



Shire of  
Serpentine  
Jarrahdale

*Sustainable. Connected. Thriving!*

# **Ordinary Council Meeting Minutes**

**Tuesday, 27 September 2016  
7.00pm**

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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Tuesday 27 September 2016. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

## 1. Attendances and apologies (including leave of absence):

### In Attendance:

**Councillors:** J Erren ..... Presiding Member  
S Piipponen  
D Atwell  
K Ellis  
D Gossage  
S Hawkins  
J See  
M Rich  
B Urban

**Officers:** Mr G Clark ..... Acting Chief Executive Officer  
Mr A Schonfeldt ..... Director Planning  
Mr D Elkins ..... Director Engineering  
Mrs K Bartley ..... Acting Director Corporate and Community  
Ms K Peddie ..... Executive Assistant to the CEO (Minute Taker)

**Leave of Absence:** Nil

**Apologies:** Mr A Hart

**Observers:** Nil

Members of the Public – 44

Members of the Press – 0

## 2. Response to previous public questions taken on notice:

No questions were taken on notice at the Ordinary Council Meeting held on 22 August 2016

## 3. Public question time:

**Public question and statement time commenced at 7.01pm**

### **Mrs N Scade on behalf of Mrs C Broad, 101 King Road, Oakford, WA, 6121**

In relation to OCM176/09/16

#### Question 1

Is it the semantics of the wording of the above application that requests to grow product (being vegetables/cucumbers) in a 'floriculture' system as opposed to 'hydroponics' system purely because the applicant or its agents understand that their application would be and has been refused due to the clever wording to avoid this business being able to be carried out on an area that is prohibited due to being within the Groundwater Protection Zone that confounds the authorities and may allow a business to be developed by stealth and clever wording?

#### Response:

*The State Administrative Tribunal has found that if the proposed development involves the growing of the cucumbers in soil, then, so long as the use of the soil is real and not illusory,*

*it would not involve the use of a hydroponic system within the normal meaning of that term. Having regard to the details of the proposed development, the Tribunal considered that the proposal best fits within 'Floriculture (Extensive)' and therefore would be capable of approval under the Scheme as the use soil as is proposed by the applicant is real and not illusory.*

**Ms J Hamilton, on behalf of Armadale Gymnastics Club**

Question 1

I am the President of the Armadale Gymnastics Club and currently we have 46 kids leaving the SJ Shire to train up to 3 times per week in Armadale. I myself have two daughter that train and coach 3 times per week. With the SJ Shire being one of the fastest growing Shires in WA, what plans do you have to facilitate a sporting venue, in particular gymnastics?

*Response:*

*The Shire's community facilities planning process has identified the need for greater accommodation for sports such as gymnastics and other sporting facilities in the future.*

*Council officers will be in contact to further discuss options that may be available within the Shire's Recreational Facilities.*

**Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122**

Question 1

In reply to a previous question on notice you stated that there was an agreement between the Shire and the Darling Downs Residents Group to manage the reserve there. My question is is this agreement in writing and if so, when was it endorsed by Council and for what period of time?

Question 2

The Darling Downs residents group received about \$180,000 in funding to change the amenity of Reserve R35701 and the Berriga Drain Reserve. As this is zoned for Public Recreation and Sport the group must have got Council approval to do major works on the reserve and have supported the grant application. My question is did this group get the detailed plan of the proposed work approved by Council as it is a large public reserve and as this money was spent on a public reserve to alter the amenity did the Council ensure that the monies were acquitted as per the grant application?

Question 3

In reply to a previous question about Sporting Facilities and Public Open Space (POS) in Byford, it is noted that the Western Australian Planning Commission (WAPC) have taken into consideration the removal of a number of amount of POS namely on the corner of George Street and Pitman Way, the corner of Soldiers Road and Abernethy Road and in Orton Road. This was on the proviso of the dual use of the sporting facilities at the new High School. It now appears that the school principal has vetoed this arrangement. My question is when is the Council going to provide more sporting facilities in Byford for team sports like football, cricket, soccer and rugby as there is now no available land except that in the POS reserve R35701 in the Darling Downs area that is large enough to cater for this need.

*Response:*

*The officer who is familiar with the operation in these areas is not available today to answer the question. On their return a written reply will be sent to Mr Kirkpatrick.*

**Shire President on behalf of:**

**Mr P and Mrs D Luobikis, 4 Swamp Gum Road, Oakford, WA, 6121**

Questions in relation to OCM175/09/16

Question 1

Why when a letter is dated 17 June and is delivered on 21 June is this regarded as being compliant with the 14 day statutory period stated by the Shire officers? A major project and we are only given 9 days to respond based on very little information and no direct consultation.

*Response:*

*The application was advertised for a period of 14 days in accordance with clause 64 of the Planning and Development (Local Planning Schemes) 2015 Regulations. The Regulations do not specifically state that additional time should be given for the purposes of postal delays.*

Question 2

Why have we not received any feedback or response on our submission?

*Response:*

*Your submission was received by the Shire's email address [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au) which provided you an acknowledgement email on 23 June 2016. Your individual submission has been summarised and addressed as part of the schedule of submissions attached to the Council report. This can be viewed in attachment OCM175.5/09/16. In addition, concerns have been addressed as part of the Officer's technical report which forms part of the attached Responsible Authority Report which can be viewed in attachment OCM175.1/09/16.*

Question 3

What reflection will be directed at our property, that is in the direct northerly path across the road? The panels will have to be facing this direction to gain maximum efficiency.

