climate Change</b>    |                  |                     |                                                                                                                                              |
|                 |                          | 29               | Mitigation          | Ensure that energy and water conservation is addressed at the local level.                                                                   |
|                 |                          | 30               |                     | Minimise resource use                                                                                                                        |
|                 |                          | 31               |                     | Reduce the liberation of carbon into the atmosphere.                                                                                         |
|                 |                          | 32               |                     | Develop community ownership of climate change mitigation strategies.                                                                         |
|                 |                          | 33               | Adaptation          | Develop and implement climate change adaptation strategies.                                                                                  |
|                 | <b>Energy</b>            |                  |                     |                                                                                                                                              |
|                 |                          | 37               | Community Reduction | Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire. |
|                 |                          | 38               |                     | Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.                         |
|                 | <b>Land Use Planning</b> |                  |                     |                                                                                                                                              |
|                 |                          | 2                |                     | Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.                                |
|                 |                          | 3                | Urban Villages      | Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.                  |
|                 |                          | 5                |                     | Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.                                 |
|                 |                          | 6                |                     | Subdivision layout will maximise the achievement of sustainable development through the utilisation of                                       |

| Vision Category | Focus Area | Objective Number | Objective Summary   | Objective                                                                                                                                          |
|-----------------|------------|------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
|                 |            |                  |                     | solar passive design principles.                                                                                                                   |
|                 |            | 13               | Buildings           | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                                                        |
|                 |            | 14               |                     | Encourage built form that positively contributes to streetscape amenity.                                                                           |
|                 |            | 15               |                     | Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.            |
|                 |            | 16               |                     | Enable built form that accommodates a range of business and family circumstances and needs.                                                        |
|                 |            | 39               | Water Management    | Minimise the use of piped and artificial drainage and its impact on the landscape.                                                                 |
|                 |            | 40               |                     | Promote, implement and celebrate best practice integrated water cycle management.                                                                  |
|                 |            | 41               |                     | Create low maintenance living streams and ephemeral wetlands.                                                                                      |
|                 |            | 47               | Trails and linkages | Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood. |

### **Community Consultation:**

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

### **Comment**

The proposed amendments to the DAP are a result of an amended plan of subdivision which has been recently endorsed by the WAPC. The amendments to the DAP do not affect any design elements but merely reflect additional lots created in Stage 5 as a result of the amended plan of subdivision.

### **Options**

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

- (1) adopt the amended DAP.
- (2) not adopt the amended DAP and provide reasons to the applicant.

Option 1 is recommended.

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

### **Conclusion**

The proposed DAP amendments are considered appropriate to facilitate the orderly development of land within Stage 5 of the Glades Residential Estate. Adoption of the amended DAP is recommended.

**Voting Requirements:** Simple Majority

Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Twine  
That Council:

- A. Approve the amended Detailed Area Plan for the Glades Residential Estate Stage 5 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as provided in attachment SD114.1/06/11.
- B. Advise the Western Australian Planning Commission accordingly.  
LOST 1/5

Cr Twine foreshadowed an alternate motion to defer item SD114/06/11 to the June Ordinary Council Meeting in order for Officers to clarify issues on the Detailed Area Plan.

SD114/06/11 Committee Recommended Resolution

That item SD114/06/11 be deferred to the June Ordinary Council Meeting to give Officers time to clarify the extent of changes to the subdivision plan that forms part of this Detailed Area Plan.

CARRIED 6/0

Committee Note: Officers were asked to clarify the extent of changes to the subdivision plan that forms part of this Detailed Area Plan and information on the location of services in laneways/ road reserves.

**SD114/06/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Harris seconded Cr Petersen  
That Council:**

- A. Approve the amended Detailed Area Plan for the Glades Residential Estate Stage 5 in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as provided in attachment SD114.1/06/11.**
- B. Advise the Western Australian Planning Commission accordingly.**  
**CARRIED 7/0**

**COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Twine  
That Item CGAM066/06/11 be discussed out of order whilst members of the gallery are present to hear the item.**

**CARRIED 7/0**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CGAM066/06/11          |                                                                                                                                                        | REVIEW OF POLICY G706 – PAYMENTS TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD (A1048)                                                                                                                                                                               |
| Proponent:             | Shire of Serpentine Jarrahdale                                                                                                                         | <b>In Brief</b><br><br>For Council to review Policy G706 - Payments to Employees in Addition to Contract or Award.<br><br>It is recommended that the policy be reviewed to recognise employee tenure at the Shire as a way of saying thank you for years of service. |
| Owner:                 | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                      |
| Author:                | Jan Cable - Co-ordinator Customer Relations                                                                                                            |                                                                                                                                                                                                                                                                      |
| Senior Officer:        | Alan Hart - Director Corporate Services                                                                                                                |                                                                                                                                                                                                                                                                      |
| Date of Report         | 2 June 2011                                                                                                                                            |                                                                                                                                                                                                                                                                      |
| Previously             | Nil                                                                                                                                                    |                                                                                                                                                                                                                                                                      |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                      |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                      |

### **Background**

In accordance with the Local Government Act (“the Act”) section 5.50, local governments are required to have a policy in relation to employees, whose employment with the local government is finishing, setting out:

- a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- b) the manner of assessment of the additional amount.

The purpose of this report is to therefore set down *amounts in addition to entitlements* which may be payable to terminating employees, and for the purpose of recognising various staff service milestones.

***A copy of the existing policy G706 Payments to Employees in Addition to contract or Award is with attachments marked [CGAM066.1/06/11](#).***

***A copy of the proposed policy G706 Recognition and Reward for Staff Services is included with attachments [CGAM066.2/06/11](#).***

### **Sustainability Statement**

***Resource Implications:*** Staff retention should improve and this is critical in times of economic growth.

***Economic Viability:*** The policy addresses issues of staff retention and morale and acknowledges staff who have been loyal to the Shire. The additional funds required will be well spent considering the knowledge retention and business continuity that the policy will bring.

***Economic Benefits:*** The policy seeks to provide knowledge retention and business continuity and in so doing reduce staff turnover.

***Social – Quality of Life:*** The policy seeks to provide knowledge retention, improvement of staff morale and in so doing reduce staff turnover.

**Statutory Environment:**

Local Government Act 1995 (Section 5.50)  
A public notice is required to be given under Section 5.50(1) of the Local Government Act.

**Policy/Work Procedure Implications:**

A draft work procedure (CSWP14) has been prepared.

**Financial Implications:**

The total financial implication is shown below:

|             | <b>Retrospective</b> | <b>Long service</b> | <b>Anniversary</b> | <b>Total</b> |
|-------------|----------------------|---------------------|--------------------|--------------|
| 2011/2012   | \$8,000              | \$10,500            | \$6,100            | \$24,600     |
| 2012/2013   | -                    | \$6,250             | \$8,100            | \$14,350     |
| 2013/2014   | -                    | \$10,000            | \$10,400           | \$20,400     |
| Three years |                      |                     |                    | \$59,350     |

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| <b>Vision Category</b>     | <b>Focus Area</b> | <b>Objective Summary</b> | <b>Objective</b>                                                                                       |
|----------------------------|-------------------|--------------------------|--------------------------------------------------------------------------------------------------------|
| <b>OUR COUNCIL AT WORK</b> |                   |                          |                                                                                                        |
|                            | <b>People</b>     |                          |                                                                                                        |
|                            |                   | A Great Place to Work    | Invest in HR.                                                                                          |
|                            |                   |                          | Recognise our people are our most important asset.                                                     |
|                            |                   |                          | The shire will strive to create a unique employment environment.                                       |
|                            |                   |                          | Recognise our position in the employment market place and develop a niche/point of difference.         |
|                            |                   |                          | Develop recruitment and HR policies that make SJ an exclusive - by invitation only employer of choice. |
|                            |                   |                          | Continue to build a multicultural and intergenerational workforce.                                     |
|                            |                   |                          | Individual skills and contributions are acknowledged.                                                  |
|                            |                   |                          | The Shire values corporate knowledge and stability and is focused on staff retention.                  |

**Community Consultation:**

Not required.

**Comment:**

The policy has three objectives, being to:

1. Add five years minimum and thereafter increments of every five years of continuous service to the long service recognition of Shire staff.
2. Retrospectively pay existing staff members for five and fifteen years long service.
3. Acknowledge staff on the third and following anniversaries through a voucher recognising their loyalty.

It needs to be recognised that there are four members of staff that have been employed by the Shire for more than twenty years, two of which have twenty six years of dedicated service. Twelve staff members have been at Council for more than ten years and a further twelve have more than five years service.

The breakdown of payments will be as follows:  
Once-off retrospective payment for fifteen years: 4 people  
Once-off retrospective payment for five years: 20 people

Honours list for 2011/2012  
Twenty five years: 2 people  
Twenty years: 0 people  
Fifteen years: 6 people  
Ten years: 3 people  
Five years: 8 people

The three year anniversary voucher will not be paid retrospectively and will thus start as of 1 July 2011.

### **Conclusion**

The policy amendment is aimed at staff retention and business continuity through increased morale. Adoption of the amended Policy is recommended.

**Voting Requirements:                      ABSOLUTE MAJORITY**

### **CGAM066/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

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

- 1. Adopt the revised Policy G706 Recognition and Reward for Staff Services as set out in attachment CGAM066.2/06/11.**
- 2. Require a public notice to be given under Section 5.50(1) of the Local Government Act.**

**CARRIED 7/0**

### **COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Lowry**

**That Item OCM063/06/11/06/11 be discussed out of order whilst members of the gallery are present to hear the item.**

**CARRIED 7/0**

### **COUNCIL DECISION**

**Moved Cr Hoyer, seconded Cr Randall**

**That the meeting be closed to members of the public at 9.33pm to allow Council to discuss confidential item SD132/06/11 as per the Local Government Act 1995 section 5.23(2)(a).**

**CARRIED 7/0**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OCM063/06/11           |                                                                                                                                                        | <b>CONFIDENTIAL ITEM – POTENTIAL TO INITIATE LEGAL PROCEEDINGS FOR UNLAWFUL DEVELOPMENT AT LOT 220 HOMESTEAD PLACE, BYFORD AND LOT 2 JARRAHDAL ROAD, JARRAHDAL AND CONSIDERATION OF DRAFT COUNCIL COMPLIANCE POLICY (A1885)</b>                                                                                                                                                                                                                                                                                                                                                            |
| Proponent:             | Shire of Serpentine Jarrahdale                                                                                                                         | <p>In Brief</p> <p>Council requested a review and report into the ‘potential to initiate legal proceedings for unlawful development in two recent development applications; Lot 220 Homestead Place, Byford; and Lot 2 Jarrahdale Road, Jarrahdale. Council also requested a report on current compliance processes and preparation of a draft Policy.</p> <p>It is recommended that legal proceedings not be commenced at this time. A draft Council Compliance Policy is presented as the first step in the process in Council’s consideration of the possible adoption of a Policy.</p> |
| Owner:                 | Not Applicable                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Author:                | Tony Turner – Manager Health, Rangers & Compliance                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Senior Officer:        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Date of Report         | 22 June 2011                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Previously             | OCM052/04/11 - 27 April 2011                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 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>                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**OCM063/06/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Randall  
That Council:

1. Supports the approach to attaining compliance with the planning approval conditions for Lot 220 Homestead Place, Byford and Lot 2 Jarrahdale Road, Jarrahdale and the decision to not initiate legal proceedings for unlawful development at this time while land owners are working to mitigate non compliances, as it is considered that this would be counterproductive to attaining compliance.
2. Notes the information provided in part 2 of this report that outlines the Shire’s current approach to compliance and the ‘Draft Council Compliance Policy’ that is being developed as per the Council’s procedure for developing Council Policies and possible endorsement.

**CARRIED 7/0**

**COUNCIL DECISION**

Moved Cr Harris, seconded Cr Hoyer  
That the meeting be re-opened to the public at 9.35pm  
**CARRIED 7/0**

| SD115/06/11 DETAILED AREA PLAN NO.10: NEIGHBOURHOOD NODE – BYFORD CENTRAL RESIDENTIAL ESTATE, BYFORD (A2016) |                                                                                                                                                        |                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                                   | Gray & Lewis Land Use Planners                                                                                                                         | In Brief<br><br>Council is requested to endorse a Detailed Area Plan, setting out design requirements for the future development of the subject site. |
| Owner:                                                                                                       | Byford Central                                                                                                                                         |                                                                                                                                                       |
| Author:                                                                                                      | Peter Varelis – Project Officer                                                                                                                        |                                                                                                                                                       |
| Senior Officer                                                                                               | Brad Gleeson - Director Development Services                                                                                                           |                                                                                                                                                       |
| Date of Report                                                                                               | May 2011                                                                                                                                               |                                                                                                                                                       |
| Previously                                                                                                   | Nil                                                                                                                                                    |                                                                                                                                                       |
| Disclosure of Interest                                                                                       | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                       |
| <b>Delegation</b>                                                                                            | <b>Council</b>                                                                                                                                         |                                                                                                                                                       |

|                        |                                     |
|------------------------|-------------------------------------|
| Date of Receipt:       | May 2011                            |
| L.A Zoning:            | Urban Development                   |
| MRS Zoning:            | Urban                               |
| Byford Structure Plan: | Residential                         |
| Local Structure Plans: | Byford Central Local Structure Plan |
| Date of Inspection:    | Various                             |

### **Background:**

Council has received a Detailed Area Plan (DAP) for the Byford Central Residential Estate for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2).

***A copy of the DAPs is with attachments marked [SD115.1/06/11](#).***

The DAP sets out design requirements for the development of lots associated with the neighbourhood nodes identified on the Byford District Structure Plan (BSP) & Byford Central Local Structure Plan (LSP). The requirements stipulated in the DAPs apply in addition to normal Scheme and State Planning Policy No. 3.1, Residential Design Codes (R-Codes) requirements and will permit particular variations related but not limited to dwelling placement, retail floor area and design requirements. Stipulating modified provisions under a DAP facilitates specialised design outcomes.

This report provides Council with the opportunity to adopt the DAP for the Byford Central Residential Estate.

### **Sustainability Statement**

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

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



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

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

**Statutory Environment:** Planning and Development Act 2005  
TPS 2  
Liveable Neighbourhoods  
Statement of Planning Policy No. 3.1 (R-Codes)

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

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category | Focus Area               | Objective Number | Objective Summary   | Objective                                                                                                                                    |
|-----------------|--------------------------|------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                 | <b>Climate Change</b>    |                  |                     |                                                                                                                                              |
|                 |                          | 29               | Mitigation          | Ensure that energy and water conservation is addressed at the local level.                                                                   |
|                 |                          | 30               |                     | Minimise resource use                                                                                                                        |
|                 |                          | 31               |                     | Reduce the liberation of carbon into the atmosphere.                                                                                         |
|                 |                          | 32               |                     | Develop community ownership of climate change mitigation strategies.                                                                         |
|                 |                          | 33               | Adaptation          | Develop and implement climate change adaptation strategies.                                                                                  |
|                 | <b>Energy</b>            |                  |                     |                                                                                                                                              |
|                 |                          | 37               | Community Reduction | Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire. |
|                 |                          | 38               |                     | Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.                         |
|                 | <b>Land Use Planning</b> |                  |                     |                                                                                                                                              |
|                 |                          | 2                |                     | Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.                                |
|                 |                          | 3                | Urban Villages      | Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.                  |
|                 |                          | 5                |                     | Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.                                 |
|                 |                          | 6                |                     | Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.      |
|                 |                          | 13               | Buildings           | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                                                  |
|                 |                          | 14               |                     | Encourage built form that positively contributes to streetscape amenity.                                                                     |

|  |  |    |                     |                                                                                                                                                    |
|--|--|----|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | 15 |                     | Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.            |
|  |  | 16 |                     | Enable built form that accommodates a range of business and family circumstances and needs.                                                        |
|  |  | 39 | Water Management    | Minimise the use of piped and artificial drainage and its impact on the landscape.                                                                 |
|  |  | 40 |                     | Promote, implement and celebrate best practice integrated water cycle management.                                                                  |
|  |  | 41 |                     | Create low maintenance living streams and ephemeral wetlands.                                                                                      |
|  |  | 47 | Trails and linkages | Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood. |

### **Community Consultation:**

The LSP for the Byford Central Estate was advertised for comment during 2005/6, providing an opportunity for all stakeholders to provide input into the planning for this area. The provisions of the DAP will not adversely impact on any existing landowners and as such advertising is not considered warranted.

### **Comment**

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

- Neighbourhood Nodes / Residential Development
- Fencing
- Front Setbacks
- Secondary Street
- Private Open Space Laneway Lots
- Policy Context

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

#### **Neighbourhood Nodes / Residential Development**

The LSP for the Byford Central Estate defines the land use of the subject lots as Neighbourhood Nodes. The further particulars relating to the permissibility of land uses within this zoning are outlined within existing Local Planning Policy No. 19 – Byford Development Requirements (LPP19).

***A copy of LPP19 and associated Land Use Table is with attachments marked [SD115.2/06/11](#).***

LPP19 was developed in parallel with the BSP and provides interim guidance as to the permissible land uses for Neighbourhood Nodes as defined under the BSP. LPP19 was developed for interim guidance and was always anticipated to be revised in light of the development of the Byford Town Centre LSP, State Planning Policy 4.2 – Activity Centres and the Shire’s Activity Centres Strategy.

The DAP proposes predominantly residential uses that are encouraged through advice notes to facilitate the requirements outlined in LPP19 for Neighbourhood Nodes. The proposed DAP allows for a maximum retail floor area of 75m<sup>2</sup> over the entirety of Lot 331 and a base R30- Residential Coding for density requirements.

Officers are of the opinion that the overall objectives of LPP19 are being upheld through the advice notes contained on the DAP that encourage Neighbourhood Node / Retail design specifications to be incorporated into the development. The DAP allows for a maximum retail floor area of 75m<sup>2</sup> over the corner site which provides officers enough guidance to address details at the development application stage. The provisions of the DAP require that all applications on these sites necessitate Development Approval, providing planning staff the opportunity to oversee the development of these lots.

The further particulars relating to the long term implementation and gradual development of the Neighbourhood Nodes over the BSP holistically will need to be verified through revised TPS2 provisions, the development of relevant Local Planning Policies and Strategies.

### Fencing

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

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

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

### Front Setbacks

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

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

Given their prominence in the neighbourhood and potential for retail capacity it is considered that the objective of the R-Codes are adequately addressed through the setbacks proposed under the DAP. On balance the proposed 3m minimum, 6m maximum setback is considered reasonable and consistent with the objective of the R-Codes and Neighbourhood Nodes.

### Secondary Street

Due to their envisaged function in the neighbourhood it is considered appropriate that the secondary street setbacks for Neighbourhood Nodes be reduced from 1.5m, as stipulated under the R-Codes, to 1.0m. This variation would encourage built form to be placed in closer proximity to pedestrians, thus improving the built form's prominence in the locality.

### Private Open Space

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

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

The proposed DAP predominantly provides for R30 lots with an open space requirement of 40%. This requirement is consistent with previously approved DAPs coded R30 in Byford.

On balance, the proposed 5% reduction in private open space is considered reasonable and consistent with previously adopted DAPs for various residential estates in Byford.

### Policy Context

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

- Streetscape – to address the public realm, effectively between property boundaries; and
- DAPs – to guide the content, structure and statutory operation of detailed areas plans.

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

It is not considered appropriate to defer consideration of the proposed DAP until the policy framework at the Shire is further developed. Applications that are lodged need to be assessed against the policy framework that exists at that point in time.

### Options

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

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

Option 1 is recommended.

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

### Conclusion

The DAP proposed is considered to facilitate appropriate urban form outcomes and support Council's commitment to continuous improvement. Adoption of the DAPs is recommended.

**Voting Requirements:** Simple Majority

### **SD115/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

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

- 1. Pursuant to Clause 5.18.5.1(c) (i) of Town Planning Scheme No. 2 adopt Detailed Area Plan No. 10 for the Byford Central Estate as provided in attachment SD115.1/06/11.**
  - 2. Advise the Western Australian Planning Commission accordingly.**
- CARRIED 7/0**

### **COUNCIL DECISION**

**Moved Cr Hoyer, seconded Cr Harris  
That the meeting be adjourned at 9.36pm  
CARRIED 7/0**

**COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Harris  
That the meeting be re-opened at 9.45pm  
CARRIED 7/0**

*Manager Health, Rangers & Compliance left the meeting at 9.36pm*

| SD117/06/11            |                                                                                                                                                        | PROPOSED MEDICAL CENTRE – LOT 21 (5) MAXWELL STREET, SERPENTINE (P00368/07)                                                                                         |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:             | Aaron Sangalli                                                                                                                                         | In Brief<br><br>A proposed Medical Centre which will incorporate a doctor's surgery and pharmacy. It is recommended that the application be conditionally approved. |
| Owner:                 | Brandwood Pty Ltd                                                                                                                                      |                                                                                                                                                                     |
| Author:                | Michael Daymond - Senior Planner                                                                                                                       |                                                                                                                                                                     |
| Senior Officer:        | Brad Gleeson - Director<br>Development Services                                                                                                        |                                                                                                                                                                     |
| Date of Report         | 19 May 2011                                                                                                                                            |                                                                                                                                                                     |
| 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>                                                                                                                                         |                                                                                                                                                                     |

Date of Receipt: 21 February 2011  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 2028m<sup>2</sup>  
 L.A Zoning: Commercial  
 MRS Zoning: Urban  
 Rural Strategy Policy Area: Town & Village Urban  
 Date of Inspection: 13 April 2011

**Background**

The applicant seeks approval to establish a Medical Centre within an existing building on the corner of Maxwell Street and Wellard Street within the Serpentine town site. One of the shops is proposed to be converted into the Medical Centre is currently occupied by a hairdressing business. The other two shops are currently vacant. The existing bottle shop will remain in its current location.

***A copy of the location plan and aerial photograph are with attachments marked [SD117.1/06/11](#).***

**Sustainability Statement**

***Economic Viability and Benefits:*** The development is located within the Serpentine town site. The development will provide a boost to the local economy and may provide additional employment opportunities. The development is within a walkable distance to existing commercial and community facilities in Serpentine.

***Social – Quality of Life:*** It is considered that the proposal will improve the quality of life for residents of the Shire by providing them with Medical Centre facility in Serpentine. Although

there may be a slight increase in traffic movements to and from the site, it is considered that this will not impact on any adjoining properties as the site is located in the town centre.

The proposal is located within an existing building which has been designed to ensure that there is safe pedestrian access to the development along the adjoining road reserves. Disabled parking bays are provided close to the main entrance to the site.

**Social and Environmental Responsibility:** The proposal is not considered to impact significantly on the surrounding environment and will provide an improved service for residents of the Shire.

**Social Diversity:** The proposal does not disadvantage any social groups but does cater for all sectors of the community by providing much needed medical services within the Shire.