*Response:*

*As stated under the planning assessment section of the Council Report and Responsible Authority Report for 'Glare' the proposed solar panels have been designed and manufactured with an anti-reflective coating which is considered to considerably reduce any glare. In addition in consultation with CASA and Main Roads, both government agencies provided no concerns relating to the potential impact from Glare.*

*Furthermore, the proposed site will be relatively screened by landscaping which is required to be implemented in accordance with the proposed Officer's conditions forming part of the Responsible Authority Report.*

#### **4. Public statement time:**

**Shire President on behalf of:**

**Mr T Bryne, Lot 211 Abernethy Road, Oakford, WA, 6121**

I am a concerned land owner of an adjoining property to the proposed solar farm and although do not oppose the Solar Farm Project in its entirety, I believe that key conditions surrounding minimum set backs/landscaping buffers must be clearly imposed now in order properly protect the visual amenity. Adequate conditions need to be imposed if the Responsible Authority Report is to be endorsed by the Shire tonight.

The minimum set-backs as detailed in the Officer's report are not enough to properly screen the development from view and should be a minimum of 25m from all boundaries to allow for firebreaks, screening native shrubs, mature native trees and buffer zone. The report has indicated that the officers have given due consideration to the aesthetics and has acknowledged that the "sheer number and area covered by the solar panels is likely to impact on the visual character of the area". The report continues, suggesting that "this is appropriately mitigated through the proposed significant setbacks, perimeter mature vegetation and further landscaping required to screen the solar farm. The officers are "of the opinion that the proposal has included measures to minimise any potential visual impact on the surrounding area".

However, the proposers have indicated that "the landscaping is not intended to fully screen the development from view". It is not in the Proposers interest to adequately screen the project from view but in order to retain some of the 'Rural' feel and preserve the character of the area, Council should impose strict and onerous landscape buffers and minimum setbacks. Now is the time before it's too late!

**Mrs N Scade on behalf of Mrs M Cala, 49 Phillips Road, Karrakup, WA, 6122**

On behalf of the Serpentine Jarrahdale Ratepayers & Residents Association (Inc.) I make the following statement.

We are concerned that the Floriculture definition, which won for the proponent at the State Administrative Tribunal (SAT), as opposed to the original Hydroponics proposal, is little more than word play and ignores the premise that this type of land use is not permitted within the Groundwater Protection Zone of the Jandakot Water Mound. The alteration of the growing medium to sand alone does not effectively change the process proposed and we see that this is a cynical use of definitions. We question the authority referenced for these definitions and believe that the 'Floriculture' definition is dubious and has not been effectively challenged.

We, the Ratepayers of this Shire have an expectation that applications which end up at the SAT should be argued strenuously and that the Shire must seek the best possible independent advice when confronting these very serious matters which affect our community. If this is not done, then it is pointless wasting our hard earned rate monies objecting to anything.

Given that there is good reason to challenge the definition of Floriculture being used; the community would expect the Council to err on the side of caution. While the RPS Environment and Planning Report supports the application, we note that reference is made to the Rural Strategy and Surrounding Land Uses. The report cites examples of poultry farms, extractive industry and a plant nursery, and goes on to say that the current application "would not detract from the amenity currently afforded to this area". We can see no reference to the cumulative effects of these and other land uses in this vulnerable area. While we accept that there is a need for industry and employment within our Shire; the community has an expectation that our Council adopts a balanced approach and considers each application within the framework of existing land uses and possible environmental and other threats to our area.

Our concerns regarding cumulative effects also applies to the water required to be used. The Report states that 'The water volume requested is not significant in the scheme of the Jandakot Mound itself and licensed groundwater abstractions in the local area are for similar and larger volumes'. We make the point that these other licensed users are for established purposes and that some of these have had their allocations reduced in recent times. Further, what is allowed already should not be an indication of what might be allowed in the future without reference to a realistic and sustainable whole water extraction policy. It is not sustainable to regard each application only in the light of a sole user and what the Jandakot Water may have as total water available.

To make the best of what we see as a bad situation we would hope that the Shire's conditions on this hydroponic operation are strong enough to make sure that the operators adhere to the original presentation that won their case at the SAT. We would also like assurance that ongoing compliance checks are carried out on a regular basis.

**Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122**

Firstly I would like to thank the Director of Engineering for meeting with the Glades Residents on site to try to sort out a number of concerns. A number have been dealt with and some are ongoing. Including the provision of Acrod parking at the Community Garden which can be shared with the proposed disabled toilet in Percy's Park

The lights are back on all night at Percy's Park and it was noticeable that in the mayhem in Mead Street a couple of weeks ago when 12 street lights were damaged and street furniture was removed that the vandals were not in the park. Neither were they in the Community Garden which has both lights and CCTV. They hate being in the light because it identifies them on CCTV.

Having said that it is disappointing, to once more have a written complaint of apparent non-compliance with standing orders at the last OCM neither acknowledged nor replied to.

On speaking to the Department of Local Government it would appear that it is incumbent on the CEO to take this matter to them if it is a matter of financial interest.

This is the third time this has happened during the duration of the current Presiding Members occupation of the Chair. To the uninitiated it would appear that it is being swept under the carpet once again.

The CEO cannot suggest that the letter must have got lost in the mail as I delivered it to the front counter and got a receipt for it. As letters and emails to the Shire have a habit of going missing.

It is good to see that the ex-Mayor of Armadale appear to be mentoring the Shire President. We do not know who is paying for this or is this just another perk of the job.

I would draw attention to the Presiding Member to the reply to my question 1 on the 25<sup>th</sup> of May 2016 and ask when this function has been arranged for.

In reply to my question 3 at the OCM on 26<sup>th</sup> of April 2016 the Shire was going to enter into talks with the developer about the balustrade along the compensating basin in Olsen Gardens what was the outcome of these discussion.

**Mr G Mounsey (requested address not be included in minutes)**

Statement in relation to OCM175/09/2016

Whilst I completely object to the proposed solar farm as I chose to live in Oakford because of its rural landscape not to live next door to 75 hectares of industrial looking solar farm. If the farm is given the go ahead, I feel that at a minimum these conditions need to be added.

1. Adequate screening of entire perimeter of farm - A minimum of a 3 metre high and 5-6 metre deep screen of area suitable plants and scrubs to totally block the panels from view. Any additional security fencing should be located behind this screen so as not to make the property look like a prison. These mature and full height plants need to be in place prior to panel installation, with full maintenance for the life of the project.
2. Limitation on solar farm size - A condition on the size of the farm must be implemented. The project has not even got the go ahead yet, however the applicant is already discussing purchasing an adjacent property to grow the size of the farm. A solar farm of this magnitude is already unsuitable so close to 'suburbia', let alone if it is allowed to get bigger.
3. Commencement and building time clause - Conditions must be placed on when the project starts, and is fully operational. It is not fair that the local residents are subjected to a construction site that could potentially last several years. Dust management conditions need to be implemented as a condition also.

**Mr B O'Neil, 127 King Road, Oakford, WA, 6121**

In relation to OCM176/09/16

For all horticulture referrals floriculture extensive is defined as the purpose of growing vegetables, flowers, native and exotic plants in the filed (ground). It does not matter what type of media is used in the troughs, be it sawdust, coco peat, perlite, rockwood, vermiculite, gravel, pumice, wood fibre, sand or soil, the system is still hydroponics.

The State Administrative Tribunal member recognised that the use of hydroponics is a prohibited use within the Ground Water Protection Zone in accordance with Clause 5.19.2 of the SJ Shire TPS2.



If the SJ Shire Council allows this proposal to go ahead on officer recommendation, going against SJ Shire TPS2, will the SJ Shire be liable if at any time any form of contamination occurs from this property situated over a P2 area of the Ground Water Protection Zone.

It seems clear the reason why the proponent wants to disguise the real activity in question.

**Mrs N Scade, Lot 16 King Road, Oakford, WA, 6121**

Statement in relation to OCM176/09/16

Every development in this Shire should be accompanied by a comprehensive Environmental Impact Statement. This would ensure a holistic approach to developments and will not just include planning regulations. What you are voting on today is just for the town planning regulations and by looking at the 'Statutory Environment' list that has been included in your attachments, there is no mention of the Jandakot Water Mound regulations. It states in the agenda that if you approve, this "will not result in a negative impact on the amenity or character of the area or adjacent landowners". Are we really only assessing the amenity and character of the area? What about the the Jandakot Water Mound? What about the environment? Does our Shire consider these are not important? This block is on the Jandakot Water Mound and if you required an Environmental Impact Statement, the regulations for the Water Mound would be in your attachments and you would be voting no to this development.

To make the situation worse, the Shire has failed to consider the:

Western Australian Planning Commission Statement of Planning Policy no.4.1  
State Industrial Buffer Policy

"6.3 Statutory mechanisms. Local planning schemes are the preferred basis for identifying and managing buffers, the use and development." This Shire obviously considers it is not the Shire's responsibility so no buffers were ever set for the chicken farm, Bio-Organics commercial composting, the proposed Bio-Organics transfer station and now this development using green houses. The Jandakot Water Mound regulations state that the separation distances of greenhouse/hothouses buffer is 200-300 metres. How many times can a private block of land be used as a buffer? It should not be permitted even once, let alone three times which is what is happening to me and my neighbours. This means that this development will be using approximately 10 if its neighbours as a buffer. But the chicken farm just to the north is also using neighbours as a buffer, including this block and my block. Then we have Bio-Organics who are using all the blocks around it as a buffer including this block and my block.

"6.4 New Proposals for Industry Infrastructure or Special Uses ... Where a developer of new proposals for industry infrastructure or special uses ... incorporates a new or expanded off-site buffer area over privately owned land to satisfy environmental criteria, and it is not possible to apply compatible use zones, then appropriate economic mechanisms should be applied to secure the buffer area. The application of these mechanisms should be applied by the proponent to secure the buffer area, to satisfy the environmental conditions on the environmental approval for the industry or infrastructure." This has not happened.

With regard to the siting of the tunnel houses, the proposal states that the tunnel houses are 40 metres wide with a 12 metre boundary on the northern side and a 10 metre boundary on the southern side. The proponent has failed to include the space that will be required between the tunnel houses which would have to be between 4-6 metres in order to accommodate a tractor, trollies and a turning area. This would leave just 7 metres either side. It is physically not possible to maintain a fire break when planting right on the edge of the fire break, so the space for the fire break would have to be at least 4 metres. This leaves a total space of just 3 metres to plant a screen and it is not possible. It will never happen, they will never be able to comply.

This application should be refused and you Councillors should never permit yourselves to be threatened by what can only be described as environmental blackmail which is the threat of State Administrative Tribunal.

**Public question and statement time concluded at 7.29pm**

## 5. Petitions and deputations:

### 5.1 Ms Rachel Chapman from Taylor Burrell Barnett Town Planning & Design presented a deputation in relation to item OCM172/09/16 relating to Proposed Local Structure Plan – Mundijong-Whitby Sub precinct G.

#### *Introductions*

Thank you Shire President, Councillors and Acting CEO for the opportunity to make a deputation. I would also like to acknowledge the work of officers in the preparation of the report and assessment of the Structure Plan, including numerous meetings over the years.