**Statutory Environment:** Town Planning Scheme No.2 (TPS 2)  
Rural Strategy 1994  
Planning and Development Act 2005

**Policy/Work Procedure Implications:** Local Planning Policy 14 – Wellard & Richardson Street Design Guidelines (LPP14)

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category          | Focus Area               | Objective Number           | Objective Summary | Objective                                                                                                                               |
|--------------------------|--------------------------|----------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILT ENVIRONMENT</b> | <b>Land Use Planning</b> | 3                          | Urban Villages    | Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.             |
|                          |                          | 13                         | Buildings         | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                                             |
|                          |                          | 14                         |                   | Encourage built form that positively contributes to streetscape amenity.                                                                |
|                          |                          | 15                         |                   | Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location. |
|                          |                          | 16                         |                   | Enable built form that accommodates a range of business and family circumstances and needs.                                             |
|                          |                          | <b>OUR COUNCIL AT WORK</b> | <b>Leadership</b> | 1                                                                                                                                       |
| 7                        |                          |                            |                   | Elected members and staff have a clear understanding of their roles and responsibilities.                                               |
|                          |                          |                            |                   |                                                                                                                                         |

| Vision Category                    | Focus Area                  | Objective Number | Objective Summary | Objective                                                                                                                 |
|------------------------------------|-----------------------------|------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------|
|                                    |                             | 9                |                   | All decisions by staff and elected members are evidence based, open and transparent.                                      |
| <b>PEOPLE AND COMMUNITY</b>        | <b>Wellbeing</b>            | 3                | Healthy           | Enable the provision of a range of facilities and services for families and children.                                     |
|                                    | <b>Places</b>               | 29               | Vibrant           | Create vibrant urban and rural villages.                                                                                  |
|                                    |                             | 33               |                   | Plan and facilitate the provision of a range of facilities and services that meet community needs                         |
|                                    |                             | 35               |                   | Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety. |
| <b>SUSTAINABLE ECONOMIC GROWTH</b> | <b>Industry Development</b> | 1                | General           | Attract and facilitate appropriate industrial, commercial and retail developments.                                        |

### Community Consultation

The proposal was referred to surrounding landowners for comment. As a result of the advertising, one (1) letter of support was received.

| Affected Property | Summary of Submission                                                                                                                                                                                              | Officer's Comment |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| A180101           | A brilliant idea, long overdue. I'm at the stage in my life where I have to have a medical each year for my driving licence and any time now it could be revoked leaving me with no transport to visit the doctor. | Comments noted.   |

### Comment

#### Proposal

As part of the application, the proponent submitted the following information:

*"These units are currently zoned "commercial use" and I believe a "Medical Centre" is classed as a permitted use.*

*My intentions would be to initially develop unit 3 as a doctor's surgery and if successful in securing a General Practitioner, move on to develop units 4 as an extension of the surgery and unit 5 into a pharmacy.*

*I have had the property surveyed which demonstrates sufficient room for parking. Disabled parking could be made available to the east of unit 5 with some ramping and other applicable modifications. A disabled toilet would also be installed within the surgery. The tenancies are already serviced by a shared toilet block located between units 1 and 2.*

*Presumably the surgery may operate Monday to Friday during business hours which would be supported by the pharmacy which may also open Saturday until lunchtime. I would expect the surgery to have 2-3 staff including the doctor initially and the pharmacy to have 2 staff".*

**A copy of the development plans are with attachments marked [SD117.2/06/11](#).**

**Photographs of the existing building are with attachments marked [SD117.3/06/11](#).**

## **Statutory Environment**

### **TPS 2**

The subject site is zoned 'Commercial' under TPS 2, which allows for a number of different uses to be considered by Council. The intent of the 'Commercial' zone as set out in TPS 2 is as follows:

*"5.6 The purpose and intent of the Commercial Zone is to encourage the establishment of a commercial centre in each of the four towns in the Shire, to maximise the public benefit and amenity in the towns in respect of retail, office and entertainment facilities."*

It is considered that the proposed development is consistent with the stated purpose and intent of the Commercial zone.

### **Rural Strategy**

The subject site is identified within the 'Town & Village Urban' policy area of the Shire's Rural Strategy. One of the key objectives of the 'Town and Village Urban' policy area under the Shire's Rural Strategy is to *"provide community facilities and social infrastructure to surrounding areas"*.

It is considered that the proposed development is consistent with the objectives of the 'Town and Village Urban' policy area.

### **Use Class & Permissibility**

The proposed development is deemed to fall under the definition of 'Medical Centre' under TPS 2 which is defined as:

**Medical Centre** - means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists and like allied medical professionals.

The proposed development will incorporate a doctor's surgery together with a pharmacy (chemist), both of which are incorporated into the above definition. A 'Medical Centre' is identified as a permitted (P) use within the 'Commercial' zone. Under the provisions of TPS 2, Council has no discretion not to support the application based on the proposed use of the land.

### **LPP14**

As the subject site is located on Wellard Street, it falls within the area covered by LPP14. This policy provides guidance when dealing with development within the Wellard and Richardson Street precinct. LPP14 covers the following three (3) main areas of assessment.

- Building Form;
- Building Design; and
- Environment and Context.

An assessment of the development against the requirements of LPP14 has been undertaken and is included as an attachment to this report. As detailed within the table, the development



complies with a majority of the policy requirements. The areas of non-compliance are either not able to be achieved due to the existing nature of the building or can be met by appropriate conditions of approval.

Where appropriate, the applicant has provided relevant comments against the areas of non-compliance within the assessment table.

**A copy of the development assessment table of the proposal against the requirements of LPP14 is with attachments marked [SD117.4/06/11](#).**

### TPS 2 Requirements

TPS 2 contains a number of requirements that need to be met for any proposed development within the 'Commercial' zone. An assessment of these requirements against the appropriate use class is detailed in the table below (note: for the purpose of the table, a Medical Centre falls under 'all other uses'):

#### **Proposed Use Class: ALL OTHER USES**

|                         | <b>TPS 2 Requirement</b>                                                                                                        | <b>Provided</b>                                | <b>Comment</b>                                                                           |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------|
| Min. effective frontage | 10m                                                                                                                             | 63.8m                                          | Complies                                                                                 |
| Front setback           | 9m (min)                                                                                                                        | 5m to Wellard Street and 12m to Maxwell Street | Does not comply. However as the building is existing, setbacks are unable to be altered. |
| Side setback            | For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall whichever is greater | 9m                                             | Complies                                                                                 |
| Rear setback            | 6m                                                                                                                              | 15m                                            | Complies                                                                                 |
| Max. plot ratio         | 0.5:1                                                                                                                           | 0.27:1                                         | Complies                                                                                 |
| Max. site coverage      | 0.5                                                                                                                             | 0.27                                           | Complies                                                                                 |
| Landscaping             | 10% of site                                                                                                                     | Not specifically detailed.                     | Will be included as a condition, if approved                                             |

### Parking Requirements

The parking requirements under TPS 2 for the proposed development are detailed in the below table (Note: as 'Medical Centre' is not listed in Table V of TPS 2, the closest fit for Medical Centre is 'Consulting Rooms' and 'Shop' (pharmacy)).

| <b>Use Class</b> | <b>Ratio (TPS 2)</b>                                                       | <b>Car Bays (required)</b>                                                                                                            |
|------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Consulting Rooms | 6 spaces for 1 practitioner and 4 spaces for each additional practitioner. | There will initially be 1 practitioner (6 spaces) with possible expansion to 3 practitioners (14 bays).<br><br>Maximum total: 14 bays |

|                                    |                            |                                                                      |
|------------------------------------|----------------------------|----------------------------------------------------------------------|
| Shop                               | 1 per 15m <sup>2</sup> GLA | 74.8m <sup>2</sup> of gross leasable area = 5 bays.<br>Total: 5 bays |
| <b>TOTAL BAYS REQUIRED</b>         |                            | <b>19</b>                                                            |
| <b>TOTAL BAYS PROVIDED ON PLAN</b> |                            | <b>21</b> (including 2 disabled bays) plus 2 motorcycle bays.        |

The proposal complies with TPS 2 with respect to parking requirements.

#### Landscaping & Vegetation

There are a number of mature trees along the northern, western and eastern boundaries of the site which are intended to be retained by the applicant. As there is an opportunity for additional landscaping to be undertaken, especially in the south-eastern corner of the site, conditions are included within the officer recommendation.

#### Options Available to Council

There are two options available to Council when dealing with this proposal.

Option 1: Council conditionally approves the proposed development.

Option 2: Council refuses the proposed development, providing reasons to the applicant.

The officer recommendation to Council is option 1.

#### Conclusion

The proposal for a Medical Centre will provide a service that will be much needed within the Shire especially within the Serpentine town site. The application complies with a majority of the TPS 2 and LPP14 requirements. The areas of non-compliance either cannot be retrofitted due to the existing building or are covered by appropriate conditions of approval.

**Voting Requirements:** Simple Majority

#### **SD117/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Petersen, seconded Cr Buttfield**

**The proposed Medical Centre at Lot 21 (5) Maxwell Street, Serpentine be approved subject to the following conditions:**

#### **AMENITY**

- 1. Only the colours and materials as identified on the plans attached to and forming part of this approval are to be used unless prior written approval is obtained from the Shire.**
- 2. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.**

**VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS**

3. Nineteen (19) car parking bays, excluding the disabled parking bays, to be provided in accordance with the plans attached to and forming part of this approval.
4. Two (2) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
5. The vehicle parking area, accessway(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
6. The design of the car parking bays are to comply with the relevant Australian Standards and Regulations.
7. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
8. Bicycle parking facilities being provided in accordance with draft Local Planning Policy No.58 *Bicycle Facilities in Urban Developments* to the satisfaction of the Director Engineering.

**EXTERNAL LIGHTING**

9. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1 (Cat. P)*.
10. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast.

**SIGNAGE**

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

**LANDSCAPING & VEGETATION**

13. A Landscape and Vegetation Management Plan for the entire development site, including must be submitted to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
14. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
15. 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.

**LOADING BAY**

16. All loading and unloading to take place within the boundaries of the premises.

**BIN STORAGE & PICK-UP**

17. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale *Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Director Development Services.

**Advice Notes:**

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of *Building Regulation 20(4) or 22* is guilty of an offence.
3. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the *National Construction Code Series (Building Code of Australia)* and all relevant Australian Standards.
4. Disposal of medical waste to be in accordance with Health Department of Western Australia's Code of Practice.
5. Any air conditioning unit(s) must be installed and maintained in accordance with *AS3666 - 1989 Air-handling and Water Systems of Buildings Microbial Control* and *AS1668.2 Mechanical Ventilation for Acceptable Indoor Air Quality*.
6. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
7. The facility is required to comply with the *Health (Public Buildings) Regulations 1992*.
8. The development is to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times.
9. Construction noise is not to be emitted from the building site prior to 7.00am or after 7:00pm on Monday to Saturday and not at all on Sundays or Public Holidays.
10. A "suitable enclosure" referred to in condition 17 means an enclosure:
  - a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Director Development Services;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1m in width, fitted with a self-closing gate;
  - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
11. The Consultation Room(s) shall be fitted with a hand basin connected to an adequate supply of hot and cold water delivered through a common outlet and shall be able to be operated other than by hand.
12. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
13. The applicant is advised that the landscape design should be guided by Crime Prevention through Environmental Design principles.

**CARRIED 7/0**

| SD118/06/11 PROPOSED OVERSIZE AND OVERHEIGHT SHED - LOT 14 (#62) LINTON STREET NORTH, BYFORD (P04716/03) |                                                                                                                                                        |                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                               | Dykstra Planning                                                                                                                                       | In Brief<br><br>Application for the construction of an oversize and over height shed. Approval subject to conditions is recommended. |
| Owner:                                                                                                   | Mitchell Ross                                                                                                                                          |                                                                                                                                      |
| Officer:                                                                                                 | Casey – Rose Planning Assistant                                                                                                                        |                                                                                                                                      |
| Senior Officer:                                                                                          | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                      |
| Date of Report                                                                                           | 23 May 2011                                                                                                                                            |                                                                                                                                      |
| Previously                                                                                               | Nil                                                                                                                                                    |                                                                                                                                      |
| Disclosure of Interest                                                                                   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                      |
| <b>Delegation</b>                                                                                        | <b>Council</b>                                                                                                                                         |                                                                                                                                      |

|                            |                                                |
|----------------------------|------------------------------------------------|
| Date Received              | 13 December 2010                               |
| Lot Area                   | 6273m <sup>2</sup>                             |
| TPS. Zoning                | Urban Development                              |
| MRS Zoning                 | Urban                                          |
| Density Code               | Residential R20                                |
| Use Class & Permissibility | Single Residence – Incidental Development (AA) |
| Structure Plan             | Byford Structure Plan                          |
| Detailed Area Plan         | Byford Townsite Detailed Area                  |

### **Background**

An application was received for the construction of an oversize and over height shed. The application initially proposed to seek an outbuilding of 260m<sup>2</sup> however after discussion with Council's planning staff the revised proposal subsequently sought a 50% reduction in size and now seeks to achieve a shed of 10 metres by 13 metres in size (130m<sup>2</sup>) with a 6 metre wide lean-to attached. The proposed use of the large outbuilding is to garage several domestic vehicles and store large household items.

***The location plan, aerial photograph, elevation and site plans are contained in the attachments marked [SD118.1/06/11](#).***

### **Proposal**

The subject lot is zoned Urban Development and is covered by the Byford District Structure Plan and Byford Townsite Detailed Area Plan (BDAP). These adopted planning instruments identify the lot as being Residential R20 subject to Local Structure Planning for the Stanley Road Precinct.

The BDAP conceptual subdivision format would require a co-ordinated approach by individual landowners and subsequent adoption of an LSP therefore subdivision is potentially constrained by and prevailing R20 lots is unlikely to occur for some time. Many of the surrounding lots are still being utilised for a semi rural use and have remained on average of 1 – 3 acres in size therefore by comparison a 130m<sup>2</sup> would be consistent with the existing larger residential properties. Two small existing sheds would result in the overall combined floor area being 180m<sup>2</sup>.

### **Sustainability Statement – Urban Development**

| <b>Sustainable Element</b>                                                                                                                                                     | <b>Comment</b>                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Is there remnant native vegetation on site or adjoining verge?                                                                                                                 | Vegetation exists however there is no evidence to show it is specifically remnant or native |
| Is remnant native vegetation to be retained or removed as a result of this proposal?                                                                                           | Proposal does not result in removal of any native vegetation.                               |
| Is additional vegetation required to screen or ameliorate the bulk of the proposed development?                                                                                | No                                                                                          |
| Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?                                                               | No                                                                                          |
| Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?                               | No                                                                                          |
| 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? | No. Water re-use would be recommended accordingly.                                          |

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Residential Design Codes 2010  
BDAP

**Policy/Work Procedure Implications:**

Local Planning Policy (LPP) 17 Residential and Incidental Development

**Financial Implications:**

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for the Council related to possible legal costs and officer time.

**Strategic Implications:**

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

**1. People and Community**

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

**Strategies:**

6. Ensure a safe and secure community.

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

**Strategies:**

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

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

**Strategies:**

1. Implement known best practice sustainable natural resource management.

2. Respond to Greenhouse and Climate change.

3. Reduce waste and improve recycling processes

**4. Governance**

*Objective 3: Compliance to necessary legislation*Strategies:

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

**Community Consultation:**

No submissions received.

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

LPP17

| <b>Policy Requirement</b>                                           | <b>Required</b>      | <b>Proposed</b>                                                                                                     | <b>Comments</b>                                              |
|---------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Setbacks<br>Primary Street<br>Rear<br>Side                          | 6m<br>1.5m<br>1.5m   | 7.5m<br>7.5m                                                                                                        | Complies<br>Complies<br>Complies                             |
| Floor Area<br>(combined total<br>floor area of all<br>outbuildings) | Max.60m <sup>2</sup> | 130m <sup>2</sup><br>(proposed<br>shed) and<br>50m <sup>2</sup><br>existing<br>sheds.<br>Total<br>180m <sup>2</sup> | Does not comply. Variation supported and condition required. |
| Wall Height                                                         | Max.2.4m             | 4.8m                                                                                                                | Does not comply                                              |
| Roof Height                                                         | Max.4.2m             | 6m                                                                                                                  | Does not comply                                              |

BDAP

| <b>Residential Character</b> | <b>Required</b>                                                | <b>Proposed</b>                             | <b>Comments<br/>(Complies/Variation<br/>Supported/Condition<br/>Required)</b> |
|------------------------------|----------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------|
| Access to the<br>property    | Primary street<br>frontage determined<br>by council.           | Primary<br>Street<br>frontage               | Complies                                                                      |
| Siting of<br>Development     | Construction in front<br>of building setback not<br>permitted. | Shed<br>proposed<br>behind<br>building line | Complies                                                                      |
| Construction<br>materials    | Same/similar to main<br>dwelling                               | Colorbond™                                  | Complies. Proposed colour of<br>shed matches existing<br>dwelling.            |

**Comments**

The subject lot is identified at Residential R20. This would stipulate a maximum floor area of 60m<sup>2</sup> under Council's LPP17. The combined floor area of the existing sheds and proposed

shed is 180m<sup>2</sup>. The combined floor area will therefore exceed the 60m<sup>2</sup> floor area limit by 120m<sup>2</sup>.

Given the above scenario and taking into account the fact that the size of the property is 6273m<sup>2</sup>, it is reasonable to allow larger blocks to have a larger floor area for outbuildings. If the land is to be subdivided then the outbuildings can easily be removed. Considering the sizes of similar outbuildings on adjoining properties, all of which are zoned Residential R20, it is reasonable to allow the proposed oversized outbuilding to be constructed on the subject property. Since the adoption of the Byford DSP, similar proposals of sheds measuring approximately 120m<sup>2</sup> on larger urban development zoned lots have generally been supported by Council.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

Application for approval to commence development for a shed on Lot 14 (#62) Linton Street North, Byford be approved subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. The Shed 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.

Advice Note:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

Committee Note: Committee would like further information and direction on conditioning to clarify the use of rainwater tanks in relation to stormwater issues, screening issues and clarification of commercial uses.

**SD118/06/11 COUNCIL DECISION/Alternate Resolution:**

**Moved Cr Hoyer, seconded Cr Lowry**

**Application for approval to commence development for a shed on Lot 14 (#62) Linton Street North, Byford be approved subject to the following conditions:**

1. **All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
2. **The Shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**
3. **The northern, southern and western side of the shed is to be screened by vegetation to the satisfaction of the Director Strategic Community Planning by 30 September 2012. The vegetation is thereafter to be maintained to the satisfaction of the Shire.**





**Advice Note:**

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
3. The applicant is advised that the installation of a water tank adjacent to the proposed shed is a sustainable means of containing stormwater on site.
4. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.

**CARRIED 7/0**

**Council Note:** Council approved the development with further conditions and advice notes addressing rainwater tanks in relation to stormwater issues, screening issues and clarification of commercial vehicle parking.

| SD119/06/11 PROPOSED OVERSIZE AND OVERHEIGHT OUTBUILDING (STABLES)<br>- LOT 101 (35) LANG ROAD, MUNDIJONG (P08627/01) |                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                                            | Martin Oldfield                                                                                                                                        |
| Owner:                                                                                                                | As Above                                                                                                                                               |
| Officer:                                                                                                              | Helen Maruta - Planning Officer                                                                                                                        |
| Senior Officer:                                                                                                       | Brad Gleeson – Director Development Services                                                                                                           |
| Date of Report                                                                                                        | 25 May 2011                                                                                                                                            |
| Previously                                                                                                            | Nil                                                                                                                                                    |
| Disclosure of Interest                                                                                                | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |
| <b>Delegation</b>                                                                                                     | <b>Council</b>                                                                                                                                         |

In Brief  
Application for the construction of oversize and overheight outbuilding (stables). Approval subject to conditions is recommended.

Date of Receipt: 8 April 2011  
 Lot Area: 11.87 hectares  
 MRS Zoning: Urban  
 TPS Zoning: Urban Development  
 Use Class & Permissibility: Single Residence – Incidental development  
 Date of inspection: 23 May 2011

**Proposal**

The application proposes construction of overheight and oversize stables. The proposed stables are to be 120m<sup>2</sup> in floor area, have a wall height of 3.0m and a ridge height of 3.64m. The stables are proposed to be constructed entirely out of pale eucalypt colorbond with a surfmest roof.

The subject land contains other existing outbuildings including two open front machinery sheds of 226 m<sup>2</sup>, and an old dairy store which is being used for general purpose storage of farming equipments.

As the lot is within the Urban Development zone outbuildings are assessed against the Residential Design Codes of Western Australia (R-Codes) thus restricting the total floor area to 60m<sup>2</sup>. In addition to the existing outbuildings the proposed stables, being 120m<sup>2</sup> would result in a total combined floor area for outbuildings of 346m<sup>2</sup> being, 274m<sup>2</sup> greater than the 20% variation (72m<sup>2</sup>) to the 60m<sup>2</sup> acceptable size for the Urban Development Zone, prescribed in the Local Planning Policy (LPP) 17. As such the matter is presented to Council for consideration.

***The location plan, site, and elevation plans and an aerial photo are with attachments marked [SD119.1/06/11](#).***

### **Variations requested**

Construction of oversize stables of 120m<sup>2</sup> which would result in a total combined area for outbuildings measuring 346m<sup>2</sup> exceeding the 60m<sup>2</sup> floor area limit acceptable for outbuilding size for the Urban Development zone, prescribed in Council's LPP17.

### **Sustainability Statement**

| <b>Sustainable Element</b>                                                                                                                                                     | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is there remnant native vegetation on site or adjoining verge?                                                                                                                 | Yes. The subject lot contains sparsely scattered remnant vegetation. There is significant amount of remnant vegetation along the Manjedal Brook on the north eastern boundary of the subject lot.                                                                                                                                                                                                                   |
| Is remnant native vegetation to be retained or removed as a result of this proposal?                                                                                           | No vegetation is proposed to be removed as the stable will be located in an area already cleared of any vegetation.                                                                                                                                                                                                                                                                                                 |
| Is additional vegetation required to screen or ameliorate the bulk of the proposed development?                                                                                | No. Existing mature vegetation on the subject lot and on the adjoining eastern and western boundary enables adequate screening.                                                                                                                                                                                                                                                                                     |
| Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?                                                               | The additional stables will be clustered among other existing outbuildings and water tanks. As such, these are likely not to be visibly intrusive from the street and neighbouring properties. It is in the opinion of the Officers that the stables will not have any adverse effect on the character and general visual amenity of the locality.                                                                  |
| Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?                               | No. The general character of the locality being an old dairy farming area comprise of similar type of bulky structures in terms of scale and appearance. The proposal is consistent with nearby properties, specifically like similar equestrian lifestyle properties. It is anticipated that the proposal will not result in any adverse effect on visual amenity of neighbouring properties adjoining properties. |
| 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? | Yes. Two existing rainwater tanks with a total capacity of over 150,000 litres are considered to have capacity to capture and store additional storm water runoff from the roof of the stables.                                                                                                                                                                                                                     |

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
LPP47 Mundijong Whitby Interim Development

**Policy/Work Procedure Implications:** LPP17 *Residential and Incidental Development*  
R-Codes

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary                                                                          | Objective                                                                                                  |
|---------------------|-------------------|------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| NATURAL ENVIRONMENT |                   |                  |                                                                                            |                                                                                                            |
|                     | Landscape         | 1                | Safeguard                                                                                  | Restore and preserve the visual amenity of our landscapes.                                                 |
| BUILT ENVIRONMENT   | Land Use Planning |                  |                                                                                            |                                                                                                            |
|                     |                   | 1                | Rural Villages                                                                             | Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth. |
|                     |                   | 13               | Buildings                                                                                  | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                |
|                     |                   | 16               |                                                                                            | Enable built form that accommodates a range of business and family circumstances and needs.                |
|                     |                   | 14               |                                                                                            | Encourage built form that positively contributes to streetscape amenity.                                   |
|                     |                   | 9                | Rural Land                                                                                 | Ensure the built form complements and enhances the rural environment.                                      |
|                     | 10                |                  | Plan for the preservation of rural land and its integration with urban and rural villages. |                                                                                                            |

**Community Consultation**

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period no submissions were received.