#### *Purpose of Deputation*

- Refresh Council on Structure Plan
- previous presentation 1 March 2016 (prior to advertising) – copies provided to Councillors (will not go through detail unless requested)
- Address matters of significance raised in submissions (MRWA, DoP and OEPA)
- Address officer's recommendation and proposed modifications
- Changes to Taylor Rd and east-west road hierarchy and priority
- Aboriginal Heritage site designation as open space
- Removal of entry road across Brook
- POS - district oval and inclusion of 'cluster of vegetation' on Lot 11
- Manjadel Brook buffer – 50m
- Next steps

#### *Summary of Matters of Significance raised in Submissions*

- MRWA – advised premature pending DSP Amendment. As Council is no longer proceeding with DSP Am 2, MRWA comments are not relevant.
- DoP – recommended minor modifications regarding R-Code density code ranges being shown on plan noise attenuation. We will liaise with DoP regarding some of the recommended changes as they relate to noise walls etc, particularly as our noise assessment recommended a number of options for both the height of the wall abutting the future Hwy to the west and the rail to the north.
- OEPA – recommended a 50 buffer to the Manjadel Brook based on it currently being classified as a CCW. We do not object to this requirement at this stage but would like to explore a reduced buffer (30m) subject to a biophysical assessment and reclassification of the Brook to a REW, noting a future modification to the LSP would be required.

#### *Summary of Matters raised in Officer's Recommendation and Proposed Modifications*

- Changes to Taylor Rd and east-west road hierarchy and priority – We do not support an elevated road hierarchy for Taylor Road and our east west road. The traffic volumes in the Shire's original modelling do not support this higher level classification. Bishop Rd should be the higher order road and traffic should be encouraged to use this road.
- Aboriginal Heritage site designation as open space – We do not support this modification as it pre-empts the outcome of the s18 application. Our Structure Plan proposes to leave the option open for residential development or open space (or a combination). Our preference is to celebrate the indigenous history of the area through interpretation at the proposed community site abutting the CCW, Brook and Aboriginal Heritage Site. The actual recorded site is on the south side of the Brook.
- Removal of entry road across Brook – no justification provided for this modification. It is an attractive entry road to our future estate and no environmental or planning reasons have been provided to support removal of our one and only crossing of the Brook.
- POS - district oval and inclusion of 'cluster of vegetation' on Lot 11 in lieu of POS 5. Our 3.8ha of POS adjacent to the northern PS site has been sized to accommodate a senior sized oval. There is no justification for the inclusion of the additional POS over the

cluster of vegetation. POS is already over 10%. POS 5 is required to be retained as it serves a drainage function too.

- Manjedal Brook buffer (50m) – As mentioned previously we intend to progress a modification to the SP in the future based on a reclassification of the Brook and reduced buffer (30m). The Shire officers have previously raised concerns about the extent of land to be managed by the Shire based on a 50m buffer and have previously encouraged us to pursue the reclassification and reduced buffer. POS will be way in excess of 10% with a 50m buffer. We will request that DoP allow us to pursue this and include reference to a possible future reclassification and reduced buffer in our SP.

#### *Next Steps*

- Shire consideration of submissions and provide report to WAPC (within 60 days after advertising closed – extension until end of October granted by WAPC). Seeking to have the Council's recommendation and the SP forwarded to DoP as a matter of priority (no further extensions of time or deferral).
- WAPC to consider SP for endorsement (120 days)
- Biophysical Assessment to support reclassification of Brook and reduced buffer to be undertaken and form part of future structure plan modification by Peet (currently underway).
- First Stage subdivision 2017/18

#### **5.2 Ms Samantha Thompson from Taylor Burrell Barnett Town Planning & Design presented a deputation in relation to item OCM174/09/16 relating to Proposed Local Development Plan – Lot 9078 Orton Road, Byford – Byford Main Precinct (Icaria Stage 7).**

This deputation is provided to supplement a memo circulated to Councillors last Friday 23<sup>rd</sup> September 2016, in relation to the Proposed Local Development Plan for Stage 7 at the Glades, and to respond to advice received from Council's Director of Planning, Andre Schonfeldt this afternoon. We are seeking Council's approval to the LDP as submitted and have a number of issues with the officers recommendations; however, will be focussing on the scope of the LDP being reduced and the private open space variations.

The Western Australian Planning Commission (WAPC) has responded to the demands of the development and housing industry through the preparation of the Residential Medium Density (RMD) Codes as an appropriate alternative to LDPs. The RMD Codes provide an update to the R-Codes by responding to innovation and changes in the development/housing industries in order to increase development opportunities, reduce construction costs and contribute to affordable housing.

Importantly, a working group of key government, development and building industry stakeholders was formed to discuss these issues and the RMD Codes were formulated as acceptable medium density single house development standards which are essential to deliver the Perth and Peel @3.5m density objectives, which requires an average lot size of 385m<sup>2</sup>, (essentially R30 development).

Council officers claim that the RMD codes are not considered appropriate for SJ as the densities are generally low to medium and the housing typology produced by the RMD-Codes are not considered to be a good design outcome for the streetscape, are likely to increase the microclimate in these areas and is resulting in less private open space. In fact, a primary purpose of the introduction of the RMD Codes was to produce efficient and consistent design outcomes to ensure housing types that did address the street and not compromise the amenity of the street, whilst still contributing to the density targets, housing choice, diversity and affordability required.

LDPs and the RMD Codes address common variations to the R-Codes such as Open Space and Setbacks, which are key elements that provide greater flexibility and opportunities for home owners, improving housing affordability. They also avoid the need for the Shire to assess Development Applications for single dwellings, which is well understood as an inefficient use of already constrained technical officer time.

However, the Shire has indicated that it will not support the provision of the RMD Codes and without LDPs or the application of the RMD Codes, LWP and residents of The Glades will be disadvantaged through the less flexible provisions of the existing R-Codes. It is imperative that LDP's be supported for the majority of lots within the Glades as proposed.

The Shire has supported for several years, LDPs similar to those proposed within the Glades and other estates in Byford. There is no evidence to suggest the provisions on the LDPs have been unsuccessful or created poor built form outcomes. Without the application of the RMD Codes, it is unreasonable to enforce greater restrictions on LWP and future residents within The Glades by not allowing LDPs for all lots.

Council officers also claim that the WAPC want to move away from the reliance of LDPs, which is only correct where the RMD Codes are adopted via an LPP, which thereby removes the need for LDPs to be adopted.

Whilst there are many aspects of the Officers recommendation we disagree with, variations to Open Space and Setbacks as referenced above are critical. The following provides justification in support of the Open Space variations sought on the LDP.

In relation to the target market, smaller lots require variations to accommodate single storey homes. Design flexibility through increased site cover assists the attractiveness of these lots to first home buyers, single income households etc, and particularly in today's economic climate.

In relation to Affordability, elements such as Open Space variations are of key importance in accommodating improved affordability for residents enabling them to purchase a smaller lot at a lower price whilst still being able to build a reasonable sized dwelling of their choice.

The LDP variations offer flexibility – It is not expected that all landowners will choose to develop to the minimum open space provision proposed. This variation offers a 'minimum' with flexibility to provide greater areas of open space if the landowner desires. We are not proposing a variation to the size or shape of the Outdoor Living Area (OLA). Based on standard housing product offered in recent stages in The Glades Estate, the 10% reduction in open space provision is being applied / sought by landowners on a regular basis. The reduction in open space is negligible in some instances based on the size of the lots.

Council Officers have expressed concern about the impact on streetscape – There will be no detrimental impact to the streetscape as a result of a decrease in open space achieved through more efficient design. The outcome as viewed from the street is controlled through elements such as setbacks (street and boundary) and garages/driveways. In most cases, the OLA will be located at the rear of the dwelling and will have no impact on the streetscape. Surveillance and activation of the street will still occur (which is a key element of Liveable Neighbourhoods).

In relation to Open Space variations, the offsets proposed by Council officers in relation to soft landscaping are only effective in rear loaded lots that aren't impacted by hardscaping such as driveways and crossovers. These variations cannot be practically implemented on front-loaded lots 15m or narrower.

The LDP draws on many agreed precedents established in the assessment and approval of other LDPs by the Shire in The Glades. Similar variations are also being applied in numerous residential estates in growth corridors throughout the metropolitan area and in your neighbours at Wanneroo, Armadale, Swan and Rockingham).

RMD Codes – The amount of private open space required of the LDP is greater than the industry standard established under the WAPC's adopted RMD Codes.

Finally, WAPC Position – The WAPC has also advised that it supports the Open Space variations proposed on the LDP.

In conclusion, LDPs have been utilised consistently across the Glades estate to address common variations such as private open space and setbacks, which are key elements that provide greater flexibility and opportunities for home owners, by providing for smaller more affordable lots to accommodate family sized homes.

Estates within the Shire will be at a disadvantage compared to the remainder of the metropolitan area given the Shire's reluctance to adopt the current industry standards of the RMD Codes. This is likely to reduce the levels of attractiveness as a growth area and the significant ramifications that this has on landowners should be carefully considered by Council.

The Shire has supported, for several years, LDPS similar to those proposed within the Glades and other estates in Byford. There is no evidence to suggest the provisions on the LDPs have been unsuccessful or created poor built form outcomes. Without the application of the RMD Codes, it is unreasonable to enforce greater restrictions on LWP and future residents within The Glades by not allowing LDPs for all lots.

We are asking for consistency to be applied across the Glades Estate and for the LDP to be approved tonight in the form submitted.

Most importantly, we ask that Council makes a determination in relation to this application, as it is important that we get resolution to this matter at the earliest opportunity.

**5.3 Mr Michael Dagostino presented a deputation in relation to item OCM175/09/16 relating to Lot 1001 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road Oakford – Proposed Use Not Listed (Solar Farm) and Incidental Tourist Facility, Office and Site Facilities.**

Thank you for the opportunity and its fair to say I would rather not be here and that this project had not come up in our area. My interest, I am speaking on behalf of a number of adjoining land owners tonight including Steven Kargotich Trevor Bryne and other land owners who are impacted and will also voice their concerns. I understand Vince Borrelo has been quoted as saying he approves this project. We are all directly adjoining the project and directly affected.

*Solar Farms in WA*

From the outset can I say I understand the benefits of solar farms and the funding available to the proponents from the Federal Government is significant. I will table aerial photos showing the location of the other WA projects compared to this proposal. The other locations in WA are in very sparsely located areas. We all support solar – its just a matter of where to locate it

*Why Oakford*

It is being proposed here because it is cheaper for the proponents WestGen. WestGen don't want to build the project elsewhere where it might be more suited eg the industrial area in West Mundijong as it would significantly increase their costs to have to get the solar energy to the Byford sub station

*My concerns*

Industrial

In my view this proposal is very similar to an industrial proposal and should be considered as an industrial proposal – even though it does not have emissions it has a significant negative visual impact and it has a real impact on adjoining land owners in terms of land value and dust impact.