**Comment**

**Policy Requirements**

LPP17 provides a framework for the consideration of proposals such as that currently proposed. The following table provides an evaluation of the proposal against the requirements set out in LPP17.

**Policy Requirements**

Policy: LPP17 Residential and Incidental Development

| <b>Policy Requirement</b>                                     | <b>Required</b>                                                      | <b>Proposed</b>                      | <b>Comments (Complies/Variation Supported/Condition Required)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Setbacks<br>Primary Street<br>Rear<br>Side                    | Minimum<br>7.5 metres<br>6.0 metres<br>1.5 metres                    | 100 metres<br>50 metres<br>25 metres | Complies<br>Complies<br>Complies                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Floor Area<br>(combined total floor area of all outbuildings) | Max. 60m <sup>2</sup> or 10% of the lot size whichever is the lesser | 346m <sup>2</sup>                    | Variation – supported - as the proposed new building is necessary to support the horse oriented lifestyle in this locality. It has becoming increasingly common on horse properties for the addition of stables to result in a significant increase in the combined floor area of outbuildings due to the additional animal housing and storage needs the keeping of horses entails. The size of the proposed stables is consistent with other variations sought by similar properties in the Shire. |
| Wall Height                                                   | Max. 2.4 metres                                                      | 3.0 metres                           | Variation supported. Officers have considered it reasonable to support the variation in view of the size on the block and the unlikelihood of the stables size causing any adverse effects.                                                                                                                                                                                                                                                                                                          |
| Roof Height                                                   | Max. 2.4 metres                                                      | 3.64 metres                          | Complies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

In support of the application the applicant provided information that the property is a working cattle farm and all existing sheds are used for storing machinery, tractors, trucks, and other farming supplies etc.

The size of the proposed development is not considered to be out of character with the size of the property. Should the property be subdivided or further developed in the future, there is likely to be sufficient flexibility available including the possible removal of the outbuildings which are clustered.

R-Codes

LPP17 is to be read in conjunction with the R-Codes. The following text is a relevant extract from the R-Codes.

Part 6 – Design Elements, 6.10 – Incidental Development (Outbuildings)

| <i>Acceptable Development:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>Performance Criteria</i>                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>i. are not attached to a dwelling;</li> <li>ii. are non – habitable</li> <li>iii. collectively do not exceed 60sqm in area or 10 percent of the lot whichever is the lesser</li> <li>iv. do not exceed a wall height of 2.4m</li> <li>v. do not exceed a ridge height of 4.2m</li> <li>vi. are not within the primary street setback</li> <li>vii. do not reduce the amount of open space required in table 1; and</li> <li>viii. comply with the siting and design</li> </ul> | <p>Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p> |

|                                                                                                 |  |
|-------------------------------------------------------------------------------------------------|--|
| requirements for the dwelling but do not need to meet the rear setbacks requirements of table 1 |  |
|-------------------------------------------------------------------------------------------------|--|

The proposed development is considered to be generally consistent with the 'performance criteria' set out in the R-Codes.

#### Policy requirements for development ahead of a local structure plan

LPP 29 – Mundijong Whitby Planning Framework sets a planning framework for the Mundijong Whitby development area, requiring that district and local structure plans (LSPs) be approved to guide future subdivision and development. Where development is proposed ahead of an approved LSP, LPP 29 requires such development to be in accordance with cl. 5.18.7 of TPS 2, specifically:

*5.18.7.3 Council may approve the development ... subject to Council being satisfied that the ... development ... will not have an adverse effect on:*

*The preparation of a Structure Plan for, or  
The orderly and proper planning of, or  
The health, amenity, safety or convenience of the future occupants of,*

*the area intended for the preparation of a Structure Plan, and subject to the proposed development of use being advertised for public inspection in accordance with Clause 6.3.*

LPP 47 provides a framework for interim development ahead of more detailed planning in the Mundijong-Whitby Area. LPP47 outlines that for the development, of residential development, including incidental development such as outbuildings, shall (a) require planning approval and (b) be assessed against the requirements set out in for the R10 density codes. The proposed development is not considered likely to prejudice any future planning for the Mundijong-Whitby area.

#### Officers Comment

The proposal is generally consistent with other larger parcels of urban development zoned land in Mundijong that have been used for lifestyle and semi rural activity prior to the preparation and adoption of local structure plans. The proposal meets the requirements of TPS 2 as they relate to development ahead of a local structure plan. The development has been advertised in accordance with scheme requirements and the proposed stables are not likely to impact on long term future development or the future amenity of the locality.

#### Options for Council

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

- (1) to approve the application, subject to conditions;
- (2) to refuse the application.

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

#### Conclusion

The proposed development is considered to be generally consistent with the objectives of LPP 17, LPP 47, LPP 29 and the R-Codes. The proposed development is unlikely to compromise any future detailed planning in the Mundijong-Whitby. The scale of the

proposed development is considered to be generally in keeping with the scale and character of the property. On the basis of the above, approval for the proposed development is recommended, subject to conditions.

**Voting Requirements:** Simple Majority

**SD119/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris**

**That the proposed oversize and overheight outbuilding (stables) on Lot 101 Lang Road, Mundijong be approved subject to the following conditions:**

- 1. The stables are to be constructed of new materials.**
- 2. All stormwater runoff from roofs and hardstand areas to be disposed of on-site. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.**
- 3. A maximum of four (4) horses are to be permitted to be kept on the property on a permanent basis unless otherwise approved in writing by the Shire.**
- 4. Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.**
- 5. Stock are to be kept out of any paddock that is partially or completely inundated with water at any time.**
- 6. All chemicals associated with the care of the land and stock are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.**
- 7. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.**
- 8. Flooring of the shelter and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.**
- 9. Any trees that exhibit signs of ringbarking or root compaction are to be fenced off from stock.**

**Advice Notes:**

- 1. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**
- 2. A building licence is required to be issued prior to the commencement of development including earthworks.**

**CARRIED 7/0**

| SD120/06/11 PROPOSED USE NOT LISTED (FAMILY DAY CARE) – LOT 253 (#21)<br>MACLEOD CLOSE, BYFORD (P07513/04) |                                                                                                                                                        |                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                                 | A Cumming                                                                                                                                              | In Brief<br><br>Application has been received for a Family Day Care business from Lot 253 MacLeod Close, Byford. It is recommended that the application be approved. |
| Owner:                                                                                                     | As Above                                                                                                                                               |                                                                                                                                                                      |
| Officer:                                                                                                   | Gillian Leopold - Planning Support Officer                                                                                                             |                                                                                                                                                                      |
| Senior Officer:                                                                                            | Brad Gleeson - Director Development Services                                                                                                           |                                                                                                                                                                      |
| Date of Report                                                                                             | 23 May 2011                                                                                                                                            |                                                                                                                                                                      |
| Previously                                                                                                 | Nil                                                                                                                                                    |                                                                                                                                                                      |
| Disclosure of Interest                                                                                     | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                      |
| <b>Delegation</b>                                                                                          | <b>Council</b>                                                                                                                                         |                                                                                                                                                                      |

|                        |                    |
|------------------------|--------------------|
| Date of Receipt:       | 14 April 2011      |
| Advertised:            | Yes                |
| Submissions:           | One                |
| Lot Area:              | 2691m <sup>2</sup> |
| L.A Zoning:            | Urban Development  |
| MRS Zoning:            | Urban              |
| Byford Structure Plan: | Rural Residential  |

### **Background**

An application for a Home Business (Family Day Care) was received on 14 April 2011. This report provides Council with the opportunity to make a determination on the application.

***A copy of the location, floor plan and aerial photograph are with attachments marked [SD120.1/06/11](#).***

### **Sustainability Statement**

***Resource Implications:*** The layout of the existing dwelling provides effective use of the rooms for inside play areas.

***Economic Benefits:*** A home based business provides an opportunity for income to the applicant and also provides a service to the local community who are seeking family day care for their children.

***Social – Quality of Life:*** The proposal will allow for several residents to place their children in family day care as an alternative care option in the situation when local commercially run centres may not have a vacancy. The proposal also allows for the applicant to gain employment without having to travel outside of the Shire. The residence is located within one of the new estates therefore providing a child care service close to a populated area.

***Social and Environmental Responsibility:*** The proposal will provide children the opportunity to participate in supervised care with their peers.

***Social Diversity:*** The proposal does not disadvantage social or community groups. The proposal has the ability to offer personalised care for a small number of children which may benefit children who have difficulty socialising in larger commercial centres.



**Statutory Environment:**

Town Planning Scheme No.2 (TPS 2)  
Child Care Services (Family Day Care) Regulations 2006  
Community Services Act 1972

The proposed family day care centre will be operating under Roberta Jull Centres, which has stringent guidelines and requirements for family day care centres. Under Roberta Jull the applicant is applying for a licence to care for a maximum of seven children for before and after school care, with provision for some school holidays. These numbers adequately meet the Child Care Services regulations. The applicant has specified that the operation of the family day care centre would be in accordance with the above regulations.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following 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.
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.

**3. Economic**

*Objective 1: A vibrant local community*

**Strategies:**

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

*Objective 3: Effective management of Shire growth*

**Strategies:**

1. Enhance economic futures for Shire communities.
3. Integrate and balance town and rural planning to maximise economic potential.

**4. Governance**

*Objective 1: An effective continuous improvement program*

**Strategies:**

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The proposal was referred to several surrounding landowners for comments. One submission was received.

| <b>Affected Property</b> | <b>Summary of Submission</b>                                                                                                                                 | <b>Officer's Comment</b>                  | <b>Action (Condition/Support/Dismiss)</b>                                               |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------|
| A399817                  | Concerns over appropriate fencing or screening between the proponents' lot and other lot.                                                                    | Noted                                     | The western boundary of the property is to be screened with vegetation by the applicant |
|                          | The current fencing is open rural type fencing and my concerns lie with young children approaching, or even climbing, the fence dividing our two properties. | Children will be supervised at all times. |                                                                                         |
|                          | How does the proponent intend to prevent boundary access by the children before I give my complete approval.                                                 | Noted                                     |                                                                                         |

**Comment:**

Zoning and permitted uses

The land is zoned Rural Residential under Council's TPS 2. Under TPS 2 a "Home Business" is defined as the following:

*"means a business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) *does not employ more than two people not members of the occupiers household;*
- b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) *does not occupy an area greater than 50m<sup>2</sup>;*
- d) *does not entail the retail sale, display or hire of any goods of any nature;*

- e) *in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) *does not involve the use of an essential service of greater capacity than normally required in the zone.”*

The proposal is generally consistent with the requirements for a Home Business with the exception that the floor area to be used totals more than 50m<sup>2</sup>. It would not be practical to limit child supervision and associated activities to 50m<sup>2</sup> as the children and supervisor would need to access and utilise several rooms in the dwelling such as the kitchen, bathroom and toilet facilities.

The area to be used for activities and supervision of children will be the main living areas of the dwelling which include the kitchen, family room and dining area. The kitchen adjoins the main living areas and will be used for the food preparation for the children's meals. The toilet will also be available for use by the children. As the application is for before and after school care no bedrooms would be utilised. The children will be given supervised access to the lawn area at the rear of the residential lot to allow for outdoor activities.

As the proposed family day care activities will use an area greater than 50m<sup>2</sup> the application must be dealt with as a 'Use Not Listed', therefore a determination is required to be made by Council.

Clause 3.2.5 of the Scheme states:

*“If the use of the land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

*b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent.”*

It is considered that this proposal addresses the general intent of a Home Business and is classified as a Use Not Listed in TPS 2, and is consistent with the objectives and purpose of the zone.

### Options for Council

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

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

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

### Conclusion:

The applicant has undertaken the necessary requirements to satisfy Child Care Services (Family Day Care) Regulations 2006. If approved, this Family Day Care centre can be carried out without detrimental impact to surrounding landowners in the residential estate and as nearby commercial centres are generally open from 6am on weekdays this proposal is consistent with similar service providers in the community. It is recommended the proposal be approved subject to conditions.

**Voting Requirements:** Simple Majority**SD120/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Randall, seconded Cr Petersen

The proposed Family Day Care at 21, Lot 253 MacLeod Close, Byford be approved subject to the following conditions:

1. The applicant is to obtain a licence to operate a “Family Day Care Centre” from 21, Lot 253 MacLeod Close, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.
2. A licence to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.
3. Pick up and drop off hours be restricted to no later than 6.00pm in the evening or before 6.00am in the morning.
4. Any proposed signage on the property in relation to the Family Day Care requires written approval from the Director Development Services.
5. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
6. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.
7. The western boundary of the property is to be screened by vegetation to the satisfaction of the Director Strategic Community Planning by 30 September 2012. The vegetation is thereafter to be maintained to the satisfaction of the Shire.

**Advice Notes:**

1. Premises may be subject to inspection by Council’s Environmental Health Services department.
2. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health (Food Hygiene) Regulations 1993.
4. Compliance with Australian New Zealand Food Standards Code.
5. In relation to condition 7 please contact the Shire’s Environmental Services Department for advice on suitable plant species to be used for screening purposes.

**CARRIED 7/0**

**COUNCIL DECISION**

Moved Cr Randall, seconded Cr Petersen

That items SD121/06/11, SD122/06/11, SD123/06/11, and SD124/06/11 be considered en bloc.

**CARRIED 7/0**

|                                                                                                      |                                                                                                                                                        |                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD121/06/11 LOCAL PLANNING POLICY – LPP 1.0 SERPENTINE JARRAHDAL<br>SHIRE PLANNING FRAMEWORK (A1967) |                                                                                                                                                        |                                                                                                                                                                   |
| Author:                                                                                              | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>Following advertising, Local Planning Policy No. 1.0 – Serpentine Jarrahdale Shire Planning Framework is presented to Council for final adoption. |
| Senior Officer:                                                                                      | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                   |
| Date of Report                                                                                       | 30 May 2011                                                                                                                                            |                                                                                                                                                                   |
| Previously                                                                                           | SD080/02/11                                                                                                                                            |                                                                                                                                                                   |
| Disclosure of Interest                                                                               | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                   |
| <b>Delegation</b>                                                                                    | <b>Council</b>                                                                                                                                         |                                                                                                                                                                   |

### **Background**

At the Ordinary Council Meeting held on the 3 March 2011 draft Local Planning Policy (LPP) 1.0 Serpentine Jarrahdale Shire Planning Framework was deemed suitable for advertising and community consultation.

This policy seeks to provide a clear framework for future planning and development within the Shire. The policy also seeks to provide context for the current policy development program. The policy is generally consistent with the approach being taken by many other local governments and also the state government for their respective policy suites. Key matters that the policy seeks to address include:

- Provide a framework for local planning decisions in Serpentine Jarrahdale Shire;
- Provides context and how local planning fits into the state-wide planning system; and
- Centralise all instruments relevant to land use planning proposals and decisions in Serpentine Jarrahdale Shire.

***A copy of the advertised LPP No. 1.0 - Serpentine Jarrahdale Shire Planning Framework is with attachments marked [SD121.1/06/11](#).***

***A copy of the previous report and resolution is with attachments marked [SD121.2/06/11](#).***

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 1.0 Serpentine Jarrahdale Shire Planning Framework for operation and implementation.

### **Sustainability Statement**

***Effect on Environment:*** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

***Economic Benefits:*** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area            | Objective Number | Objective Summary                                   | Objective                                                                                                              |
|---------------------|-----------------------|------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning     | 26               | General                                             | Facilitate the development of a variety of well planned and connected activity centres and corridors.                  |
| OUR COUNCIL AT WORK | Leadership            | 15               | Leadership throughout the organisation              | The Shire will set policy direction in the best interests of the community.                                            |
|                     |                       | 23               | Society, community and environmental responsibility | The elected members provide bold and visible leadership.                                                               |
|                     |                       | 24               |                                                     | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                     |                       | 26               |                                                     | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                     | Strategy and Planning | 27               | Strategic Direction                                 | Prepare effectively for future development.                                                                            |
|                     |                       | 29               |                                                     | Create innovative solutions and                                                                                        |

| Vision Category | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                                                     |
|-----------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|                 |                                   |                  |                                                                               | manage responsibly to aid our long term financial sustainability.                                             |
|                 | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council. |
|                 | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                    |

### **Community Consultation:**

Draft LPP 1.0 was advertised for public comment from the 4<sup>th</sup> April to the 2<sup>nd</sup> May 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

A total of four submissions were received and the policy has been revised based on these comments.

***A copy of the summary of submissions is with attachments marked [SD121.3/06/11 \(E11/2298\)](#).***

### **Comment:**

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made.

In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 1.0 Serpentine Jarrahdale Shire Planning Framework is presented to Council for consideration and potential operation and implementation.

***A copy of the revised LPP 1.0 Planning Framework policy is with attachments marked [SD121.4/06/11 \(E11/288\)](#).***

**Voting Requirements:** Simple Majority

### **SD121/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Petersen**

**That Council:**

- 1) **Note the submissions received during the advertising of draft Local Planning Policy No. 1.0 - Serpentine Jarrahdale Shire Planning Framework.**

- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No 1.0 – Serpentine Jarrahdale Shire Planning Framework as provided in attachment SD121.4/06/11.
  - 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
  - 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
  - 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.
- CARRIED 7/0 EN BLOC**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                       |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SD122/06/11            |                                                                                                                                                        | NEW LOCAL PLANNING POLICY – LPP 25 CONSTRUCTED LAKES (A1592)                                                                                                                                                                                                          |  |
| Author:                | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>A new local planning policy to provide guidance on planning, construction and ongoing maintenance of any constructed lake.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |  |
| Senior Officer:        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                       |  |
| Date of Report         | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                       |  |
| Previously             | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                       |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                       |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                       |  |

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The Shire already has an operational constructed lake at Byford on the Scarp and another lake is scheduled for construction at The Glades Village Centre.

This report provides Council with the opportunity to consider the Constructed Lakes policy, ahead of formal stakeholder engagement.

**Sustainability Statement**



**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a funding grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary         | Objective                                                                                             |
|---------------------|-------------------|------------------|---------------------------|-------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning | 26               | General                   | Facilitate the development of a variety of well planned and connected activity centres and corridors. |
| OUR COUNCIL AT WORK | Leadership        | 15               | Leadership throughout the | The Shire will set policy direction in the best interests of the community.                           |

| Vision Category | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                                                              |
|-----------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|                 |                                   |                  | organisation                                                                  |                                                                                                                        |
|                 |                                   | 23               | Society, community and environmental responsibility                           | The elected members provide bold and visible leadership.                                                               |
|                 |                                   | 24               |                                                                               | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                 |                                   | 26               |                                                                               | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                 | <b>Strategy and Planning</b>      | 27               | Strategic Direction                                                           | Prepare effectively for future development.                                                                            |
|                 |                                   | 29               |                                                                               | Create innovative solutions and manage responsibly to aid our long term financial sustainability.                      |
|                 | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.          |
|                 | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                             |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

In response to the potential effects of climate change and limited water resources, this LPP for constructed lakes seeks to provide guidance on the planning, design, operational and maintenance requirements of a constructed lake. The objectives of this policy are to:

- Ensure consideration of the need for the construction of any lake at an appropriate time during the planning and development approvals process;
- Outline the Shires requirements for the planning, construction and maintenance of any constructed lake; and
- Propose water quality, quantity and efficiency targets and design objectives for the planning and construction of lakes.

The intent of the policy is to manage the development of constructed lakes within the Shire when there is sufficient justification and evidence provided to ensure their effective operation over the long term.

**[A copy of the proposed Constructed Lakes policy is with attachments marked SD122.1/06/11 \(E11/2500\)](#)**

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)?
2. Is it clear what are we trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

### **SD122/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

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

1. **Adopt the draft Local Planning Policy 25 – Constructed Lakes as provided in attachment SD122.1/06/11 for advertising purposes.**
2. **Advertise the draft Local Planning Policy 25 – Constructed Lakes for a period of not less than 21 days by way of:**
  - a) **A notice being placed in a local newspaper circulating within the district.**
  - b) **A notice being placed in the Shire's Administration Centre.**
  - c) **A notice being placed on the Shire's internet website.**
  - d) **A letter being sent to key developers which may be affected by the new policies;**

- e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- f) A letter being sent to relevant state government agencies; and
- g) A letter being sent to all community groups.

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|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD123/06/11 NEW LOCAL PLANNING POLICY – LPP 27 STAKEHOLDER ENGAGEMENT IN LAND USE PLANNING (A1594) |                                                                                                                                                        |                                                                                                                                                                                                                                                                                    |
| Author:                                                                                            | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>A new local planning policy to outline the parameters in which the Shire will engage with stakeholders for land use planning proposals.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |
| Senior Officer:                                                                                    | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                                    |
| Date of Report                                                                                     | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                                    |
| Previously                                                                                         | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                                    |
| Disclosure of Interest                                                                             | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                                    |
| <b>Delegation</b>                                                                                  | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                    |

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

Stakeholder engagement is an important and respected component of the land use planning process. The engagement of stakeholders ensures that ideas, opportunities and concerns can be considered to improve our natural and built environment. To ensure that stakeholder engagement with the Shire is progressed in an open, transparent, consistent, respectful, effective and efficient manner, and the following report provides Council with the opportunity to consider the Stakeholder Engagement in Land Use Planning policy, prior to community consultation.

**Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number                | Objective Summary                                   | Objective                                                                                                              |
|---------------------|-------------------|---------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning | 26                              | General                                             | Facilitate the development of a variety of well planned and connected activity centres and corridors.                  |
|                     |                   | 15                              | Leadership throughout the organisation              | The Shire will set policy direction in the best interests of the community.                                            |
| OUR COUNCIL AT WORK | Leadership        | 23                              | Society, community and environmental responsibility | The elected members provide bold and visible leadership.                                                               |
|                     |                   | 24                              |                                                     | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                     |                   | 26                              |                                                     | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                     |                   | 27                              |                                                     | Strategic Direction                                                                                                    |
|                     | 29                | Create innovative solutions and |                                                     |                                                                                                                        |

| Vision Category | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                                                     |
|-----------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|                 |                                   |                  |                                                                               | manage responsibly to aid our long term financial sustainability.                                             |
|                 | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council. |
|                 | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                    |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

Land use planning in Western Australia, and more specifically within the Shire, sits within a legislative framework consisting of documents such as the Planning and Development Act 2005, the Town Planning Regulations 1967 and the Shire of Serpentine-Jarrahdale TPS 2. Stakeholder engagement is a required component in many of the planning processes undertaken by the Shire. The LPP seeks to guide stakeholder engagement so that it is open, transparent, responsible and respectful while being balanced with the resources of the Shire and supportive of timely decision making.

The objectives of this policy are to:

- Respect the important role that stakeholder engagement has in land use planning within the Shire, in helping shape the future, provide ideas, opportunities and concerns for careful consideration by decision-making authorities;
- Ensure that stakeholder engagement within the Shire for land use planning matters is progressed in an open, transparent, consistent, respectful, effective and efficient manner; and
- Openly acknowledge that in addition to stakeholder engagement, there are other, generally parallel, considerations in land use planning, including but not limited to technical investigations/assessments and legislative requirements, that have to be carefully considered by decision-making authorities.

***A copy of the proposed Stakeholder Engagement in Land Use Planning policy is with attachments marked [SD123.1/06/11](#) (E11/2565).***

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what are we trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; and
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

### **SD123/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

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

1. **Adopt the Draft Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning as provided in attachment SD123.1/06/11 for advertising purposes.**
2. **Advertise the draft Local Planning Policy 27 – Stakeholder Engagement for a period of not less than 21 days by way of:**
  - a) **A notice being placed in a local newspaper circulating within the district.**
  - b) **A notice being placed in the Shire's Administration Centre.**
  - c) **A notice being placed on the Shire's internet website.**
  - d) **A letter being sent to key developers which may be affected by the new policies;**
  - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
  - f) **A letter being sent to relevant state government agencies; and**
  - g) **A letter being sent to all community groups.**

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|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD124/06/11 NEW INTERIM LOCAL PLANNING POLICY – LPP 35 RESIDENTIAL DEVELOPMENT (A1720) |                                                                                                                                                        |                                                                                                                                                                                                                                                                          |
| Author:                                                                                | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>An interim residential development policy has been developed to improve built form outcomes in residential urban development.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |
| Senior Officer:                                                                        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                          |
| Date of Report                                                                         | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                          |
| Previously                                                                             | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                          |
| Disclosure of Interest                                                                 | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                          |
| <b>Delegation</b>                                                                      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                          |

### **Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

Residential development in Western Australia is primarily guided by the Residential Design Codes (R-Codes), implemented as State Planning Policy 3.1 for state-wide application. The development of this LPP is consistent with Part 5 of the R Codes, in Councils are provided with the opportunity to vary certain code provisions to reflect local differences in character.

This interim Policy seeks to address the predominant low density development occurring within the Shire, with the intent for the document to be reviewed and development on an ongoing basis.

This report provides Council with the opportunity to consider the interim Residential Development policy, ahead of formal stakeholder engagement.

### **Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.



**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
 The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
 Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:** The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:** Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary                                   | Objective                                                                                                              |
|---------------------|-------------------|------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning | 26               | General                                             | Facilitate the development of a variety of well planned and connected activity centres and corridors.                  |
|                     |                   | 15               | Leadership throughout the organisation              | The Shire will set policy direction in the best interests of the community.                                            |
| OUR COUNCIL AT WORK | Leadership        | 23               | Society, community and environmental responsibility | The elected members provide bold and visible leadership.                                                               |
|                     |                   | 24               |                                                     | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |

|  |                                   |    |                                                                               |                                                                                                               |
|--|-----------------------------------|----|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  |                                   | 26 |                                                                               | The Shire is focussed on building relationships of respect with stakeholders.                                 |
|  | <b>Strategy and Planning</b>      | 27 | Strategic Direction                                                           | Prepare effectively for future development.                                                                   |
|  |                                   | 29 |                                                                               | Create innovative solutions and manage responsibly to aid our long term financial sustainability.             |
|  | <b>Success and Sustainability</b> | 41 | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council. |
|  | <b>Knowledge and Information</b>  | 45 | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                    |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

The policy has been developed to outline planning application requirements, the need for written justification to support residential development application requirements and the assessment criteria that will be used by Council officers in the assessment of applications. The objectives of this policy are to:

- Provide the Serpentine Jarrahdale Shire an appropriate planning mechanism to assess and determine applications for residential development in the predominant low density codes (R15-R25). It is then intended to prepare and adopt in the future, a cohesive Residential Development Policy is adopted, which shall require a more substantial review of existing policies, delegations and TPS 2 provisions;
- Provide focus, formalisation and direction on common variations to Acceptable Development provisions of the R-Codes that are frequent within the Shire and to establish appropriate measures for assessing and determining such variations;
- Vary and/or replace certain Acceptable Development provisions as allowed for within the R-Codes so as to provide for the uniformity of residential development standards within the Shire, consistent with local needs.

***A copy of the proposed interim Residential Development policy is with attachments marked [SD124.1/06/11](#) (E11/1655).***

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

### **SD124/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Petersen**

**That Council:**

1. **Adopt the Draft Local Planning Policy 35 - Interim Residential Development as provided in attachment SD124.1/06/11 for advertising purposes.**
2. **Advertise the draft Local Planning Policy 35 – Interim Residential Development for a period of not less than 21 days by way of:**
  - a) **A notice being placed in a local newspaper circulating within the district.**
  - b) **A notice being placed in the Shire's Administration Centre.**
  - c) **A notice being placed on the Shire's internet website.**
  - d) **A letter being sent to key developers which may be affected by the new policies;**
  - e) **A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
  - f) **A letter being sent to relevant state government agencies; and**
  - g) **A letter being sent to all community groups.**

**CARRIED 7/0 EN BLOC**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                      |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SD125/06/11            |                                                                                                                                                        | NEW LOCAL PLANNING POLICY – LPP 40 DETAILED AREA PLANS (A1770)                                                                                                                                                                                                       |  |
| Author:                | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>A new Detailed Area Plans policy has been developed to clearly define the content in which Detailed Area Plans can cover.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |  |
| Senior Officer:        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                      |  |
| Date of Report         | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                      |  |
| Previously             | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                      |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                      |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                      |  |

### **Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The new Detailed Area Plans (DAPs) policy will improve the quality of DAPs received and to ensure better built form outcomes that are site responsive to their local context. This report provides Council with the opportunity to consider the DAPs policy, ahead of formal stakeholder engagement.

### **Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable

implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:** The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:** Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area            | Objective Number | Objective Summary                                   | Objective                                                                                                              |
|---------------------|-----------------------|------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning     | 26               | General                                             | Facilitate the development of a variety of well planned and connected activity centres and corridors.                  |
| OUR COUNCIL AT WORK | Leadership            | 15               | Leadership throughout the organisation              | The Shire will set policy direction in the best interests of the community.                                            |
|                     |                       | 23               | Society, community and environmental responsibility | The elected members provide bold and visible leadership.                                                               |
|                     |                       | 24               |                                                     | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                     |                       | 26               |                                                     | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                     | Strategy and Planning | 27               | Strategic Direction                                 | Prepare effectively for future development.                                                                            |
|                     |                       | 29               |                                                     | Create innovative solutions and manage responsibly to aid our long term financial sustainability.                      |

|  |                                   |    |                                                                               |                                                                                                               |
|--|-----------------------------------|----|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  | <b>Success and Sustainability</b> | 41 | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council. |
|  | <b>Knowledge and Information</b>  | 45 | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                    |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

DAPs were originally prepared as an instrument to provide more prescriptive design control measures than that afforded by the R-Codes in relation to streetscape, solar oriented design and passive surveillance for small residential lots. In more recent times, the role and function of DAPs has evolved and expanded to ensure built form and site planning for a variety of scenarios in urban settings, responds to other matters such as noise attenuation, access to primary roads, mixed-use development, drainage landscape, the pedestrian network, building height and topography.

The objective of this policy is to

- Promote the orderly and proper development of land in urban areas;
- Ensure both the future Urban and Built Form environments are considered with each other in mind and respond to site specific requirements; and
- Provide clear application requirements for applicants and in turn provide guidance to Council in the consideration of DAPs.

***A copy of the proposed DAPs policy is with attachments marked [SD125.1/06/11 \(E11/630\)](#).***

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents,

including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what are we trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an Applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

### Committee/Officer Recommended Resolution:

That Council:

1. Adopt the Draft Local Planning Policy 40 – Detailed Area Plans as provided in attachment SD125.1/06/11 for advertising purposes.
2. Advertise the draft Local Planning Policy 40 – Detailed Area Plans for a period of not less than 21 days by way of:
  - a) A notice being placed in a local newspaper circulating within the district.
  - b) A notice being placed in the Shire's Administration Centre.
  - c) A notice being placed on the Shire's internet website.
  - d) A letter being sent to key developers which may be affected by the new policies;
  - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
  - f) A letter being sent to relevant state government agencies; and
  - g) A letter being sent to all community groups.

### **SD125/06/11 COUNCIL DECISION/Alternate Recommendation:**

**Moved Cr Harris, seconded Cr Buttfield**

**That Council:**

1. **Adopt the Draft Local Planning Policy 40 – Detailed Area Plans as provided in attachment SD125.1/06/11 for advertising purposes.**
2. **Advertise the draft Local Planning Policy 40 – Detailed Area Plans for a period of not less than 21 days by way of:**
  - a) **A notice being placed in a local newspaper circulating within the district.**
  - b) **A notice being placed in the Shire's Administration Centre.**

- c) A notice being placed on the Shire’s internet website.
- d) A letter being sent to key developers which may be affected by the new policies;
- e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- f) A letter being sent to relevant state government agencies; and
- g) A letter being sent to all community groups.

**CARRIED 7/0**

**Council Note:** Page 3, point two on Attachment *SD125.1/06/11* was altered from: ‘Lots where it is important to control vehicle and egress’ to Lots where it is important to control vehicle access (ingress and egress)’.

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                                 |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SD126/06/11            |                                                                                                                                                        | NEW LOCAL PLANNING POLICY – LPP 43 HAZARDS AND NATURAL DISASTERS (A1773)                                                                                                                                                                                                        |  |
| Author:                | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>The Shire is to enable safer communities by integrating land use planning to respond to the threat of hazards and natural disasters.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |  |
| Senior Officer:        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                                 |  |
| Date of Report         | 30 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                                 |  |
| Previously             | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                                 |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                                 |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                 |  |

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

The purpose of this LPP is to ensure the integration of land use planning to reduce the impact of hazards and natural disasters, and thus reducing risk to life, property and environmental systems.

This report provides Council with the opportunity to consider the Hazards and Natural Disasters policy, ahead of formal stakeholder engagement.

**Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while



protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary                      | Objective                                                                                             |
|---------------------|-------------------|------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning | 26               | General                                | Facilitate the development of a variety of well planned and connected activity centres and corridors. |
| OUR COUNCIL AT WORK | Leadership        | 15               | Leadership throughout the organisation | The Shire will set policy direction in the best interests of the community.                           |
|                     |                   | 23               | Society, community and environmental   | The elected members provide bold and visible leadership.                                              |
|                     |                   | 24               |                                        | The Shire will further establish itself                                                               |

| Vision Category | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                      |                                                                                                               |
|-----------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|                 |                                   |                  | responsibility                                                                | as an innovative leader in social, community and environmental responsibility. |                                                                                                               |
|                 |                                   | 26               |                                                                               | The Shire is focussed on building relationships of respect with stakeholders.  |                                                                                                               |
|                 | <b>Strategy and Planning</b>      | 27               | Strategic Direction                                                           |                                                                                | Prepare effectively for future development.                                                                   |
|                 |                                   | 29               |                                                                               |                                                                                | Create innovative solutions and manage responsibly to aid our long term financial sustainability.             |
|                 | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      |                                                                                | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council. |
|                 | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making |                                                                                | Ensure the full costs are known before decisions are made.                                                    |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

The objective of this policy is to

- Consider the impacts of climate change including coastal impacts, natural hazards and disasters and climate variability as part of planning and development decision-making
- Facilitate planning and development outcomes that result in land uses, places and communities which minimise vulnerability and provide resilience to climate change
- Protect, maintain and improve the viability of natural areas, recognising that the distribution of species and habitats will be affected by climate change.

***A copy of the proposed Hazards and Natural Disasters policy is with attachments marked [SD126.1/06/11](#) (E11/2501).***

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making

criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

By adopting the precautionary principle, this policy proposes an adaption and mitigation approach that responds to hazards and natural disasters. Land use planning then guides the use of land and effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding, bushfire and storm damage.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

That Council:

1. Adopt the Draft Local Planning Policy 43 – Hazards and Natural Disasters as provided in attachment SD126.1/06/11 for advertising purposes.
2. Advertise the draft Local Planning Policy 43 – Hazards and Natural Disasters for a period of not less than 21 days by way of:
  - a) A notice being placed in a local newspaper circulating within the district.
  - b) A notice being placed in the Shire's Administration Centre.
  - c) A notice being placed on the Shire's internet website.
  - d) A letter being sent to key developers which may be affected by the new policies;
  - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
  - f) A letter being sent to relevant state government agencies; and
  - g) A letter being sent to all community groups.

**SD126/06/11 COUNCIL DECISION/Alternate Recommendation:**

Moved Cr Harris, seconded Cr Randall  
That Council:

1. Adopt the Draft Local Planning Policy 43 – Hazards and Natural Disasters as provided in attachment SD126.1/06/11 for advertising purposes.
2. Advertise the draft Local Planning Policy 43 – Hazards and Natural Disasters for a period of not less than 21 days by way of:
  - a) A notice being placed in a local newspaper circulating within the district.
  - b) A notice being placed in the Shire’s Administration Centre.
  - c) A notice being placed on the Shire’s internet website.
  - d) A letter being sent to key developers which may be affected by the new policies;
  - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
  - f) A letter being sent to relevant state government agencies; and
  - g) A letter being sent to all community groups.

**CARRIED 7/0**

**Council Note:** Item 4 (d) (iii) on Attachment SD126.1/06/11 was altered from ‘Local Government Act 1960’ to ‘Local Government Act 1995’.

**COUNCIL DECISION**

That items SD127/06/11, SD128/06/11, SD129/06/11, SD130/06/11 and SD131/06/11 be considered en bloc.

Moved Cr Hoyer, seconded Cr Randall

**CARRIED 7/0**

| SD127/06/11 DRAFT LOCAL PLANNING POLICY NO. 44 – CARDUP BUSINESS PARK PLANNING FRAMEWORK (A1774) |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                                                       | Shire of Serpentine Jarrahdale                                                                                                                         | In Brief<br><br>Council previous determined that draft Local Planning Policy No. 44 – Cardup Business Park Planning Framework was satisfactory for advertising for public and agency comment. The advertising period has now closed with several submissions received.<br><br>This report provides Council with the opportunity to consider the |
| Owner:                                                                                           | NA                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                 |
| Author:                                                                                          | Chris Donnelly - Consultant Senior Planner                                                                                                             |                                                                                                                                                                                                                                                                                                                                                 |
| Senior Officer:                                                                                  | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                                                                                                 |
| Date of Report                                                                                   | 25 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                 |
| Previously                                                                                       | 25 February 2010                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                 |
| Disclosure of Interest                                                                           | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                                                                                                 |

| Delegation | Council |                                                                                                                                                                                          |
|------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |         | <p>submissions received and a number of key issues and make a determination on the draft Policy.</p> <p>It is recommended that the draft Policy be adopted subject to modifications.</p> |

**Background**

Council at its meeting of 22 February 2010 determined that draft Local Planning Policy (LPP) No. 44 – Cardup Business Park Planning Framework was satisfactory for advertising. The intent of draft LPP 44 was to provide a framework for the future development of the proposed Cardup Business Park, which is identified by the Western Australian Planning Commission’s (WAPC’s) Industrial land Strategy as an area of planned industrial land release.

A landowner group has established in the area and consultants have been engaged by that group to progress planning for the Cardup Business Park. In light of this, Shire staff prepared draft LPP 44 to establish a framework to guide and provide clarity to applicants, landowners, the Shire and the community more generally in terms of the future development intentions for the Cardup site and the various tasks and information required to progress planning and development. The LPP provides a framework to address issues at various stages in the planning process, as opposed to actually dealing with each issue.

The draft Policy was advertised for public and agency comment, with 14 submissions received. This report provides Council with the opportunity to consider the submissions received and a number of key issues and make a determination on the Policy.

***A copy of the draft LPP 44 as deemed satisfactory for advertising by Council is with attachments marked [SD127.1/06/11](#).***

**The Subject Site**

The site comprises 195 hectares of land generally bound by Norman Road to the south, South Western Highway to the east, Cardup Siding Road to the north and Robertson Road to the west.

For the most part, the site is currently zoned Rural under the Metropolitan Region Scheme (MRS) and the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). At its meeting of 22 February 2010, Council considered a landowner-led MRS proposal and resolved to formally request the WAPC to progress an Amendment to the MRS to rezone the site from Rural to Industrial. This represents the first statutory step in the process of facilitating the proposed Business Park.

The MRS Amendment proposal is currently being considered by the WAPC and will likely be advertised for comment as part of an “Omnibus Amendment”, in which a number of Amendments are progressed concurrently.

**Surrounding Land**

The proposed Business Park site is surrounded by Rural zoned land to the east and west, a substantial area of Parks and Recreation reserve to the south (Bush Forever) as well as the proposed Mundijong-Whitby urban development area and the Byford urban development area to the north. Interface treatments and potential impacts on rural and urban amenity will need to be considered in light of these surrounding land uses.

## **Sustainability Statement**

**Effect on Environment:** The majority of the site has been cleared and now consists predominantly of grassed paddocks. A number of Bush Forever sites are located in the southern area of the land and on land adjoining the subject land. The LPP provides a planning framework to address and respond to these and various other environmental matters.

**Resource Implications:** The LPP recognises the need to address sustainability at various stages in the planning process. Development of the site for industrial purposes is seen as an efficient use of land, particularly given the need for additional employment opportunities in the Shire.

**Use of Local, Renewable or Recycled Resources:** The landowner group has identified that the future development of the Cardup Business Park will include sustainable management and use of natural resources. The LPP requires matters of waste and water management be appropriately addressed.

**Economic Viability:** The subject land has direct access to and from South Western Highway, and is therefore not dependent on the provision of costly road infrastructure. The subject land also enjoys close proximity to utility infrastructure, thus minimising infrastructure costs.

**Economic Benefits:** The proposed Cardup Business Park will provide economic benefits to the community which will include employment generation, increasing the local resource base and helping to diversify the Shire's economic base.

**Social – Quality of Life:** The proposal will provide various employment and economic development opportunities, which will assist in improving quality of life. Planning and development will need to take into account the surrounding community.

**Social and Environmental Responsibility:** The draft LPP has been advertised for public and agency comment. Additional consultation will occur through the progress of various planning tasks including scheme amendments and structure plans.

**Social Diversity:** The proposed Business Park will provide additional local employment opportunities, providing the opportunity for Byford and Mundijong-Whitby residents to work locally, and potentially attracting a more socially diverse population to the Shire through varied employment opportunities.

**Statutory Environment:** Planning and Development Act 2005  
TPS 2

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

Directions 2031  
South West Metropolitan and Peel Sub-Regional  
Structure Plan  
Industrial land Strategy

**Financial Implications:** Nil

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category | Focus Area | Objective Number | Objective Summary | Objective |
|-----------------|------------|------------------|-------------------|-----------|
| BUILT           |            |                  |                   |           |

| Vision Category            | Focus Area                               | Objective Number | Objective Summary   | Objective                                                                                                                                                                     |
|----------------------------|------------------------------------------|------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ENVIRONMENT</b>         |                                          |                  |                     |                                                                                                                                                                               |
|                            | <b>Land Use Planning</b>                 |                  |                     |                                                                                                                                                                               |
|                            |                                          | 15               |                     | Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.                                       |
|                            |                                          | 20               | Landscape           | Prioritise the preservation of landscape, landform and natural systems through the land development process.                                                                  |
|                            |                                          | 21               |                     | Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.                                                   |
|                            |                                          | 22               |                     | Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.                      |
|                            |                                          | 23               |                     | Protect the landscape and environmental values of natural reserves and areas from the impacts of development.                                                                 |
|                            |                                          | 24               | Transport           | Ensure safe and efficient freight and transport linkages within the Shire and region.                                                                                         |
|                            |                                          | 27               |                     | Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.                                                               |
|                            |                                          | 31               |                     | Encourage innovative solutions, technology and design.                                                                                                                        |
|                            | <b>Infrastructure</b>                    |                  |                     |                                                                                                                                                                               |
|                            |                                          | 40               |                     | Promote, implement and celebrate best practice integrated water cycle management.                                                                                             |
|                            |                                          | 43               |                     | Ensure infrastructure planning and design protects the community from flooding.                                                                                               |
|                            |                                          | 45               |                     | Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.          |
|                            |                                          | 53               |                     | Proactively and positively negotiate mutually beneficial outcomes with the development industry.                                                                              |
| <b>NATURAL ENVIRONMENT</b> | <b>Landscape</b>                         |                  |                     |                                                                                                                                                                               |
|                            |                                          | 12               | Biodiversity        | Prevent the further loss of "local natural areas"                                                                                                                             |
|                            |                                          | 13               |                     | Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire |
|                            |                                          | 14               | Manage              | Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.                                                                             |
|                            | <b>Integrated Water Cycle Management</b> |                  |                     |                                                                                                                                                                               |
|                            |                                          | 16               | Quantity            | Promote and implement water conservation and reuse.                                                                                                                           |
|                            |                                          | 20               | Quality             | Improve and maintain surface and ground water quality.                                                                                                                        |
|                            |                                          | 22               | Planning and Design | Ensure integrated water cycle management is incorporated in land use planning and engineering design.                                                                         |
|                            |                                          | 23               |                     | Enforce the adoption of "better urban water management".                                                                                                                      |
|                            | <b>Climate Change</b>                    |                  |                     |                                                                                                                                                                               |
|                            |                                          | 29               | Mitigation          | Ensure that energy and water conservation                                                                                                                                     |

| Vision Category                    | Focus Area                   | Objective Number | Objective Summary    | Objective                                                                                                                                                           |
|------------------------------------|------------------------------|------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |                              |                  |                      | is addressed at the local level.                                                                                                                                    |
|                                    |                              | 30               |                      | Minimise resource use                                                                                                                                               |
|                                    | <b>Waste</b>                 |                  |                      |                                                                                                                                                                     |
|                                    |                              | 39               | Prevent              | Raise community awareness of waste management issues and implement measures to avoid the creation of waste.                                                         |
| <b>OUR COUNCIL AT WORK</b>         |                              |                  |                      |                                                                                                                                                                     |
|                                    | <b>Leadership</b>            |                  |                      |                                                                                                                                                                     |
|                                    |                              | 6                |                      | The Council and Leadership Team drive Strategy and Policy development.                                                                                              |
|                                    |                              | 9                |                      | All decisions by staff and elected members are evidence based, open and transparent.                                                                                |
|                                    |                              | 11               |                      | The Shire will further establish itself as an innovative leader.                                                                                                    |
|                                    |                              | 15               |                      | The Shire will set policy direction in the best interests of the community.                                                                                         |
|                                    | <b>Strategy and Planning</b> |                  |                      |                                                                                                                                                                     |
|                                    |                              | 27               | Strategic Direction  | Prepare effectively for future development.                                                                                                                         |
|                                    |                              | 31               | The Planning Process | Develop comprehensive governance policies and strategies.                                                                                                           |
|                                    |                              | 32               |                      | Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.                                               |
|                                    |                              | 33               |                      | Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.                                                                               |
| <b>SUSTAINABLE ECONOMIC GROWTH</b> |                              |                  |                      |                                                                                                                                                                     |
|                                    | <b>Industry Development</b>  |                  |                      |                                                                                                                                                                     |
|                                    |                              | 1                | General              | Attract and facilitate appropriate industrial, commercial and retail developments.                                                                                  |
|                                    |                              | 2                |                      | Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.                                        |
|                                    |                              | 3                |                      | Encourage value adding opportunities for local industries and resources.                                                                                            |
|                                    |                              | 11               | Green Industries     | Encourage the establishment of innovative industries involved in "reusing and recycling".                                                                           |
|                                    |                              | 12               |                      | Foster the development of industries producing renewable energy related products and services.                                                                      |
|                                    | <b>Industry Assistance</b>   |                  |                      |                                                                                                                                                                     |
|                                    |                              | 19               |                      | Develop and distribute a range of information that facilitates investment decisions and benefits local industry.                                                    |
|                                    |                              | 21               |                      | Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters. |
|                                    |                              | 22               |                      | Protect existing and future businesses from incompatible land uses and activities.                                                                                  |
|                                    |                              | 25               | Infrastructure       | Advance the development of transport, technology and utilities infrastructure.                                                                                      |

### **Community Consultation:**

Draft LPP 44 was advertised for public and agency comment for a period of 21 days, during which 14 submissions were received.



**A copy of the schedule of submissions is with attachments marked [SD127.2/06/11 \(E10/2201\)](#)**

**Comment:**

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

**Operational Clarity**

Shire staff have reviewed the draft Policy and propose a number of modifications to improve its operation and provide additional clarity, as detailed in the following table:

| <b>Proposed Modification</b>                                                                                                                                                                                                                                               | <b>Rationale</b>                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To update the general structure of the Policy to reflect more recently prepared Policies. This includes standardised headings and numbering, a “Status” section identifying relationships to other documentation, an “Interpretations” section and a “Delegation” section. | To ensure consistency with more recently prepared Policies and to ensure an effective link is established between the Policy and the Shire’s Plan for the Future and other strategic and statutory documentation.                                                                                                                                                                                                             |
| Additional objectives inserted to provide a greater understanding of the envisaged development outcome for the Cardup Business Park and to ensure a clear link with the recently finalised Guidelines for Industrial Development.                                          | The additional objectives are considered to provide users of the Policy with an upfront appreciation of the development intentions for the Cardup Business Park, especially in the context of achieving sustainability principles.                                                                                                                                                                                            |
| That the background section be expanded to include additional information regarding the proposed Cardup Business Park and its envisaged development.                                                                                                                       | This modification will provide users of the Policy with a broad understanding of the strategic context for the Cardup Business Park, especially in terms of its link to the Shire’s Plan for the Future.                                                                                                                                                                                                                      |
| That the landowner initiated planning section be modified to identify that a landowner, group of landowners or their appointed representatives may progress planning.                                                                                                      | The draft Policy identified that the Cardup Landowner Group would be responsible for progressing planning for the Business Park. Whilst this is likely to occur, there is also the possibility that an individual landowner or other group of landowners could progress planning. As such, this additional provision has been inserted.                                                                                       |
| A new section be inserted titled “Shire Initiated Planning”.                                                                                                                                                                                                               | This new section is generally consistent with other planning frameworks which have been adopted by the Shire for areas such as Serpentine and Mundijong-Whitby. Whilst it is likely that planning for the Cardup Business Park will be progressed by the landowner group, it is considered appropriate that the Policy identify that the Shire may progress planning in the possible absence of landowner initiated planning. |
| That additional Policy provisions be inserted specifically addressing each planning proposal in the Policy Table, being TPS Amendments, LSP’s, DAP’s/Design Guidelines and Subdivision/Development.                                                                        | These new provisions provide an additional link between the Policy text and Policy Table and ensure that the required information is provided and tasks completed for each planning proposal required by the Policy Table. The new provisions also seek to ensure a chronological progression of planning and to avoid subdivision and                                                                                        |

| Proposed Modification                                                                                                                                                                                                               | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                     | development prior to the finalisation of higher-level planning such as LSP's, DAP's and Design Guidelines. The provisions are intended to ensure an orderly and proper planning process and outcome.                                                                                                                                                                                                                                                                   |
| A new section be inserted making reference to the recently finalised Guidelines for Industrial Development (Perth Region NRM 2010).                                                                                                 | The Guidelines for Industrial Development have been prepared to provide guidance as to best-practice, innovative and sustainable industrial planning and development. The additional provisions seek to encourage applicants to utilise the Guidelines as a guiding document and state that the Shire may use the Guidelines as a basis for the consideration of proposals. Additional discussed on the Guidelines in contained in subsequent sections of this report. |
| That a new section titled "Additional Information" be inserted.                                                                                                                                                                     | This provision increases the flexibility of the Policy to respond to particular or changing circumstances and unforeseen issues. Increasing the robustness of the Policy is seen as paramount in the context of a dynamic planning and development environment.                                                                                                                                                                                                        |
| That the structure of Table 1 – Cardup Business Park Planning Framework be modified to clearly distinguish planning proposals from information required/tasks to be completed.                                                      | These additional headings provide clarity to Table 1 in terms of what is a planning proposal and what information/tasks are required.                                                                                                                                                                                                                                                                                                                                  |
| That the Water Management section of Table 1 be modified to insert the requirement for an Urban Water Management Plan and revise at what stage in the planning process each water management plan is required.                      | This modification is proposed to ensure consistency with the Better Urban Water Management framework, which the Shire has extensively applied to new urban development areas such as Byford and Mundijong-Whitby.                                                                                                                                                                                                                                                      |
| That the Engineering and Servicing section of Table 1 be modified to insert the requirement for a Construction Management Plan and Waste Management Strategy.                                                                       | The requirement for a Construction Management Plan and Waste Management Strategy will be vital to ensuring that the Cardup Business Park works towards achieving a best practice sustainable development outcome.                                                                                                                                                                                                                                                      |
| In Table 1, that a geotechnical investigation also be required at the TPS Amendment and LSP stage.                                                                                                                                  | Initial geotechnical investigations at the TPS Amendment and LSP stages are considered important to inform the development design process. Such initial investigations are generally undertaken in support of Local Water Management Strategies, required at the LSP stage.                                                                                                                                                                                            |
| Rectify an error in Table 1 which stipulates that an Engineering and Servicing Report will be required at the MRS Amendment stage. Rather a higher-level Engineering and Servicing Strategy should be required at the MRS stage.    | A detailed Engineering and Servicing Report is not required in support of an MRS Amendment, and is better placed to inform a TPS Amendment and LSP.                                                                                                                                                                                                                                                                                                                    |
| That the Traffic Management section of Table 1 be modified to remove the requirement for a Traffic Impact Study and Vehicular Access and Parking Strategy, and replace with this the preparation of a Traffic, Vehicular Access and | This modification is proposed to provide a more hierarchical framework to traffic management. Under this approach, a Strategy is prepared at the LSP's stage setting principles, and this Strategy is then implemented through individual                                                                                                                                                                                                                              |

| Proposed Modification                                                                                                                                                                                                                                                   | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking Strategy and Plan.                                                                                                                                                                                                                                              | subdivision and development proposals and the preparation of supporting Traffic, Vehicular Access and Parking Plans.                                                                                                                                                                                                                                                                                                                                                                                                      |
| Additional tasks and investigations be inserted into the Environmental Management section of Table 1, requiring Detailed Site Investigations to be undertaken at the LSP stage and Acid Sulfate Soil Investigations be undertaken at the subdivision/development stage. | These studies are considered necessary at the particular stage to inform an LSP and subdivision/development application.                                                                                                                                                                                                                                                                                                                                                                                                  |
| Rectify an error in Table 1 which stipulates that an Environmental Assessment Report is required at the MRS stage and an Environmental Scoping Report is required at the LSP stage. These requirements should be swapped.                                               | A Scoping Report is required to support an MRS Amendment, broadly identifying environmental matters which require further consideration at the detailed planning stages. An LSP will be more appropriately guided by a detailed Environmental Assessment Report.                                                                                                                                                                                                                                                          |
| That the Sustainability section of Table 1 be simplified by identifying the requirement for a Sustainability Strategy at each stage of the planning process.                                                                                                            | It is considered that the existing Policy requirement for a Sustainability Principles and Objectives Statement will not adequately ensure the implementation of sustainability. The preparation of a Sustainability Strategy could be guided by the Guidelines for Industrial Development (Perth Region NRM 2010).                                                                                                                                                                                                        |
| The Design section of Table 1 be modified by removing reference to specific design matters and inserting the requirements for Explanatory Reports.                                                                                                                      | Specific matters such as building heights, setbacks, lot sizes and building design are addressed through the preparation of LSPs. Explanatory Reports are a key element of an LSP and justify such design elements in detail.                                                                                                                                                                                                                                                                                             |
| An Estate Buffer Management Strategy requirement being inserted into the Design section of Table 1.                                                                                                                                                                     | Many types of industry require buffers due to potential amenity impacts on surrounding lands. In addition, many submitters have raised the issue of buffers for the Cardup site.                                                                                                                                                                                                                                                                                                                                          |
| That the requirement for a Fire Management Strategy and Fire Management Plan be inserted into the Design section of Table 1.                                                                                                                                            | Fire management is a key consideration in land use planning in the Shire. Specifically in the context of the Cardup site where they are extensive areas of vegetation in the vicinity, planning will need to take into account fire.                                                                                                                                                                                                                                                                                      |
| A new section be inserted into Table 1 titled Governance, requiring the preparation of an Estate Governance Framework, Economic Development Strategy and Community Access and Facilities Strategy.                                                                      | <p>An appropriate governance framework for the Cardup Business Park is considered vital in the achievement of sustainable development objectives and to encourage synergies between future businesses. This will help strengthen viability of the estate and ensure its economic benefits are capitalised on.</p> <p>The exact nature of such a governance framework has yet to be determined and will likely be subject to further discussion with landowners, future developers and Council as planning progresses.</p> |
| The Detailed Area Plan/LPP column of Table 1 be modified to clarify that the LPP aspect refers to Design Guidelines, which are intended to be adopted as a LPP.                                                                                                         | The need for Design Guidelines, although intended in the draft Policy, was not clearly identified.                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Proposed Modification                                                                                                                                                         | Rationale                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A series of information and task requirements be inserted into the TPS Amendment column of Table 1, generally consistent with the information requirements of the LSP column. | In most instances, a TPS Amendment would be progressed in parallel with an LSP and would be accompanied with the same supporting information. As such, it is considered appropriate to identify generally the same information and task requirements for the TPS Amendment and LSP planning proposals. |

## Noise

Several submissions were received during the advertising of the draft Policy raising concerns about noise, both from the proposed Business Park and from traffic resulting from the Business Park operations, and the impact that such noise will have on surrounding rural and urban lands.

The Western Australian Planning Commission (WAPC) has several Policies which address matters of noise. Specifically relevant to industrial development is State Planning Policy No. 4.1 – State Industrial Buffer Policy (SPP 4.1). State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) address matters of transport noise.

Given the proximity of the proposed Cardup Business Park area to rural and urban lands, it noise generated by land uses within the Business Park, as well as transport noise, is a key issue which will need to be addressed through the TPS Amendment, LSP, DAP/Design Guidelines and Subdivision/Development Stages. To this extent, Shire staff proposed a modification to the Design section of table 1, requiring the matter of noise to be addressed.

## Interfaces

The proposed Cardup Business Park adjoins urban development to the north (Byford), rural residential and rural zoned land to the west, a Parks and Recreation reserve and the future Mundijong-Whitby urban area to the south, and rural land to the east.

As such, there is a clear need for any future planning and development in the Cardup Business Park area to provide appropriate interfaces. This matter has been raised in numerous submissions made on the draft LPP. Furthermore, planning for the Shire has an embedded principle of seeking to maintain rural character. This vision is being carefully considered in the planning and design of new development, especially where it is adjacent to rural land.

To ensure that interfaces between the proposed Business Park and existing and proposed urban and rural land are given due regard, it is proposed to modify Table 1 of the Policy. The modification will see interfaces listed as an issue to be addressed at the town planning scheme amendment, local structure plan and detailed area plan(s)/design guidelines stages.

## Buffers

A submission has been received identifying that buffers and protections need to be provided in accordance with policies and guidelines prepared by the Environmental Protection Authority.

Buffers, for safety, noise and amenity considerations are a key issue in terms of planning for industrial/business expansion. The requirement for and form and function of buffers is largely dependent on land use, design and development outcomes. As these matters have

yet to be addressed in detail for the proposed Cardup Business Park, it is difficult to identify how buffering will occur, if required.

The most appropriate stage of planning in which to consider buffer requirements is at the LSP stage. As such, it is proposed to modify Table 1 of the Policy to ensure that buffer investigations are undertaken at the TPS Amendment and LSP stage.

### **Fire Management**

In reviewing the draft Policy and considering the context of the subject site being affected by strong easterly winds, being in proximity to several bushland areas and entailing some remnant vegetation, fire is a key risk. It is proposed to modify Table 1 of the LPP to require the preparation of a fire management strategy and fire management plan.

### **Guidelines for Industrial Development**

Since LPP44 was deemed satisfactory for advertising, new industrial guidelines have been released by a range of stakeholders and managed by Perth NRM. The guidelines recognising that there is an increased awareness within Australia and the community that our cities and towns including the areas which support them such as industrial and commercial areas, need to be more sustainable. A substantial amount of information is now available to improve the way new development considers and uses our natural resources; however, this has focussed largely on urban and residential uses. These Guidelines aim to raise awareness of issues and actions that can be taken to improve the environmental, economic and social sustainability of new industrial areas as part of the planning and development process.

***A copy of the Industrial Guidelines are with attachments marked [SD127.3/06/11](#).***

A number of modifications are recommended to the draft LPP44, to facilitate effective integration of the guidelines into the land use planning for the Cardup area.

### **Options**

There are three options available to Council, as discussed below:

1. Pursuant to Clause 9.3 of TPS 2, Council may adopt the draft Policy without modifications;
2. Pursuant to Clause 9.3 of TPS 2, Council may adopt a modified version of the draft Policy; or
3. Pursuant to Clause 9.3, Council may resolve to not proceed with the Policy.

### **Conclusion**

With appropriate modification as discussed in the preceding sections of this report, it is considered that LPP 44 will provide an appropriate framework to facilitate the planning and development of the proposed Cardup Business Park. Similar planning frameworks have been applied to other development areas in the Shire including Mundijong-Whitby and Serpentine. They provide a level of guidance, clarity and certainty to Shire staff, Council, the community and developers. It is recommended that Council adopt the draft Policy with modifications.

**Voting Requirements:** Simple Majority

**SD127/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Lowry, seconded Cr Hoyer  
That Council:**

1. Note the submissions received during the advertising period of draft Local Planning Policy No. 44 – Cardup Business Park Planning Framework and endorse the Shire staff responses to those submissions.
2. Pursuant to Clause 9.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 adopt a modified version of draft Local Planning Policy No. 44 – Cardup Business Park Planning Framework as contained in Attachment SD127.4/06/11.
3. Pursuant to Clause 9.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 forward a copy of the adopted Local Planning Policy No. 44 – Cardup Business Park Planning Framework to the Western Australian Planning Commission.
4. Advise all agencies and persons who made a submission on draft Local Planning Policy No. 44 – Cardup Business Park Planning Framework of its decision.

**CARRIED 7/0 EN BLOC**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                    |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| SD128/06/11            |                                                                                                                                                        | NEW LOCAL PLANNING POLICY – LPP 57 HOUSING DIVERSITY (A1933)                                                                                                                                                                                                       |  |
| Author:                | Lawrence Man – Senior Planner                                                                                                                          | In Brief<br><br>A policy to provide guidance in land development to ensure a diversity of lots and dwellings are achieved in the Shire.<br><br>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment. |  |
| Senior Officer:        | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                    |  |
| Date of Report         | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                    |  |
| Previously             | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                    |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                    |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                    |  |

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

Vibrant, active and liveable places need to accommodate diverse communities to enable them to function. The Shire seeks to promote diverse housing opportunities that are responsive to different requirements in life cycle, social and family configurations and economic capabilities. This housing diversity policy seeks to achieve this by detailing the necessary mix of housing types in the Shire's emerging and existing communities.

This report provides Council with the opportunity to consider the Housing Diversity policy, ahead of formal stakeholder engagement.

**Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category | Focus Area | Objective Number | Objective Summary | Objective |
|-----------------|------------|------------------|-------------------|-----------|
|-----------------|------------|------------------|-------------------|-----------|

| Vision Category            | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                                                              |
|----------------------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>BUILT ENVIRONMENT</b>   | <b>Land Use Planning</b>          | 26               | General                                                                       | Facilitate the development of a variety of well planned and connected activity centres and corridors.                  |
| <b>OUR COUNCIL AT WORK</b> | <b>Leadership</b>                 | 15               | Leadership throughout the organisation                                        | The Shire will set policy direction in the best interests of the community.                                            |
|                            |                                   | 23               | Society, community and environmental responsibility                           | The elected members provide bold and visible leadership.                                                               |
|                            |                                   | 24               |                                                                               | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                            |                                   | 26               |                                                                               | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                            | <b>Strategy and Planning</b>      | 27               | Strategic Direction                                                           | Prepare effectively for future development.                                                                            |
|                            |                                   | 29               |                                                                               | Create innovative solutions and manage responsibly to aid our long term financial sustainability.                      |
|                            | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.          |
|                            | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                             |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to key developers which may be affected by the new policies;
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

The Shire has undertaken work to ensure alignment with the State Government Department of Housing's Affordable Housing Strategy 2010-2020 and referenced the population and demographic studies commissioned by Council. This housing diversity policy draws upon the housing targets as outlined by metropolitan planning strategies including Directions 2031 and the Outer Metropolitan Growth Strategy for Perth and Peel.

The objectives of this policy are to:



- Promote and facilitate increased housing diversity and choice to meet the changing housing needs of the Shire community;
- Provide a diverse range of housing types to meet the needs of residents which vary based in income, family types and stages of life, to support the growth of sustainable communities.
- Provide equitable access and lifestyle opportunities for residents.
- To acknowledge the dwelling and density targets for the Shire, established by the Western Australian Planning Commission's Directions 2031 and provide a mechanism by which the Shire may achieve these targets.
- Facilitate the social, economic and environmental benefits of housing diversity.
- Guide the location of new housing in residential housing estates, close to public transport, shops, services and key community facilities.
- Establish minimum dwelling and housing form targets for all activity centres within the Shire and provide guidance in relation to housing diversity in all other locations ; and
- Provide clear guidance to proponents in relation to the Shire's housing diversity objectives for future Structure Plans, Subdivision Applications, Detailed Area Plans and Development Applications;

***A copy of the proposed Housing Diversity policy is with attachments marked [SD128.1/06/11 \(E10/5821\)](#).***

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS. 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

**SD128/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Lowry, seconded Cr Hoyer  
That Council:**

- 1. Adopt the Draft Local Planning Policy 57 – Housing Diversity as provided in attachment SD128.1/06/11 for advertising purposes.**
- 2. Advertise the draft Local Planning Policy 57 – Housing Diversity for a period of not less than 21 days by way of:**
  - a) A notice being placed in a local newspaper circulating within the district.**
  - b) A notice being placed in the Shire’s Administration Centre.**
  - c) A notice being placed on the Shire’s internet website.**
  - d) A letter being sent to key developers which may be affected by the new policies;**
  - e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;**
  - f) A letter being sent to relevant state government agencies; and**
  - g) A letter being sent to all community groups.**

**CARRIED 7/0 EN BLOC**

|                                                                                      |                                                                                                                                                        |                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SD129/06/11 NEW LOCAL PLANNING POLICY – LPP 62 URBAN WATER MANAGEMENT (A1970)</b> |                                                                                                                                                        |                                                                                                                                                                                                                                                                     |
| <b>Author:</b>                                                                       | Lawrence Man – Senior Planner                                                                                                                          | <p>In Brief</p> <p>A new local planning policy for urban water management to supersede two existing water sensitive design policies.</p> <p>The following policy is presented to Council for consideration ahead of formal advertising for stakeholder comment.</p> |
| <b>Senior Officer:</b>                                                               | Brad Gleeson – Director Development Services                                                                                                           |                                                                                                                                                                                                                                                                     |
| <b>Date of Report</b>                                                                | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                     |
| <b>Previously</b>                                                                    | Not applicable                                                                                                                                         |                                                                                                                                                                                                                                                                     |
| <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>                                                                                                                                         |                                                                                                                                                                                                                                                                     |

**Background**

The Shire is progressing with a significant policy development program with a view to delivering a more contemporary, rigorous and relevant local planning policy (LPP) suite. The LPP development program is also intended to achieve a more effective and efficient planning framework for decision-making, with associated benefits for transparency, stakeholder confidence and customer service.

The policy development program is intended to deliver the following positive outcomes:

- Better outcomes on the ground, aligned with the Shire's *Plan for the Future*;
- A reduction in the number of matters that will need to be presented to Council;
- Higher levels of customer service (through clearer requirements and processes);
- Efficiencies for officers, in handling the applications and associated reduction in workloads; and
- Improved relationships with key stakeholders.

This report provides Council with the opportunity to consider the Urban Water Management policy, ahead of formal stakeholder engagement.

**Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire’s urban cells while protecting and enhancing the rural character and protect the landscapes for which it is renowned for.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area        | Objective Number | Objective Summary         | Objective                                                                                             |
|---------------------|-------------------|------------------|---------------------------|-------------------------------------------------------------------------------------------------------|
| BUILT ENVIRONMENT   | Land Use Planning | 26               | General                   | Facilitate the development of a variety of well planned and connected activity centres and corridors. |
| OUR COUNCIL AT WORK | Leadership        | 15               | Leadership throughout the | The Shire will set policy direction in the best interests of the community.                           |

| Vision Category | Focus Area                        | Objective Number | Objective Summary                                                             | Objective                                                                                                              |
|-----------------|-----------------------------------|------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|                 |                                   |                  | organisation                                                                  |                                                                                                                        |
|                 |                                   | 23               | Society, community and environmental responsibility                           | The elected members provide bold and visible leadership.                                                               |
|                 |                                   | 24               |                                                                               | The Shire will further establish itself as an innovative leader in social, community and environmental responsibility. |
|                 |                                   | 26               |                                                                               | The Shire is focussed on building relationships of respect with stakeholders.                                          |
|                 | <b>Strategy and Planning</b>      | 27               | Strategic Direction                                                           | Prepare effectively for future development.                                                                            |
|                 |                                   | 29               |                                                                               | Create innovative solutions and manage responsibly to aid our long term financial sustainability.                      |
|                 | <b>Success and Sustainability</b> | 41               | Achieving Sustainability                                                      | The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.          |
|                 | <b>Knowledge and Information</b>  | 45               | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                             |

### **Community Consultation:**

In accordance with the provisions of Clause 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 LPPs include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
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- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- A letter being sent to relevant state government agencies; and
- A letter being sent to all community groups.

### **Comment:**

The objectives of this document is to ensure the Council's processes, requirements and assessment process are formalised through LPP and elevated to State-wide best practice. The Policy outlines the following objectives:

- Ensure planning and development within the Serpentine Jarrahdale Shire optimises the use, reuse and management of urban water resources including rainwater, stormwater, groundwater, drinking water and wastewater;
- Improve the health of the Peel-Harvey catchment including associated waterways, wetlands and the groundwater, consistent with the Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System Phosphorus Management (EPA, 2009) and the Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992; and

- Provide guidance for Council, landowners and developers in satisfying the requirements of Better Urban Water Management (WAPC, 2008) and State Planning Policy 2.9: Water Resources (2006).

A comprehensive review of the document has occurred with the involvement of the Shire's Water Sensitive Urban Design Project Manager. It is the intent of this document to supersede the two current policies concerning total water cycle management namely:

- LPP 6 – Water Sensitive Design; and
- LPP 22 – Water Sensitive Urban Design.

**A copy of the proposed Urban Water Management policy is with attachments marked SD129.1/06/11 (E11/1156).**

The advertising of each policy represents an important dialogue with each of the key stakeholders, about the policy objectives, application requirements and decision-making criteria. The expression of feedback, ideas and concerns is invited, encouraged and welcomed.

The draft policies are not seen as 'radical changes' but rather a practical integration of good and best industry practice, with state policies and the Shire's regulatory documents, including its TPS 2. Stakeholder engagement in the policy development process is seen as critical to establishing the planning framework for the future, by which future detailed proposals will be assessed against.

In considering each policy, Council is encouraged to give consideration to the following questions:

1. Is there a clear relationship to the *Plan for the Future* and other relevant documents (e.g. State Planning Policies)
2. Is it clear what we are trying to achieve?
3. Is it clear when a planning application is required?
4. Is it clear what an applicant needs to provide?
5. Is the decision making process clear?
6. Does the policy incorporate clear decision making criteria?

### Options

There are three options available to Council in respect of each LPP, in accordance with Clause 9.3 (a) of TPS 2, as follows:

1. Adopt the policy for the purposes of advertising;
2. Defer consideration of the policy; or
3. Resolve to not progress with the policy at this time and provide reasons accordingly.

Option 1 is recommended.

**Voting Requirements:** Simple Majority

### **SD129/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Lowry, seconded Cr Hoyer  
That Council:**

1. **Adopt the Draft Local Planning Policy 62 – Urban Water Management Plan as provided in attachment SD129.1/06/11 for advertising purposes.**
2. **Advertise the draft Local Planning Policy 62 – Urban Water Management Plan for a period of not less than 21 days by way of:**

- a) A notice being placed in a local newspaper circulating within the district.
- b) A notice being placed in the Shire's Administration Centre.
- c) A notice being placed on the Shire's internet website.
- d) A letter being sent to key developers which may be affected by the new policies;
- e) A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia;
- f) A letter being sent to relevant state government agencies; and
- g) A letter being sent to all community groups.

**CARRIED 7/0 EN BLOC**

| SD130/06/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT |                                                                                                                                                        |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                  | N/A                                                                                                                                                    |
| Owner:                                                      | N/A                                                                                                                                                    |
| Author:                                                     | Various                                                                                                                                                |
| Senior Officer:                                             | Deon van der Linde – Acting Director Strategic Community Planning                                                                                      |
| Date of Report                                              | 30 May 2011                                                                                                                                            |
| Previously                                                  | Not Applicable                                                                                                                                         |
| Disclosure of Interest                                      | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |
| <b>Delegation</b>                                           | <b>Council</b>                                                                                                                                         |

In Brief  
To receive the Information Report for May 2011.

#### STRATEGIC COMMUNITY PLANNING ACTIVITY REPORT

A copy of the Strategic Community Planning Department's Activity Report for May 2011 is with attachments marked [SD130.1/06/11](#).

**Voting Requirements:** Simple Majority

#### **SD130/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Lowry, seconded Cr Hoyer  
That Council accept the Strategic Community Planning Information Report.  
CARRIED 7/0 EN BLOC**

| SD131/06/11 DEVELOPMENT SERVICES INFORMATION REPORT |                                              |
|-----------------------------------------------------|----------------------------------------------|
| Proponent:                                          | N/A                                          |
| Owner:                                              | N/A                                          |
| Author:                                             | Various                                      |
| Senior Officer:                                     | Brad Gleeson - Director Development Services |
| Date of Report                                      | 23 May 2011                                  |
| Previously                                          | Not Applicable                               |

In Brief  
To receive the Information Report for May 2011.

|                        |                                                                                                                                                        |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |  |

## BUILDING

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

### DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of April 2011 were numbers 10/791, 10/833, 10/907, 10/941, 10/942, 10/1045, 10/1066, 10/1111, 10/1122, 10/1131, 11/011, 11/019, 11/024, 11/040, 11/068, 11/076, 11/080, 11/084, 11/097, 11/099, 11/101, 11/104 – 11/107, 11/112 – 11/119, 11/123, 11/126, 11/128, 11/130, 11/132, 11/135, 11/136, 11/139 – 11/141, 11/145, 11/147, 11/149, 11/151, 11/152, 11/155, 11/157 – 11/163, 11/166 – 11/169, 11/171 – 11/176, 11/178, 11/179, 11/182 – 11/186, 11/190, 11/195, 11/199 (76 approvals).

| Month of April                  | 2010/2011     | 2009/2010    |
|---------------------------------|---------------|--------------|
| Value of permits issued         | \$9,188,571   | \$7,512,869  |
| Cumulative total for period     | \$105,735,915 | \$80,848,349 |
| Number of permits issued        | 76            | 69           |
| Number of dwellings approved    | 38            | 25           |
| Number of applications received | 73            | 95           |

On 9 May 2011, 71 applications were pending

## HEALTH

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

### DS21 – Effluent Disposal Applications

L6 South Western Highway, Serpentine  
 L130 Ghost Gum Heights, Jarrahdale  
 L210 Butter Gum Close, Serpentine  
 L112 Soldiers Road, Cardup  
 L547 Bruns Drive, Darling Downs  
 L59 Waterside Pass, Byford  
 L22 Bateman Street, Byford  
 L213 Learmouth Turn, Byford  
 L4 Baden Road, Keysbrook  
 L224 Aquanita Rise, Darling Downs  
 L107 Marginata Parade, Jarrahdale

### DS21 – Permit to Use Apparatus

L18 Rose Road, Mundijong  
L216 Learmouth Turn, Byford  
L108 Hopkinson Road, Oakford  
L63 Billabong Court, Serpentine  
L222 Aquanita Rise, Darling Downs  
L236 Cardup Siding Road, Byford  
L13 Wanliss Street, Jarrahdale



## **RANGERS & DEVELOPMENT COMPLIANCE**

### **Prosecutions**

| <b>Date Used</b> | <b>Delegated Authority Reference No.</b> | <b>Address</b> | <b>Matter</b>                                                 | <b>Officers Signature</b> |
|------------------|------------------------------------------|----------------|---------------------------------------------------------------|---------------------------|
| May 2011         | CG04                                     | A281700        | Dog attack                                                    | Shire Ranger              |
| May 2011         | CG04                                     | A173308        | Continued unauthorised land use (3 <sup>RD</sup> Prosecution) | CEO                       |

### **Enforcement**

|                                                                                             |                                                                                                            |                                                              |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Notices issued<br>CG05                                                                      | 11 x Dog, 1 x Sign, 3 x Livestock, 4 Off road vehicles, 19 x Compliance, 2 x Parking, 23 x Litter          |                                                              |
| Fines issued<br>CG05                                                                        | 2 x litter, 5 x Dog, 1 x livestock,                                                                        | \$1100                                                       |
| Other (LG Act activities)<br>CG02                                                           | Registration & impound fees (dog, livestock and off road vehicle)<br>Recovery of costs.                    | \$2725                                                       |
| In reported, legal or<br>investigative process<br>CG02                                      | Dog Act<br>Off Road Vehicle Act<br>Litter Act<br>Parking<br>Local Government Act<br>Development Compliance | 23<br>4<br>21<br>4<br>18<br>29 (in process / action pending) |
| Matters completed and<br>/or resolved by<br>compliance, in<br>consultation or<br>mediation. | Dog Act<br>Local Government Act<br>Development Compliance<br>Other                                         | 15<br>10<br>21<br>37                                         |

## **PLANNING**

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

***A copy of the Statutory Planning Report tabling Scheme Amendments, Local Planning Policies and Local Structure Plans is with attachments marked [SD131.1/06/11](#).***

## **DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS AND SUBDIVISIONS**

| <b>Date Issued</b> | <b>Authority Ref.</b> | <b>Property &amp; Development</b>                            | <b>Decision</b> |
|--------------------|-----------------------|--------------------------------------------------------------|-----------------|
| 04/04/11           | DS-08                 | L13 Malarkey Road, Byford – Carport                          | Approved        |
| 11/04/11           | DS-06                 | L602 Bruns Drive, Darling Downs – Shed                       | Approved        |
| 12/04/11           | DS-06                 | L508 Woodstock Place, Darling Downs – Shed                   | Approved        |
| 13/04/11           | DS-08                 | L27 Gordin Way, Byford – Shed                                | Approved        |
| 13/04/11           | DS-05                 | L374 D'Vitale Loop Byford - Patio                            | Approved        |
| 14/04/11           | DS-15                 | L223 Culham Vista, Byford – Shed / Patios                    | Approved        |
| 28/04/11           | DS-01                 | L9500 Keenan Street, Darling Downs – Clearance of Conditions | Approved        |
| 29/04/11           | DS-27                 | L164 Yangedi Road, Hopeland – Extensions to Existing Hangar  | Approved        |
| 29/04/11           | DS-08                 | L108 Burgess Drive, Byford – Additions to Existing           | Approved        |

| Date Issued | Authority Ref. | Property & Development                                                           | Decision |
|-------------|----------------|----------------------------------------------------------------------------------|----------|
|             |                | Dwelling                                                                         |          |
| 29/04/11    | DS-08          | L4 Jarrahdale Road, Jarrahdale – Swimming Pool                                   | Approved |
| 29/04/11    | DS-08          | L206 Henry George Close, Byford – Single Dwelling                                | Approved |
| 02/05/11    | DS-08          | L15 Dalley Street, Byford – Carport                                              | Approved |
| 02/05/11    | DS-15          | L707 Eurythmic Road, Byford – Swimming Pool                                      | Approved |
| 02/05/11    | DS-09          | L213 Lupino Street, Mundijong – Carport                                          | Approved |
| 02/05/11    | DS-05          | L837 Curacoa Way, Byford – Single Dwelling                                       | Approved |
| 02/05/11    | DS-08          | L26 Wanliss Street, Jarrahdale – Patio                                           | Approved |
| 02/05/11    | DS-08          | L317 Miamit Lane, Byford – Single Dwelling                                       | Approved |
| 03/05/11    | DS-08          | L5 Watkins Road, Mundijong – Removal of Trees                                    | Approved |
| 03/05/11    | DS-15          | L308 Salmon Bark Road, Serpentine – Shed                                         | Approved |
| 05/05/11    | DS-08          | L107 Marginata Parade, Jarrahdale – Shed                                         | Approved |
| 05/05/11    | DS-08          | L29 Medulla Road, Jarrahdale – Swimming Pool                                     | Approved |
| 06/05/11    | DS-01          | L9025 Thomas Road, Byford- Clearance of Conditions                               | Approved |
| 06/05/11    | DS-05          | L663 Plaistowe Boulevard, Byford – Single Dwelling (Amended)                     | Approved |
| 06/05/11    | DS-08          | L2 Phillips Road, Karrakup – Water Tank / Removal of Trees                       | Approved |
| 06/05/11    | DS-15          | L78 Cavanagh Close, Cardup – Patio / Carport                                     | Approved |
| 09/05/11    | DS-08          | L11 Paterson Street, Mundijong – Community Garden / Fencing / Relocation of Shed | Approved |
| 09/05/11    | DS-09          | L4 and L5 Abernethy Road, Byford – Temporary Sales Office                        | Approved |
| 09/05/11    | DS-08          | L252 Wright Road, Mundijong – Patio                                              | Approved |
| 09/05/11    | DS-08          | L89 Millbrace Glen, Byford – Shed                                                | Approved |
| 09/05/11    | DS-15          | L137 Coral Vine Loop, Jarrahdale – Shed                                          | Approved |
| 09/05/11    | DS-08          | L128 Bullock Drive, Oakford – Removal of Trees                                   | Approved |
| 10/05/11    | DS-15          | L75 Cavanagh Close, Cardup – Single Dwelling                                     | Approved |
| 10/05/11    | DS-08          | L57 Coyle Road, Oldbury – Land Fill                                              | Approved |
| 11/05/11    | DS-06          | L91 Lefroy Street, Serpentine – Swimming Pool                                    | Approved |
| 12/05/11    | DS-08          | L29 Craighill Way, Oakford – Additions to Ancillary Accommodation                | Approved |
| 18/05/11    | DS-08          | L315 Miamit Lane, Byford – Single Dwelling                                       | Approved |

| Application Type                            | Authority                                | Number    |
|---------------------------------------------|------------------------------------------|-----------|
| Development Applications Received           | N/A                                      | 33        |
| Development Applications Approved           | Delegated Authority<br>Committee/Council | 34<br>3   |
|                                             | <b>Total</b>                             | <b>37</b> |
| Development Applications Refused            | Delegated Authority<br>Committee/Council | 0<br>0    |
|                                             | <b>Total</b>                             | <b>0</b>  |
| Subdivision Referrals Received              | N/A                                      | 3         |
| Subdivision Approval Recommendation to WAPC | Delegated Authority                      | 0         |
| Subdivision Refusal Recommendation to WAPC  | Delegated Authority                      | 1         |
| Subdivision Deferral Recommendation to WAPC | Delegated Authority                      | 0         |
| Subdivision Condition Clearances issued     | Delegated Authority                      | 2         |

On 25 May 2011, 93 applications were pending

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

| WAPC Ref | Property                          | No. of Lots | Type                        | Council Recommendation                                                                 | WAPC Decision |
|----------|-----------------------------------|-------------|-----------------------------|----------------------------------------------------------------------------------------|---------------|
| S143617  | L88 South Western Highway, Byford | 1           | Residential / Road Widening | Approval                                                                               | Approval      |
| S143586  | L38 Rowley Road, Oakford          | 2           | Residential                 | Refusal<br>Lot sizes were below the 40 hectare minimum requirement for the Rural zone. | Approval      |
| S143785  | L12 Masters Road, Darling Downs   | 2           | Rural Residential           | Refusal<br>Lot sizes were below the 40 hectare minimum requirement for the Rural zone. | Approval      |

**DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION**

| WAPC Ref | Property | Type | Council Recommendation | WAPC Decision |
|----------|----------|------|------------------------|---------------|
| Nil      |          |      |                        |               |

**SUBDIVISION CLEARANCES ISSUED**

| WAPC Ref | Property                           | No. of Lots | Council Recommendation | WAPC Decision |
|----------|------------------------------------|-------------|------------------------|---------------|
| S141815  | L9500 Keenan Street, Darling downs | 5           | Rural Living A         | Approval      |
| S131461  | L9025 Thomas Road, Byford          | 7           | Residential R20 & R30  | Approval      |

**Voting Requirements:** Simple Majority

**SD131/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Lowry, seconded Cr Hoyer  
That Council accept the Information Report.  
CARRIED 7/0 EN BLOC

|                        |                                                                                                                                                         |                                                                                                                                                     |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| CGAM065/06/11          |                                                                                                                                                         | REVIEW OF DELEGATED AUTHORITY CG12 – EXECUTION OF DOCUMENTS AND REVISED G701 – OCCUPATIONAL SAFETY AND HEALTH POLICY (A1047)                        |
| Proponent:             | Serpentine Jarrahdale Shire                                                                                                                             |                                                                                                                                                     |
| Owner:                 | Not Applicable                                                                                                                                          |                                                                                                                                                     |
| Author:                | Lisa Fletcher – Organisational Improvement Officer                                                                                                      | In Brief                                                                                                                                            |
| Senior Officer:        | Joanne Abbiss – Chief Executive Officer                                                                                                                 | Council is requested to:<br>1. Endorse a Delegation of Authority; and<br>2. Adopt the revised Council Policy G701 – Occupational Safety and Health. |
| Date of Report         | 20 May 2011                                                                                                                                             |                                                                                                                                                     |
| Previously             | N/A                                                                                                                                                     |                                                                                                                                                     |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act. |                                                                                                                                                     |
| Delegation             | Council                                                                                                                                                 |                                                                                                                                                     |

## **Background**

### **Delegated Authority - CG12 – Execution of Documents**

The Shire has established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making. The *Local Government Amendment Act 2009*, proclaimed in September 2009, introduced two new sections into Part 9 of the *Local Government Act* (the Act) concerning the execution of documents and contract formalities – sections 9.49A and 9.49B.

The new sections were inserted to clarify the formal requirements and procedures by which local governments authorise the making of contractual and other legal arrangements.

A local government is a corporate entity established under section 2.5 of the Act with perpetual succession and the legal capacity of a natural person to enter contracts and acquire or dispose of property. Because it is a corporation, each local government has a common seal which may be affixed to a document to evidence the fact that the local government has agreed to enter a legal agreement. Under the common law, the affixing of the seal in this way had a similar effect to the signature of a person on a document.

Over time, the common law requirement for documents to be sealed has been modified by statute but in some cases, there may still be a statutory requirement that certain documents be sealed, for example section 9(2) of the *Property Law Act* concerning deeds affecting property transactions.

Sections 9.49A and 9.49B clarify the formalities concerning the execution of documents by a local government and set out the procedural requirements by which a local government may authorise its CEO or other employees to enter into contractual and other legal arrangements on behalf of the local government.

#### *Sections 9.49A & 9.49B*

Section 9.49A provides two avenues by which documents may be duly executed –

1. Council, by resolution, authorises the circumstances under which a document is executed with the affixing of the common seal; or

2. Council, by resolution, authorises the CEO or another employee or agent to sign documents on the local government's behalf.

There are two other notable features of the section –

- the common seal is to be affixed to the document in the presence of the Mayor *and* the CEO (or a senior employee authorised by the CEO); and
- the CEO is prohibited from delegating the authorisation to sign documents on behalf of the local government, under the second option above, as a result of an amendment to section 5.43 of the Act, which places limitations on the CEO's capacity to delegate.

#### *Using the common seal*

Documents are generally sealed for transactions which affect interests in land. Examples include a transfer of title, leases, restrictive covenants, caveats and easements. However not all transactions require execution by affixing the common seal. Signing will be sufficient for entering into tenders and other contracts for the provision of goods and services, which City officers (with the relevant power of delegation) execute on a regular basis.

#### *Policy for Affixing the Common Seal*

Although the requirements of section 9.49A concerning the common seal may be largely satisfied under existing arrangements, it is recommended that where a local government has a policy, it be reviewed to ensure that it complies with the new procedure – particularly subsection 9.49A(3). It should also be reviewed to ensure that the appropriate text for the attestation clause is used.

If a local government does not have a protocol or policy for the use of the common seal, it is recommended that it adopt one as a council policy. A policy can also include requirements for the safe custody of the common seal and the recording and reporting of its use to Council.

#### *Delegations and Section 9.49B*

Under section 5.46, local governments are required to maintain a register of delegations made by Council to the CEO and by the CEO to other employees (or designated officer positions). The CEO and designated employees are authorised by these delegations to exercise specific functions on behalf of the local government, which may include the authority to enter into contracts and other legal arrangements on behalf of the local government.

Section 9.49B confirms that, if the authorisation requirements of section 9.49A have been met, contracts which have been made under appropriate delegated authority will meet the conventional legal formalities for the making of a valid contract.

That is, the delegation confers the requisite authority on the person to make the contract on the local government's behalf.

Therefore, in addition to the recommendation to adopt a policy, it is also recommended that Council adopt a resolution which expressly authorises the CEO (and possibly other designated employee positions) to execute documents on behalf of the local government in accordance with the relevant delegation.

***A copy of the proposed delegation is with attachments marked [CGAM065.1/06/11](#).***

#### G701 – Occupational Safety And Health Policy

Changes to Policy G701 – Occupational Safety and Health are presented as part of the Shire's continuous improvement program. This revised one page policy is a more concise

and condensed policy for ease of reference and display in the Administration and Operations Centre.

**A copy of the existing Policy G701 – Occupational Safety and Health is with attachments marked [CGAM065.2/06/11](#).**

**A copy of the revised Policy G701 - Occupational Safety and Health is with attachments marked [CGAM065.3/06/11](#).**

### **Sustainability Statement**

Council Policies and instruments of Delegation are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

**Statutory Environment:** Local Government Act 1995

### **Policy/Work Procedure**

**Implications:** Council Policies and instruments of Delegation are an integral part of the Shire's governance framework.

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

### **Strategic Implications:**

This proposal relates to the following Focus Area:-

| Vision Category     | Focus Area                                     | Objective Summary                          | Objective                                                                                                   |
|---------------------|------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| OUR COUNCIL AT WORK |                                                |                                            |                                                                                                             |
|                     | Leadership                                     |                                            |                                                                                                             |
|                     |                                                |                                            | Our structure, processes, systems and policies are based on the "keep it simple" principle.                 |
|                     | Process Management, Improvement and Innovation |                                            |                                                                                                             |
|                     |                                                | Identification and Management of Processes | Undertake a systems and processes review and educate and train staff and elected members accordingly        |
|                     |                                                |                                            | Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs |
|                     |                                                | Process Improvement and Innovation         |                                                                                                             |
|                     |                                                |                                            | Achieve outcomes whilst minimising use of Council resources.                                                |

### **Community Consultation:**

Not applicable.