There is a large industrial area proposed in West Mundijong which would seem a much more suitable location than the current proposal in the middle of rural farming land

Fire Risk

There is nominal mention in the proposal of fire protection measures. Presumably there will be a large number of trees and bushes etc around the perimeter of the various solar panels. This large number of bushes and trees in close proximity will result in a significantly

increased fire risk in the area. There is no mention of how the property will be maintained to minimise the increased fire risk from clumping of trees. Also how will the property be maintained to reduce fire risk, e.g. will there be mowing between the panels – will there be water points set up around the property for fire fighting

#### Impact of the use of our rural property

In section 2.5 it is noted the area is free from air pollution and dust pollution. Practically farming and stock are not dust free especially during the dryer months. Unfortunately every summer it does get dusty and this is exacerbated when stock move around Also when you undertake tractor activity whether it is discing drafting slashing etc there will be dust. It is clear that they need a dust free environment and this is not going to happen in our farming area and we should not have to change what we do for this non farming use.

#### Destruction of Trees

The Development Application (DA) is misleading – in section 2.3 it says “the property is almost entirely cleared with some scattered trees”. Then elsewhere in section 2.8 it says “there is considerable existing vegetation on the site”.

A large amount of the Project land especially in the middle is quite heavily wooded and the Project submission is vague and contradictory on how those trees will be dealt with. Has an investigation been done on the site as to whether there are many native trees. Have the Shire Officers visited the site and seen how many trees there are – that will all have to be destroyed? WestGen propose to solve this by possibly replanting elsewhere –see section 2.8.

#### Visual Impact

Currently there is a lovely rural ambience and outlook as you look across the paddocks. That outlook and ambience and tranquillity will be lost. Now all we will see is a big fence snaking for kilometres.

If the Shire Officers have researched these projects over East they will note that the main reason they are opposed and not approved is the impact they have on the rural ambience and setting

#### Glare impact

There is minimal reference in the Project DA as to how Glare will be managed – if the surrounding trees are only 2metres – they want stop the significant glare impacting adjoining residents probably as far away as in the Byford hills.

#### Impact on Land Values

It is well established the construction of a solar farm has a negative value on property values in the area and I will forward further information on this aspect. Clearly there is no positive or benefit or upside in property values.

#### *Issue 1 – Voting for or against the RAR*

I understand because of this process it is better that a RAR is lodged for consideration with JDAP with appropriate conditions than not at all. The issue is the content and conclusion of the RAR

#### Issue 2- the conclusion of the RAR

The Officer in the RAR has concluded that the proposed use is appropriate within this portion of Oakford and provides a wider benefit in the generation of clean energy.

The issue of whether this is an appropriate planning use is not a WAPC issue. I have spoken to Alice Brown at WAPC and she said they looked at this very generally and in fact the Project did not even need to go to them for planning approval. So this approval or otherwise of the Project comes down to whether our Officers conclude (as they did) the proposed use was appropriate from a planning perspective. I would like to take you through some of the officers conclusions and my concerns.

As is well accepted the Officers report must be objective and I think these factual examples I give will show why I and other land owners have concerns about the objective basis and justification for this planning approval. The issues on objectivity started early.

The information issued to proponents was very sparse – a 1 page letter for a \$60m project with what would clearly be contentious proposal

I rang the Shire and had to push the issue and eventually got the DA on the web page. But who knows how many of the 100 odd people who received weren't aware of the DA? Next I asked for an extension of 14 days to lodge my submission. Most land owners didn't get that. Next I found out the DA Form 1 had not been properly signed. Only West gen had signed it not the 2 land owners. Info note PS 02 issued by the Shire clearly sets out the application must be properly signed by the land owners or it may not be accepted. I guarantee if I was lodging a DA form 1 and did not have a land owner signature (let alone 2) it wouldn't be accepted but this one was.

Next there were a whole lot of issues with the DA

*Eg some statements which to a layman could indicate a strong support and approval for the project*

*Eg "Westgen has met several times with the Shire, and has received good support for the project"*

The accuracy of the DA was concerning for example it says the land has been set aside for high voltage lines – nowhere is that recorded no planning approvals were obtained for that. Also it says no residences are close what do they define as close? Finally there is a significant misrepresentation in section 2.6 where they say they have acquired 24.4 hectares my understanding is that they have not they simply have an option to buy.

There were important misleading statement about EPA having assessed the project as informal – that is not correct there has been no assessment. Also in relation to the EPBC Act I can find no one that has any record of confirming this project will not trigger the EPBC Act. I have also noted to the Officers this DA seems very scant on a lot of detail and have asked if the DA has been reviewed to ensure it complies with all requirements and provides all necessary information but not did get a response on that issue.

Detailed Review of the Officers comments in the Agenda

Below are various excerpts from the Agenda with the Officers' comments:

#### *1 Clearing of the existing trees*

The Officers' position on whether there are lots of existing mature trees or not and how they should be dealt with is inconsistent. Agenda Page 33 – para 2 – "The site contains scattered vegetation inclusive of shrubs and mature trees". This important statement is factually incorrect and contrary to other comments. Have the officers even visited the site? If so how can they say there is scattered vegetation? There are lots of mature trees. Then there is a contradiction in the RAR bottom page 8 it is stated

Officer Comment:

Shire officers advise that there is considerable existing vegetation on the site, consisting of mature trees and regrowth. It is advised that consideration should be given to the configuration of the solar panels to retain as much of the existing vegetation as possible.

There is considerable existing vegetation and the applicants diagrams clearly show the whole area needs to be cleared – see diagram titled "electrical site layout".

The retention of the existing vegetation and trees is important.

#### *2. Benefits for the area*

It is noted on Agenda page 33 – para 3

Once this electricity reaches the substation it will then be distributed through existing low voltage power lines to approximately 30,000 houses and businesses within the Byford area. I understand from researching this matter that once the electricity reaches the Byford substation and goes into the grid it is not possible to say how the electricity is distributed. Yet the strong implication is there is a real benefit for the local area. I asked the officers to substantiate the supporting information and verification for the statement above without luck.

### *3 The Perimeter*

There is a lot of contradictory information about the perimeter fencing and shrubbery contained in the Agenda and RAR. The Officers' position on the screening is inconsistent. Below is the information from the agenda and the RAR about the perimeter

In addition, the following infrastructure will also be provided:

- office building and storage shed with a dimension of 12m x 6m in size with a height of 3.9m;
- three (3) switch board rooms with a dimension of 22m x 4.5m in size with a 3.9m wall height;
- 1.0m high post and wire fence along the primary street (Thomas Road);
- 1.2m high deer fence along the side and rear boundaries of the facility;
- vegetation screen around the perimeter of the facility;
- tourist area consisting of a benches, seats and elevated viewing platform located in the north eastern portion of lot 200;

However in the letter of 17 June I received from the Shire it is stated there will be a 2.2m boundary security fencing and suitable screening vegetation around the perimeter of the facility. In the DA section 4.4 the Applicant says there will be a considerable amount of vegetation screening around the boundary and behind this will be a security fence approx. 2.2m high. Why is the information listed in the agenda and the RAR materially different from what the Applicant has promised in the DA and what we have been advised of?

Obviously trying to cover off this industrial eyesore in our rural area is important and the Officers in their report continually reinforce that the Project will be acceptable in the area because it will be screened – see their conclusions – page 39

#### *Support by Government Agencies for the Project*

Agenda – top page 34 the Officers say

All submissions indicated support for the development application with appropriate conditions. Surely the implication in the Agenda to Councillors is that these agencies support the proposal. On what basis is that statement made as it seems very inaccurate. In the "summary of submissions" – there is no support listed by the agencies contacted – nor should there be – these are impartial Government agencies.

#### *Incorrect Lodgement of the application*

As is noted on page 34 of the agenda the development application was not correctly signed by all the Applicants when lodged and accepted by the Shire on 27 May. I have previously advised that I think this was a good old fashioned stuff up and the Officers should not have accepted the application until it was correctly completed. As would happen for any normal ratepayer.

### **5.4 Mr Henry Dykstra from Harley Dykstra Planning and Survey Solutions presented a deputation in relation to item OCM175/09/16 relating to Lot 1001 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road Oakford – Proposed Use Not Listed (Solar Farm) and Incidental Tourist Facility, Office and Site Facilities.**

Good evening, Shire President, Councillors and staff, my name is Henry Dykstra from Harley Dykstra Town Planning and Survey Solutions and I am here on behalf of Vince and Theresa Borrello who own and reside on the property immediately adjacent to the proposed solar farm. The Borrello's have lodged a submission during the advertising period wherein they indicated that they had concerns with the proposal and were not able to support it. From a strategic planning point of view the Borrello's believe that this proposal is too close to the existing urban interface and from their experience in other countries where there are solar farms they believe that such farms should be at a greater distance from the metropolitan development areas.

The Borrello's understand that this is a strategic question for Council and ultimately for the Development Assessment Panel. Their more immediate concerns relate to several of the proposed conditions on the recommended approval which affect their privacy and security. In particular Condition 7, where we suggest that the Condition be expanded to make reference to the requirement for the traffic management plan to ensure that there is an



adequate turn around facility for after-hours visitors within the initial upgrading section of Rice Road. Further, under Condition 12 it is suggested that the Condition be expanded to require that the tourist facility management plan ensures that the site is only open for visitors whilst staff are working on the premises.

Councillors, even though the Borrello's do not support the adjacent land use of a proposed solar farm, they do acknowledge that Council and the Development Assessment Panel may in fact recommend in favour of it and therefore they put forward the two suggested condition modifications for Council consideration.

**5.5 Mr Richard Harris from WestGen presented a deputation in relation to item OCM175/09/16 relating to Lot 1001 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road Oakford – Proposed Use Not Listed (Solar Farm) and Incidental Tourist Facility, Office and Site Facilities.**

This deputation was not provided for inclusion within the minutes.

**Councillor Piipponen left Chambers at 8.14pm**

**Councillor Piipponen returned to Chambers at 8.16pm**

## **6. President's report:**

Consider nominating someone who makes a difference in our community for the Australia Day WA Citizen of the Year Award. There are 5 categories, including the Clem Kentish Award, and nominations close on 31 October. Award winners will be announced at our Australia Day celebrations and it's a great chance to say thank you to our local heroes.

The free community barbeques that have already taken place in the Shire this year have been very popular. As part of our partnership with Neighbourhood Watch and the Mundijong Police you're invited to come along to the remaining barbeques in Byford on Friday or Mundijong next Tuesday.

We have teamed up with the SJ Community Resource Centre as well as the Department of Sports and Recreation for Outdoors October. Spring is a beautiful time to get outdoors in our Shire and with lots on offer you'll find plenty to keep you busy and active, including the Log Chop on Sunday.

We will be starting our regular Community Perceptions Survey shortly by telephone and mail. We undertake this research to find out how satisfied you are with our services and facilities. If you're one of our residents to be called, we thank you in advance for your time.

## **7. Declaration of Councillors and officers interest:**

Councillor Atwell declared a Proximity Interest in item OCM172/09/16 as he is an adjacent land owner to the property relating to this item. Cr Atwell will leave the meeting while this item is discussed.