### **Comment:**

In accordance with the amendments to the *Local Government Act* described in this Report, it is resolved that Council adopt the revised Policy and Delegation.

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM065/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris

1. Having reviewed the delegation made by the Council in accordance with section 5.46(2) of the Local Government Act 1995, Council revokes Delegation CG12 – Execution of Documents.
2. Council authorises and grants the delegations of authority, powers and duties as listed and detailed in Attachment CGAM065.1/06/11 and entitled CG12 – Execution of Documents.
3. Council adopt the revised policy G701 – Occupational Safety and Health as per attachment CGAM065.3/06/11.

**CARRIED 7/0**

| CGAM067/06/11          |                                                                                                                                                        | CONDUCT OF POSTAL ELECTION – OCTOBER 2011 (A1931)                                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Proponent:             | Serpentine Jarrahdale Shire                                                                                                                            | In Brief<br><br>To appoint the WA Electoral Commissioner to conduct a postal election in October 2011. |
| Owner:                 | Not Applicable                                                                                                                                         |                                                                                                        |
| Author:                | Louisa Loder - PA to Director Corporate Services                                                                                                       |                                                                                                        |
| Senior Officer:        | Alan Hart - Director Corporate Services                                                                                                                |                                                                                                        |
| Date of Report         | 5 April 2011                                                                                                                                           |                                                                                                        |
| Previously             | CGAM099/05/09                                                                                                                                          |                                                                                                        |
| 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**

The Local Government Act 1995 requires that local government elections are held each 2 years, the next election is due to be held on 15 October 2011. Section 4.20 (4) of the Local Government Act 1995, requires Council to declare who will be responsible for the conduct of an election, with the nomination made at least 80 days before election day.

Local governments, under Section 4.61 (2), may choose to conduct the election as a postal election. The last five elections for the Shire have been conducted as postal voting elections and have been conducted by the WA Electoral Commission.

**Sustainability Statement**

***Social Diversity:*** Council elections provide an opportunity for the community to associate with its sense of belonging to the district and participate in determining the future strategic direction of the community that elected members represent.

**Statutory Environment:**

Section 4.20(4) – A local government may, having first obtained the written agreement of the electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral

Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

Section 4.61(2) The Local Government may decide\* to conduct the election as a postal election.

\* *Absolute majority decision required.*

### **Policy/Work Procedure**

#### **Implications:**

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

#### **Financial Implications:**

An allocation has been made in the draft 2011/2012 budget for election expenses, based on an estimate provided by the WA Electoral Commission to conduct a postal election for the Shire. The estimate is \$35,000.

#### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area                       | Objective Summary                              | Objective                                                                              |
|---------------------|----------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------|
| OUR COUNCIL AT WORK |                                  |                                                |                                                                                        |
|                     | <b>Leadership</b>                |                                                |                                                                                        |
|                     |                                  | Leadership throughout the organisation         | The Shire will set policy direction in the best interests of the community.            |
|                     | <b>Customer and Market Focus</b> |                                                |                                                                                        |
|                     |                                  | Effective management of customer relationships | All Councillors and staff play an active role in promoting the positives of the Shire. |

#### **Community Consultation:**

Not required.

#### **Comment:**

Council is required to declare who will be responsible for conduct of the election before 1 August 2011. Council must also decide whether the election will be a postal election before 1 August 2011.

#### **Voting Requirements:**

**ABSOLUTE MAJORITY**

#### **CGAM067/06/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Buttfeld, seconded Cr Hoyer  
That Council:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of the ordinary local government elections to be held on 15 October 2011 for the Shire of Serpentine Jarrahdale; and



**2. Approve, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the ordinary local government elections to be held on 15 October 2011 be as a postal election.**

**CARRIED 7/0**

|                        |                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CGAM068/06/11          |                                                                                                                                                        | ADOPTION OF THE VILLAGE CENTRE LAKES MANAGEMENT PLAN, THE GLADES AT BYFORD, L21 & L22 DOLEY ROAD, BYFORD (P04488/01)                                                                                                                                                                                                                                                                                                                            |
| Proponent:             | Coffey Environments Australia Pty Ltd                                                                                                                  | In Brief<br><br>LWP Byford Syndicate Pty Ltd is proposing a constructed lake for The Glades Village Centre in Byford as identified in The Glades Local Structure Plan and Local Water Management Strategy. Council required LWP Byford Syndicate Pty Ltd to prepare a Lakes Management Plan to support the proposal. It is recommended that Council approves the Glades Village Centre Lakes Management Plan and revised Asset Management Plan. |
| Owner:                 | LWP Byford Syndicate Pty Ltd                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Author:                | Craig Wansbrough, Project Manager – Water Sensitive Urban Design                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Senior Officer:        | Richard Gorbunow, Director Engineering Services                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Date of Report         | 23 May 2011                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Previously             | SD056/12/10<br>SCM25/03/2010<br>OCM26/10/09<br>SCM02/09//06<br>OCM05/08/06                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

### **Background**

Following the advertising of the Byford Main Precinct “The Glades” Local Structure Plan (LSP) in late 2009, Council adopted the LSP subject to modifications on 9 March 2010, and then referred the LSP to the Western Australian Planning Commission (WAPC) for its consideration. The WAPC reviewed the LSP with the view of making a determination as to whether to approve the LSP with or without modifications. The WAPC referred the LSP with modifications to the Shire for consultation. The Shire provided comment on the LSP and provided a response to the WAPC’s proposed modifications to the LSP. The Glades LSP was approved by the Western Australian Planning Commission (WAPC) and adopted by Council in April 2011.

The draft LSP proposed a constructed water body (a lake) in proximity to the village centre on the corner of Abernethy Road and Doley Road, Byford. The proposed constructed lake is intended as a community asset providing:

- Aesthetic functions which make the village centre an active hub for commercial or social activities;
- A focus for recreational activity, supported by the network of paths and boardwalks that provide access to the lake for residents;
- Structural benefits which include increased flexibility in the design of the public open space (POS) irrigation system by providing storage;
- Additional stormwater detention storage in major flood events; and
- Water source for fire fighting.

The Local Structure Plan requires a Lake Management Plan to be prepared as a condition of subdivision or development approval for any land immediately abutting or including the proposed lake. The plan was to detail the whole of life costs, maintenance responsibilities and monitoring requirements of the lake. The Glades Village Centre Lakes Management Plan intends to satisfy this requirement.

It was recommended the lake management plan be prepared and lodged with Council for formal approval at the earliest opportunity, in parallel with the LSP progressing through statutory processes. It is envisaged that substantial progress will have been achieved with the lake management plan prior to the LSP being presented back to Council for final adoption.

The adoption of the LSP provides the statutory basis for requiring a lake management plan from the proponent; it does not, however, bind Council in considering the merits of the lake management plan and the detailed information contained within. It was envisaged that the lake management plan would be presented to Council separately and at the earliest opportunity for formal consideration.

***A copy of the Glades Village Centre Lakes Management Plan is with attachments marked [CGAM068.1/06/11](#).***

### **Sustainability Statement**

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

The Glades Village Centre Lakes Management Plan will enhance the built and natural environment of the Glades Village Centre. The plan identifies opportunities for increasing the biodiversity of flora and fauna within the constructed lake and adjoining Tributary 6 waterway. The lake will be stocked with the local native fish *Nannoperca vittata* (Pygmy Perch). Local native plants will be used for landscaping around the lake and surrounding areas. This will provide a food source for local native fauna.

The Glades Village Centre Lakes Management Plan separates minor flows from the surrounding catchment from the lakes. Minor flows from the surrounding catchment will be directed to a 1 Year 1 Hour Average Recurrence Interval (ARI) Bio-retention Treatment Area adjacent to the lake. This will collect the first flush from the village centre catchment and remove contaminants prior to being discharged into the Tributary 6 waterway. Larger and infrequent storm events will utilize the lake as a flood storage area.

The lake will provide a culturally important focal point for the Glades Village Centre. People are naturally drawn to water for aesthetic, social and recreational reasons.

#### ***Resource Implications:***

The Glades Village Centre Lakes will be a source of irrigation water for the public open space within the Glades Development. The water levels in the lakes are maintained constant over summer period using a top up bore. The total evaporation from the lake in an average year is approximately 19,930kL. This loss represents less than 7% of the total water inflows to the lake in an average year (approximately 165,000kL). The lake is considered to be the correct size based on water levels and evaporation results. Water consumption is also minimized through water-wise local native landscaping around the lake and Tributary 6 in the adjoining multiple use corridor.

#### ***Use of Local, Renewable or Recycled Resources:***

Promotion of the use of local, renewable and recycled resources will be carried out during the local structure planning, subdivision and development processes.

***Economic Viability:***

An Asset Management Plan has been prepared by Plan E Landscape Architects for the Village Centre Lakes Public Open Space and included in the Glades Village Centre Lakes Management Plan in Appendix H. This Asset Management Plan was subsequently revised. The revised Asset Management Plan was created to provide the Shire of Serpentine Jarrahdale with detailed information on each component of the lakes and associated public open space, including replacement costs, design life and maintenance costs.

***A copy of the revised Glades Village Centre Lakes Public Open Space Asset Management Plan – Version 5.0 is with the attachments marked [CGAM068.2/06/11](#).***

***Economic Benefits:***

The proposal will provide a focal point and act as an attractor for the Glades Village Centre. Businesses in the Glades Village Centre will benefit indirectly from the proposal.

***Social – Quality of Life:***

The Glades Village Centre and broader Byford Community will benefit through the provision of passive recreation opportunities (e.g. bird watching, walking, flora identification etc). The Glades Village Centre Lakes will be adjacent to the Tributary 6 multiple use corridor which provides pathways for active recreation opportunities such as jogging and cycling. There will be connectivity between the Glades Village Centre Lakes and the Tributary 6 Multiple Use Corridor.

Water Sensitive Urban Design will be incorporated into the Glades Village Centre Lakes. Water-wise landscaping and treatment of storm-water for contaminants up to and including the 1-Year 1 Hour Average Recurrence Interval (ARI) storm event are considered as part of this proposal and in the Urban Water Management Plan prepared for The Glades Village Centre.

***Social and Environmental Responsibility:***

The Glades Village Centre Lakes will provide a meeting place and focal point for local community. The Glades Village Centre Lakes will be designed according to best practice and address the issues identified in Department of Water's Interim Position Statement on Constructed Lakes.

***Social Diversity:***

The Glades Lakes will allow various social groups within our community to access natural areas and enjoy the aesthetics of open water. Universal access will be considered when designing public open space.

**Statutory Environment:**

Planning and Development Act 2005  
Local Government Act 1995

**Policy/Work Procedure Implications:**

Local Planning Policy No. 22 – Water Sensitive Urban Design.

**Financial Implications:**

There will be significant financial implications to Council as a result of the construction of the lake and surrounding Public Open Space as the Shire will ultimately be responsible for the maintenance and eventual renewal of the asset. Analysis has been undertaken to ascertain the impact on the Shire and funding options and this will be detailed in a separate council report.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category            | Focus Area               | Objective Summary   | Objective                                                                                                                                                |
|----------------------------|--------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BUILT ENVIRONMENT</b>   |                          |                     |                                                                                                                                                          |
|                            | <b>Land Use Planning</b> |                     |                                                                                                                                                          |
|                            |                          |                     | Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.                                            |
|                            |                          | Urban Villages      | Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.                              |
|                            |                          |                     | Ensure interesting, safe and well-connected pathways accessible and suitable for all users.                                                              |
|                            |                          |                     | Ensure local structure plans have a range of attractions within a walkable distance of residential areas.                                                |
|                            |                          | Buildings           | Ensure the Shire's rural character is sensitively integrated into urban and rural villages.                                                              |
|                            |                          |                     | Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.     |
|                            |                          |                     | Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.                                                 |
|                            |                          |                     | Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.                              |
|                            |                          |                     | Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses. |
|                            |                          |                     | Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.                              |
|                            | <b>Infrastructure</b>    |                     |                                                                                                                                                          |
|                            |                          | Asset management    | Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.              |
|                            |                          |                     | Ensure all decisions are consistent with the long term financial Plan for the Future.                                                                    |
|                            |                          |                     | Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.                         |
|                            |                          | Water Management    | Minimise the use of piped and artificial drainage and its impact on the landscape.                                                                       |
|                            |                          |                     | Create low maintenance living streams and ephemeral wetlands.                                                                                            |
|                            |                          |                     | Ensure infrastructure planning and design protects the community from flooding.                                                                          |
|                            |                          | Trails and linkages | Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.       |
|                            |                          |                     | Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.                         |
| <b>NATURAL ENVIRONMENT</b> | <b>Landscape</b>         |                     |                                                                                                                                                          |
|                            |                          | Safeguard           | Restore and preserve the visual amenity of our landscapes.                                                                                               |
|                            |                          |                     | Incorporate environmental protection in land use planning.                                                                                               |
|                            |                          | Restore             | Establish and enhance waterways and bush corridors.                                                                                                      |
|                            |                          |                     | Establish increased levels of natural vegetation in urban and rural environments.                                                                        |

| Vision Category             | Focus Area                               | Objective Summary                                                             | Objective                                                                                                                                                                     |
|-----------------------------|------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                          |                                                                               | Control and manage weeds and plant diseases.                                                                                                                                  |
|                             |                                          |                                                                               | Promote and develop appropriate tourism, recreation and educational opportunities.                                                                                            |
|                             |                                          |                                                                               | Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire |
|                             |                                          | Manage                                                                        | Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.                                                                             |
|                             |                                          | Restore                                                                       | Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.                                                                             |
|                             | <b>Integrated Water Cycle Management</b> |                                                                               |                                                                                                                                                                               |
|                             |                                          | Quantity                                                                      | Promote and implement water conservation and reuse.                                                                                                                           |
|                             |                                          |                                                                               | Encourage the conversion of man-made drainage of the Palusplain back to natural systems.                                                                                      |
|                             |                                          |                                                                               | Identify and implement opportunities for detention and storage of stormwater.                                                                                                 |
|                             |                                          |                                                                               | Protect and develop natural and man-made water sources.                                                                                                                       |
|                             |                                          | Quality                                                                       | Improve and maintain surface and ground water quality.                                                                                                                        |
|                             |                                          | Planning and Design                                                           | Ensure integrated water cycle management is incorporated in land use planning and engineering design.                                                                         |
|                             |                                          |                                                                               | Enforce the adoption of “better urban water management”.                                                                                                                      |
|                             |                                          | Natural systems                                                               | Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.                                                     |
|                             |                                          |                                                                               | Facilitate and encourage the preservation, management and restoration of natural water systems.                                                                               |
|                             | <b>Climate Change</b>                    |                                                                               |                                                                                                                                                                               |
|                             |                                          | Mitigation                                                                    | Ensure that energy and water conservation is addressed at the local level.                                                                                                    |
|                             |                                          |                                                                               | Minimise resource use                                                                                                                                                         |
| <b>OUR COUNCIL AT WORK</b>  |                                          |                                                                               |                                                                                                                                                                               |
|                             | <b>Strategy and Planning</b>             |                                                                               |                                                                                                                                                                               |
|                             |                                          |                                                                               | Create innovative solutions and manage responsibly to aid our long term financial sustainability.                                                                             |
|                             | <b>Knowledge and Information</b>         |                                                                               |                                                                                                                                                                               |
|                             |                                          | Generating, collecting and analysing the right data to inform decision making | Ensure the full costs are known before decisions are made.                                                                                                                    |
|                             |                                          |                                                                               | Understand current and future costs of service delivery.                                                                                                                      |
| <b>PEOPLE AND COMMUNITY</b> |                                          |                                                                               |                                                                                                                                                                               |
|                             | <b>Wellbeing</b>                         |                                                                               |                                                                                                                                                                               |
|                             |                                          | Healthy                                                                       | Promote a wide range of opportunities to enable optimal physical and mental health.                                                                                           |
|                             |                                          |                                                                               | Promote a variety of recreation and leisure activities.                                                                                                                       |
|                             |                                          |                                                                               | Enable the provision of a range of facilities and services for families and children.                                                                                         |
|                             |                                          |                                                                               | Improve access and inclusion for all.                                                                                                                                         |
|                             |                                          | Safe                                                                          | Achieve a high level of community safety                                                                                                                                      |
|                             | <b>Places</b>                            |                                                                               |                                                                                                                                                                               |

| Vision Category                    | Focus Area                  | Objective Summary | Objective                                                                                                 |
|------------------------------------|-----------------------------|-------------------|-----------------------------------------------------------------------------------------------------------|
|                                    |                             | Vibrant           | Create vibrant urban and rural villages.                                                                  |
|                                    |                             |                   | Build the community's capacity to create vibrant places through activities and events.                    |
|                                    |                             |                   | Ensure community spaces and places are accessible and inviting.                                           |
|                                    |                             |                   | Plan and facilitate the provision of a range of facilities and services that meet community needs         |
|                                    |                             |                   | Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.  |
|                                    |                             |                   | Plan and develop safe communities and places.                                                             |
|                                    |                             |                   | Facilitate the establishment of educational places that offer a range of lifelong learning opportunities. |
|                                    |                             | Distinctive       | Recognise, preserve and enhance the distinct characteristics of each locality.                            |
|                                    |                             |                   | Foster the sense of belonging and pride of place in our community.                                        |
| <b>SUSTAINABLE ECONOMIC GROWTH</b> |                             |                   |                                                                                                           |
|                                    | <b>Industry Development</b> |                   |                                                                                                           |
|                                    |                             | General           | Attract and facilitate appropriate industrial, commercial and retail developments.                        |
|                                    |                             | Tourism           | Encourage the development of tourist attractions and accommodation.                                       |
|                                    |                             |                   | Maximise the tourism and recreation potential of our natural environment.                                 |

### **Community Consultation:**

The Byford Main Precinct "The Glades" Local Structure Plan was advertised for public comment in late 2009. The LSP provides the statutory basis for requiring a lake management plan from the proponent and is a condition of subdivision or development approval for any land immediately abutting or including the proposed lake. Community consultation is not required for the Glades Village Centre Lakes Management Plan but it does require consideration by Council.

### **Comment:**

There are a number of key issues that Council needs to consider in respect of the Glades Village Centre Lakes Management Plan, as follows:

- Key technical assumptions and inputs into planning;
- Financial risks/responsibilities; and
- Proposed Maintenance Period

Each of these key issues is discussed further in the following sub-sections.

#### **Key technical assumptions and inputs into planning**

The Glades Village Centre Lakes Management Plan has been prepared to meet the requirements of the Department of Water *Interim Position Statement: Constructed Lakes*. The management plan provides the biological and physical context for the site and addresses the following issues:

- Strategic planning and general requirements;
- Water use efficiency
- Protection of natural wetlands and waterways;
- Algal and aquatic weed blooms;

- Acid sulphate soils (ASS);
- Ongoing maintenance and lifecycle costs;
- Mosquitoes and midges;
- Flood risk and drainage management; and
- Integration with other passive recreation and open space.

Shire officers reviewed the draft lake management plan. The proponent has provided a response to the Shire's comments and submitted a revised lake management plan. The revised lake management plan addresses these technical concerns.

### Financial Risks and Maintenance Responsibilities

As detailed within the Ordinary Council Meeting report of 26 October, Shire staff had concerns regarding the on-going costs of maintaining the lake. In response to these concerns, Council resolved to request Shire officers to negotiate with the proponent to ensure that the maintenance of the lake is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake. This 15 year period relates to the expected timeframes for the complete development of The Glades.

It is considered that it would be in the best interests of the applicant to maintain the lake for on-going marketing purposes during the development of the area. The applicant provided in-principle agreement to this proposal of Council. This agreement was to be reflected in the lake management plan required by the draft LSP.

The developer and Shire Officers have been negotiating a maintenance period for the constructed lakes. The Lake Management Plan proposes that the Developer will be responsible for maintaining the Glades Village Centre Lakes and surrounding Public Open Space for a period of four years. In the fifth year the maintenance costs will be shared 50/50 between the Shire of Serpentine Jarrahdale and the Developer. After this time, the Shire will be responsible for all management and maintenance costs.

The Glades Lake and associated Public Open Space will require a high level of maintenance. Analysis of standard public open space costs and funds required from rates indicates there will be a shortfall of funds required to maintain the lake and associated public open space. The Shire has 3 options to address this problem:

1. Increase the general rate for the shire to accommodate this additional cost; and/or
2. Special Area Rate a 'catchment area' so the individuals that directly benefit from the infrastructure pay for it; and/or
3. Request an upfront Developer Contribution towards the maintenance of the infrastructure and a special area rate.

A separate report will be presented to Council which provides recommendations for the financial arrangements of the Glades Village Centre Lakes.

### Proposed Maintenance Period

In order to progress this and implement the final solution, the developer and the Shire need to agree on an acceptable maintenance period for which the developer will maintain the lake. This agreement is critical as it will determine the amount that needs to be raised for the renewal of the infrastructure.

One factor that needs to be taken into account here is the level of service that the developer will require whilst they are still active in the development, (i.e. selling land). For obvious reasons, they will require a high level of service in specifically in relation to grounds

maintenance as the condition of the lake and surrounds can have a direct affect on their ability to achieve sales.

For this reason, it is recommended that the Shire seek a longer maintenance period rather than shorter and also explore the possibility of the developer maintaining the lake and surrounds until they exit the subdivision with a partial contribution by the Shire.

It is standard practice that developers hand over infrastructure to the Local Government 2 years post construction. If this were to occur, the Shire would be required to fund the maintenance earlier rather than later.

It is preferable that the maintenance period be as long as possible to minimise the cost to ratepayers.

### **Conclusion**

The Glades Lakes will provide a vibrant and distinctive feature within the Glades Village Centre. The adoption of The Byford Main Precinct “The Glades” Local Structure Plan provides the statutory basis for requiring a lake management plan from the proponent; it does not, however, bind Council in considering the merits of the lake management plan and the detailed information contained within.

### **Options**

There are 3 main options available to Council with respect to the Glades Village Centre Lakes Management Plan (Version 2) and revised Glades Village Centre Lakes Public Open Space Asset Management Plan (Version 5.0) as outlined below:

1. Council approves the Glades Village Centre Lakes Management Plan (Version 2) and revised Glades Village Centre Lakes Public Open Space Asset Management Plan (Version 5.0), without modification.
2. Council approves the Glades Village Centre Lakes Management Plan (Version 2) and revised Glades Village Centre Lakes Public Open Space Asset Management Plan (Version 5.0), with modification/s.
3. Council rejects the Glades Village Centre Lakes Management Plan (Version 2) and revised Glades Village Centre Lakes Public Open Space Asset Management Plan (Version 5.0).

Option 1 is recommended as the most appropriate response.

**Voting Requirements:** Simple Majority

### **CGAM068/06/11 COUNCIL DECISION/Officer Recommended Resolution:**

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

1. Approves the Village Centre Lakes Management Plan (Version 2) for the Glades at Byford and deems it satisfactory for meeting the requirement for a Lake Management Plan as identified in The Byford Main Precinct “The Glades” Local Structure Plan subject to approved financial arrangements being put in place and an agreed maintenance period.
2. Approves the revised Village Centre Lakes Public Open Space Asset Management Plan (Version 5.0) for the Glades at Byford. This supersedes the



- Asset Management Plan in Appendix H of the Village Centre Lakes Management Plan (Version 2) for the Glades at Byford.**
- 3. Requests that a further report be prepared on the funding options available to Council to maintain and renew the Lake Infrastructure and associated Public Open Space.**
  - 4. Does not determine the maintenance period for the Glades Village Centre Lakes until there are financial arrangements in place to fund the maintenance and renewal of the lake infrastructure and public open space.**
- CARRIED 7/0**

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

| OCM062/06/11           |                                                                                                                                                        | ADOPTION OF 2011/2012 STATUTORY BUDGET (A1955)                                |  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--|
| Proponent:             | Serpentine Jarrahdale Shire                                                                                                                            | In Brief<br><br>For Council to adopt the proposed 2011/2012 statutory budget. |  |
| Owner:                 | Not applicable                                                                                                                                         |                                                                               |  |
| Author:                | Executive Manager Finance Services                                                                                                                     |                                                                               |  |
| Senior Officer:        | Director Corporate Services                                                                                                                            |                                                                               |  |
| Date of Report         | 21 June 2011                                                                                                                                           |                                                                               |  |
| Previously             |                                                                                                                                                        |                                                                               |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                               |  |
| <b>Delegation</b>      | <b>Council</b>                                                                                                                                         |                                                                               |  |

### Background

Section 6.2 of the Local Government Act 1995 requires local governments to prepare an annual budget not later than 31 August in each financial year. The local government is to prepare and adopt the budget in the form and manner prescribed and by absolute majority.

In the preparation of the budget the local government is to have regard to the contents of the plan for the future/forward financial plan accepted under section 5.58 and is to prepare a detailed estimate for the current year of:

1. The expenditure by the local government,
2. The revenue and income, independent of general rates, and
3. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue.

The budget is to incorporate:

1. Particulars of the estimated expenditure to be incurred by the local government;
2. Detailed information relating to the rate and service charges which will apply to land within the district, including the estimated amount to be yielded by the rate and the rate of interest to be charged by the local government on unpaid rates and service charges;
3. The fees and charges proposed to be imposed;
4. The particulars of borrowings and other financial accommodation proposed;
5. Details of the amounts to be set aside in, or used from, reserve accounts and the purpose for which they are to be used;

6. Particulars of proposed land transactions and trading undertakings; and
7. Such other matters as prescribed.

At the Ordinary Council Meeting held on the 23 May 2011, Council resolved to advertise their intention to increase differential rates by 7.5%. Section 6.36(1) of the Local Government Act 1995, the local government is to give local public notice of its intention to impose rates. Included in the local public notice and in accordance with the Local Government Act 1995, an invitation for comment by an elector or ratepayer, in respect to the proposed rates were requested.

### **Sustainability Statement**

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

#### A Place of Enduring Beauty

The budget will attempt to minimise resource use, such as;

- Energy Use: renewable energy technologies, passive solar design eg facing the building north
- Water Use: water sensitive urban design
- Land: minimise use of vegetated land to protect biodiversity

Where possible and in accordance with Council's purchasing policy the budget will try to use locally available or produced resources to support local business.

#### A Place of Natural Beauty

The budget will attempt to enhance the environment (built and natural) and minimise environmental damage through best practice in its field.

#### Beautiful Opportunities

The budget will attempt to ensure that all external costs, such as removal of biodiversity (flora and/or fauna), quality of life of residents e.g. increase noise, pollution, increased resource use e.g. energy and water consumption, are considered, and where possible providing economic benefits to the community by employment creation, tourism generator, and providing local resources.

#### Our Beautiful Community

The budget will attempt to improve the quality of life for the community.

#### A Balanced Beauty

The budget aims to be socially and environmentally responsible through building up the community and enabling full participation in its implementation. This budget aims to achieve a balance between required services and infrastructure improvement projects for the community. It demonstrates the allocation of scarce resources in an efficient and effective manner to provide the outcomes expected by the community.

### **Statutory Environment:**

Section 6.2 of the Local Government Act 1995 requires local governments to adopt a balanced budget prior to 31 August each financial year.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The proposed budget is presented as a balanced budget. The rates increase provides the minimum requirement from the community to fund all of the services provided within the document.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

| Vision Category     | Focus Area                        | Objective Number | Objective Summary                      | Objective                                                              |
|---------------------|-----------------------------------|------------------|----------------------------------------|------------------------------------------------------------------------|
| OUR COUNCIL AT WORK |                                   |                  |                                        |                                                                        |
|                     | <b>Leadership</b>                 |                  |                                        |                                                                        |
|                     |                                   | 4                | Leadership throughout the organisation | We are realistic about our capacity to deliver.                        |
|                     |                                   | 6                |                                        | The Council and Leadership Team drive Strategy and Policy development. |
|                     |                                   | 8                |                                        | Elected members provide a clear and consistent strategic direction.    |
|                     | <b>Strategy and Planning</b>      |                  |                                        |                                                                        |
|                     |                                   | 27               | Strategic Direction                    | Prepare effectively for future development.                            |
|                     | <b>Success and Sustainability</b> |                  |                                        |                                                                        |
|                     |                                   | 39               | Achieving Sustainability               | Projects and goals are realistic and resourced.                        |

**Community Consultation:**

*Differential Rate Submissions*

A twenty-one (21) day community consultation period was undertaken on the proposed differential rate strategy to be imposed for the 2011/2012 rating year. The advertising period for submissions relating to the Differential Rating Strategy closed on 21<sup>st</sup> June 2011.

One comment was received during the period and is summarised below;

| Statement                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “With last years 8.5% increase (more than twice CPI) once again I ask that somebody at the shire sits down and works out how long before our rates bill will be of a greater amount than the average household income in this shire and how are we meant to survive?” | The Fully Costed Plan for the Future sets out the required rate increase each financial year up until 30 June 2015, if all services are to be delivered as outlined in the Fully Costed Plan for the Future. These rates are assumptions and can change during budget deliberations each financial year. Below are the estimated rate increases;<br>2011/2012 – 7.5%<br>2012/2013 – 8.0%<br>2013/2014 – 7.0%<br>2014/2015 – 7.0% |

|                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “Could somebody please assure us that we are about to go through a prolonged period of no increases so the equilibrium can be returned?”                                            | With increasing costs, demand for services, and as a result of development, there are rate increases projected, at the least, up until 2015.                                                                                                                                             |
| “how we blue collar workers are to meet these impossible increases”                                                                                                                 | The Shire is aware of people’s ability to pay. One way of ensuring rates are fair and equitable is by calculating rates based on a gross rental value or unimproved value, which is based on the value of the land or the house (whichever is applicable).                               |
| “Perhaps some of the developers that are pillaging Byford and soon Mundijong for higher profits should be meeting a bigger and fairer share of the costs that they are forcing up.” | The Shire is in the process of formalising a Developer Contribution Scheme where developers will be required to contribute to the cost of constructing infrastructure. The scheme does not cover maintaining Public Open Space, Parks, community buildings, playgrounds, roads, drainage |

***A copy of the letter is with attachment marked [OCM062.1.06.11](#) (IN11/7731).***

The Budget document will be published on the Shire’s website after it has been adopted by Council and hardcopies will be available from the Shire Office. Included with the rates notice will be a newsletter which will provide a brief snapshot of the 2011/12 Annual Budget.

**Comment:**

A series of budget workshops have been held with the Councillors in order to prepare the 2011/12 budget. This year, the workshops have been held in accordance with the process outlined in the Plan for the Future, and have included all capital projects endorsed by Council in the Forward Capital Works Plan 2010/2011 to 2014/2015.

***A copy of the detailed report to Councillors is with the attachment marked [OCM062.2.06.11](#) (OC11/4559)***

Preparation of comprehensive business cases will be presented to Council which addresses the resource requirements over and above the ‘existing’ resources available to fund the services that Council offer. An allocation of \$262,643 has been made in the draft budget to fund the most urgent business cases and it is anticipated that this amount will be allocated by Council over the next 3 months.

***A copy of the draft 2011/2012 Budget is with the attachment marked [OCM062.3.06.11](#) (E11/3165).***

***A copy of the draft Schedule of Fees and Charges is with the attachments marked [OCM062.4.06.11](#) (E11/3182).***

To encourage ratepayers to pay their rates on or before the due date, it is recommended that Council have a rate payment incentive draw. If the payment of rates is made in full by the due date, the ratepayer will go into the draw to win \$1,000. Eligibility will be confirmed by ensuring that a valid payment has been made (not dishonoured or rejected) by the specified time. Councillors and staff will be ineligible for the draw.

The 2011/2012 draft budget aims to maintain current service levels and deliver an essential capital expenditure program.

Based on the above, it is recommended to Council that the 2011/12 Annual Budget be adopted by Council.

**Voting Requirements: ABSOLUTE MAJORITY**

**OCM062/06/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Petersen

That Council:

1. In accordance with Sections 6.32 and 6.33 Local Government Act 1995 imposes differential rates for the 2011/2012 financial year.
2. In accordance with Sections 6.32, 6.35 and 6.36 of the Local Government Act 1995, and subject to Ministerial approval being granted, imposes the following differential rates in the 2011/2012 statutory budget:

| 2011/2012 DIFFERENTIAL RATES           |      |                  |                   |          |
|----------------------------------------|------|------------------|-------------------|----------|
| DIFFERENTIAL CATEGORY                  | RATE | UV RATE IN CENTS | GRV RATE IN CENTS | MIN RATE |
| Residential Improved                   |      |                  | 8.0405            | 1,033    |
| Residential Vacant                     |      |                  | 11.9036           | 1,001    |
| Commercial                             |      |                  | 8.3924            | 1,033    |
| Special Residential                    |      |                  | 8.3705            | 1,033    |
| Special Residential Vacant             |      |                  | 16.0810           | 1,033    |
| Units-Rowley Road                      |      |                  | 8.0405            | 756      |
| Residential Composite                  |      |                  | 8.8517            | 1,033    |
| Light Industry                         |      |                  | 9.0856            | 1,033    |
| Rural                                  |      | 0.2641           |                   | 1,033    |
| Public Purpose                         |      | 0.5125           |                   | 1,033    |
| Intensive Farming                      |      | 0.7803           |                   | 1,033    |
| Farmland                               |      | 0.1822           |                   | 1,033    |
| Rural Living                           |      | 0.3250           |                   | 1,033    |
| Conservation                           |      | 0.1321           |                   | 1,033    |
| Mining Tenements                       |      | 0.5282           |                   | 1,239    |
|                                        |      |                  |                   |          |
| Chestnuts Drainage Specified Area Rate |      |                  | 0.6621            |          |

3. **Asset Management Reserve**

Resolve to create a “Asset Management Reserve” with the purpose of the reserve being to provide for the refurbishment of assets when they have reached their useful life and require extensive work to restore them back to original condition.

4. **Payment Incentives**

In accordance with the provisions of Section 6.46 of the Local Government Act 1995, offer the following incentive for the payment of rates and charges:

(i) Full Payment:–

Full payment of all current and arrears of rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) by Friday 12 August 2011 (thirty five days after the issue date on the annual rate notice):–

- **Eligibility to enter the incentive draw. To be eligible and to enter the draw to win \$1,000, the payment of rates must be made in full by the due date.**

## **5. Payment Options**

**In accordance with Section 6.45 of the Local Government Act 1995, offer the following instalment options for the payment of rates:-**

### **(i) One Instalment**

**Payment in full by Friday 12 August 2011 (thirty five days after the date of issue of the annual rate notice).**

### **(ii) Two Instalments**

**The first instalment of 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Friday 12 August 2011 (thirty five days after the date of issue of the annual rate notice).**

**The second instalment of 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Wednesday 12 October 2011 (sixty three days after the due date of the first instalment).**

### **(iii) Four Instalments**

**The first instalment of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Friday 12 August 2011 (within thirty five days of the date of issue of the annual rate notice).**

**The second, third and fourth instalments each of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, payable as follows:**

- **Second instalment due Wednesday 12 October 2011;**
- **Third instalment due Monday 12 December 2011;**
- **Fourth instalment due Monday 13 February 2012.**

## **6. Late Payment Interest**

**In accordance with the provisions of Section 6.13 and 6.51 of the Local Government Act 1995, impose interest on all arrears and current charges in respect of general rates, domestic refuse charges and private swimming pool inspection fees (including GST where applicable), Special Area Rate (if applicable) and Emergency Services Levy (ESL) at a rate of 11% per annum, calculated on a simple interest basis on arrears amounts that remain unpaid and current amounts that remain unpaid after Friday 12 August 2011, or the due date of the instalment and continues until the instalment is paid in full.**

Excluded are deferred rates, instalment current amounts not yet due under the four (4) instalment payment option, registered pensioner portions and current government pensioner rebate amounts.

#### **7. Instalment and arrangement Administration fees and interest charges**

In accordance with the provisions of Section 6.45 of the Local Government Act 1995, for the 2011/2012 financial year, impose the following administration fees and charges for payment of rates, domestic refuse charges and private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL):-

##### **(i) Two Instalment option**

An administration fee of \$10 for instalment two (2), together with an interest charge of 5.5% per annum, calculated on a simple interest basis on 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) calculated thirty five (35) days from the date of issue of the annual rate notice to sixty three (63) days after the due date of the first instalment.

##### **(ii) Four Instalment option**

An administration fee of \$10 for each of instalments two (2), three (3) and four (4), together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:-

- 75% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated thirty-five (35) days from the date of issue of the annual rate notice to sixty three (63) days after the due date of the first instalment;
- 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated from the due date of the second instalment to the due date of the third instalment;
- 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated from the due date of the third instalment to the due date of the fourth instalment.

#### **8. Accrual of interest on overdue rates**

Apply a penalty interest of 11% per annum to overdue rates in the 2011/2012 rating year.

#### **9. Accrual of interest on outstanding debtors**

Apply a penalty interest of 11% per annum to overdue debtors in the 2011/2012 financial year.

#### **10. 2011/2012 Municipal Fund Budget**

Adopt the 2011/2012 Municipal Budget, in the form of the Operating Statement, Cash Flow Statement, Rate Setting Statement and notes as presented.

#### **11. Authority to call tenders**

**Delegate authority to the Chief Executive Officer to invite tenders for works and services in the statutory 2011/2012 budget, where required, in accordance with the provisions of the Local Government Act 1995.**

## 12. Fees and Charges

**Adopt the Schedule of Fees and Charges for 2011/2012, as presented.**

## 13. Domestic Refuse Charges

**Pursuant to the provisions of Division 5 of Part IV of the Health Act (as amended), impose a charge of \$292.00 for the collection of a 120 litre domestic and 240 litre recycling refuse service for the 2011/2012 financial year:**

|       |                                                                          |          |
|-------|--------------------------------------------------------------------------|----------|
| (i)   | Per existing service                                                     | \$292.00 |
| (ii)  | Rowley Road Units per service                                            | \$109.50 |
| (iii) | New refuse service (pro-rata)                                            | \$292.00 |
| (iv)  | Additional 120 litre service                                             | \$292.00 |
| (v)   | \$26 per domestic refuse charge to be transferred into the Waste reserve |          |

## 14. Monthly Financial Report

- a) In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolve to receive the Monthly Financial Report by Business Unit.
- b) In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the material variance of 10% or greater.
- c) Applies the 10% or greater material variance to total revenue and expenditure of each Business Unit in the statement of financial activity, forming part of the monthly financial report.

**CARRIED 7/0**

## 10. CHIEF EXECUTIVE OFFICERS REPORT:

| OCM064/06/11           |                                                                                                                                                        | INFORMATION REPORT                  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Proponent              | Not applicable                                                                                                                                         | In Brief<br><br>Information Report. |
| Officer                | Trish Kursar - Personal Assistant to the Chief Executive Officer                                                                                       |                                     |
| Signatures - Author:   |                                                                                                                                                        |                                     |
| Senior Officer:        | Richard Gorbunow – Acting Chief Executive Officer                                                                                                      |                                     |
| Date of Report         | 24 June 2011                                                                                                                                           |                                     |
| Previously             |                                                                                                                                                        |                                     |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                     |
| Delegation             | Council                                                                                                                                                |                                     |



OCM064.1/06/11 COMMON SEAL REGISTER REPORT – May 2011

The Common Seal Register Reports for the month of May 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [\(OCM064.1.06.11\)](#)**.

OCM064.2/06/11 POLICY FORUM – 7 June 2011

The following items were discussed at the 7th June 2011 Policy Forum:

|                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------|
| Gooralong Park re-opening and Royalty for Regions funding.<br>Michael Lobb (Forestry Products Commission) and Stefan De Haan (DEC) attended. |
| Development Compliance – Prosecutions and Policy.                                                                                            |
| Serpentine Pony Club and Foothills Polocrosse Club.                                                                                          |
| Byford DCA update.                                                                                                                           |
| Jarrahdale Skate Park Design.                                                                                                                |
| Whitby Local Structure Plan.                                                                                                                 |
| Regular update on appeals.                                                                                                                   |
| New local planning policies.                                                                                                                 |

OCM064.3/06/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 26 MAY 2011. (A1164-02)

***In the attachments marked [OCM064.3.06.11](#) (IN11/7751) is the Minutes of the South East Metropolitan Zone Meeting held on 26 May 2011 OCM.***

OCM064.4/06/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL MINUTES – 1 JUNE 2011 (A1164-02)

***In the attachments marked [OCM064.4.06.11](#) (IN11/7751) is the minutes of the WALGA State Council meeting held on 1 June 2011.***

OCM064.5/06/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 26 MAY 2011. (A1164-02)

***In the attachments marked [OCM064.5.06.11](#) (IN11/8537) is the minutes of the Peel Zone Meeting to be held on 26 May 2011.***

Officer Recommended Resolution:

Moved Cr ,seconded Cr  
That Council:

1. Receive the Information Report to 24 June 2011.
2. Council nominates Councillor ..... and Councillor ..... as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 6 August 2011.

**OCM064/06/11 COUNCIL DECISION/Officer Recommended Resolution:**  
  
**Moved Cr Hoyer, seconded Cr Harris**  
**That Council:**

1. **Receive the Information Report to 24 June 2011.**
  2. **Council nominates Councillor Twine and Councillor Randall as voting delegates to the Western Australian Local Government Association Annual General Meeting to be held on 6 August 2011.**
- CARRIED 7/0**

## **11. URGENT BUSINESS:**

Nil

## **12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

## **13. CLOSURE:**

There being no further business, the meeting closed at 10.25pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 25 July 2011.

.....  
Presiding Member

.....  
Date

## 14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

| CGAM063/06/11 MONTHLY FINANCIAL REPORT – MAY 2011 (A0924/07) |                                                                                                                                                        |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                   | Serpentine Jarrahdale Shire                                                                                                                            |
| Owner:                                                       | Not Applicable                                                                                                                                         |
| Author:                                                      | Kelli Hayward - Financial Accountant                                                                                                                   |
| Senior Officer:                                              | Alan Hart - Director Corporate Services                                                                                                                |
| Date of Report                                               | 24 May 2011                                                                                                                                            |
| Previously                                                   | Not Applicable                                                                                                                                         |
| Disclosure of Interest                                       | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |
| Delegation                                                   | <b>Committee – in accordance with resolution CGAM064/02/08</b>                                                                                         |

In Brief  
To receive the May 2011 Monthly Financial Report.

**Voting Requirements:** Simple Majority

### **CGAM063/06/11 Committee/Officer Recommended Resolution:**

**Moved Cr Harris, Seconded Cr Twine**

**That Council receives the Monthly Financial Report for May 2011, in accordance with Section 6.4 of the Local Government Act 1995.**

**CARRIED 7/0**

| CGAM064/06/11 CONFIRMATION OF PAYMENT OF CREDITORS (A0917) |                                                                                                                                                        |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proponent:                                                 | Serpentine Jarrahdale Shire                                                                                                                            |
| Owner:                                                     | Not Applicable                                                                                                                                         |
| Author:                                                    | Amber White - Finance Officer                                                                                                                          |
| Senior Officer:                                            | Alan Hart - Director Corporate Services                                                                                                                |
| Date of Report                                             | 24 May 2011                                                                                                                                            |
| Previously                                                 | Not Applicable                                                                                                                                         |
| Disclosure of Interest                                     | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |
| Delegation                                                 | <b>Committee in accordance with resolution CGAM064/02/08</b>                                                                                           |

In Brief  
To confirm the creditor payments made during the period 17 April to 24 May 2011.

**Voting Requirements:** Simple Majority

### **CGAM064/06/11 Committee/Officer Recommended Resolution:**

**Moved Cr Randall, Seconded Cr Harris**

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 17 April to 24 May 2011, presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.

**CARRIED 7/0**

| CGAM069/06/11 CORPORATE SERVICES INFORMATION REPORT |                                                                                                                                                        |                                                                    |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Proponent:                                          | Not Applicable                                                                                                                                         | In Brief<br><br>To receive the information report for 20 May 2011. |
| Owner:                                              | Not Applicable                                                                                                                                         |                                                                    |
| Author:                                             | Various                                                                                                                                                |                                                                    |
| Senior Officer:                                     | Alan Hart - Director Corporate Services                                                                                                                |                                                                    |
| Date of Report                                      | 24 May 2011                                                                                                                                            |                                                                    |
| Previously                                          | Not Applicable                                                                                                                                         |                                                                    |
| Disclosure of Interest                              | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                    |
| Delegation                                          | <b>Committee in accordance with resolution CGAM064/02/08</b>                                                                                           |                                                                    |

**CGAM069/06/11 Committee/Officer Recommended Resolution:****Moved Cr Harris, Seconded Cr Hoyer**

That the Information Report for May 2011 be received.

**CARRIED 7/0**

| CGAM070/06/11 ENGINEERING SERVICES INFORMATION REPORT |                                                                                                                                                        |                                                                    |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Proponent:                                            | Not Applicable                                                                                                                                         | In Brief<br><br>To receive the information report for 20 May 2011. |
| Owner:                                                | Not Applicable                                                                                                                                         |                                                                    |
| Author:                                               | Various                                                                                                                                                |                                                                    |
| Senior Officer:                                       | Richard Gorbunow – Director Engineering                                                                                                                |                                                                    |
| Date of Report                                        | 24 May 2011                                                                                                                                            |                                                                    |
| Previously                                            | Not Applicable                                                                                                                                         |                                                                    |
| Disclosure of Interest                                | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                                                    |
| Delegation                                            | <b>Committee in accordance with resolution CGAM064/02/08</b>                                                                                           |                                                                    |

**CGAM070.2/06/11 Committee/Officer Recommended Resolution:****Moved Cr Buttfield, Seconded Cr Petersen**

That the Information Report for May 2011 be received.

**CARRIED 7/0**

- NOTE:
- 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.
  - Declaration of Councillors and Officers Interest is made at the time the item is discussed.