Councillor Atwell declared an Impartiality Interest in item OCM185/09/16 as he is a part land owner in West Mundijong and there may be a perceived interest to the development proposed within this item. Cr Atwell declared this will not affect the way in which he votes and will remain in the Chambers while this item is discussed.

## **8. Receipt of minutes or reports and consideration for recommendations:**

### **8.1 Minutes from previous Meetings:**

#### **8.1.1 Ordinary Council Meeting – 22 August 2016**

##### **COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Hawkins**

**That the minutes of the Ordinary Council Meeting held on 22 August 2016 be confirmed (E16/6953).**

**CARRIED UNANIMOUSLY**

## 8.2 Planning Reports:

**Councillor Atwell declared a proximity interest in item OCM172/09/16 and left the Chambers at 8.21pm while this item was discussed.**

<b>OCM172/09/16</b>	<b>Proposed Local Structure Plan – Mundijong-Whitby Sub Precinct G (SJ1949)</b>
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	18 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett on behalf of Peet Syndicate Ltd  
 Owner: Various Owners  
 Date of Receipt: 25 February 2016  
 Lot Area: 199.4925Ha  
 Town Planning Scheme No 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

### Introduction:

The purpose of this report is for Council to consider the preparation a Local Structure Plan over a sub-precinct of Precinct G (LSP), in accordance with section 3.6 of Local Planning Policy 29 – Mundijong-Whitby Planning Framework. This will result in a sub-precinct area over Precinct G (to be known as precinct G1) identified in the Mundijong-Whitby District Structure Plan (DSP).

Council will also consider the Local Structure Plan for this area in terms of the *Planning and Development (Local Planning Schemes) Regulations 2015* and provide a recommendation to the Western Australian Planning Commission (WAPC) for a decision.

The proposed sub-precinct over Precinct G has been considered against the provisions and objectives of the planning framework for Mundijong-Whitby. A number of modifications are recommended to the proposed Local Structure Plan as detailed in the Technical Assessment and Schedule of Modifications, contained in the attachments. The proposal is considered to be generally consistent with the land uses identified under the adopted DSP.

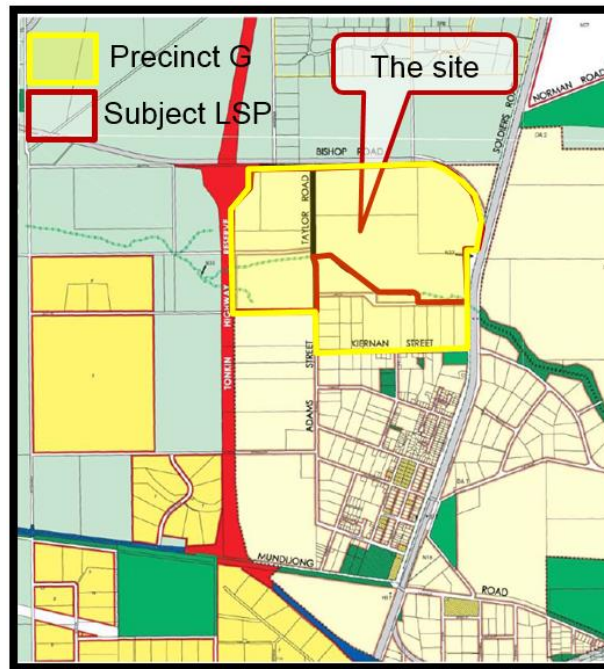
Officer's recommend that Council support the proposed Local Structure Plan subject to modifications and for it to be forwarded to the Western Australian Planning Commission for approval.

### Background:

Council resolved to approve the DSP boundaries and an amendment to Local Planning Policy No. 29 – Mundijong-Whitby Planning Framework (LPP29) at its Ordinary Council Meeting held on 8 October 2012, which sought to create a number of sub-precincts to the DSP. Subsequently section 3.6 of LPP29 states "...the Mundijong District Structure Plan area has been divided into 7 precincts. Council will not support a local structure plan for any area geographically smaller than those sub-precincts depicted in figure 2, unless specifically resolved otherwise by Council". Figure 2 identifies the boundary for precinct G as per the yellow border depicted in the above image.

On 15 July 2015, the Shire received a request from Taylor Burrell Barnett to create two sub-precincts within Precinct G of the DSP (red line on the map) with rationale provided.

On 25 February 2016, an application was received by the Shire for a Local Structure Plan over sub precinct G1 of the DSP. The sub-precinct captures the northern and western portion of Precinct G of the DSP, with Manjedal Brook acting as the natural boundary up until Taylor Road, where it captures the land to the south to Scott Road. The LSP area is generally bound by Bishop Road to the north, Scott Road to the south, Soldiers Road to the east and Tonkin Hwy reservation to the west (the subject site).



**Subject Site**

#### Existing development

The subject site is made up of six (6) private landholdings, three (3) service corridors owned by Water Corporation, and an unnamed, unconstructed portion of road reserve. In total, all landholdings contained within the LSP have a combined area of approximately 200ha. The precinct has historically been, and partly remains, utilised for broad acre agricultural activities, specifically dairy farming and livestock grazing. The precinct contains the Manjedal Brook, an identified Conservation Category Wetland (CCW), with associated low lying wetland sump areas. The low lying wetland sump contains a registered Aboriginal artefact site located within the existing dune system in the south east corner of the LSP. Scattered throughout the LSP area are also an additional five (5) Aboriginal Artefact/Scatter sites confirmed throughout the property.

#### Proposed development

The LSP seeks to guide the development of the subject area for predominantly residential purposes and supporting infrastructure such as a Neighbourhood Centre, two Primary Schools, a Conservation Category Wetland and Public Open Space (POS) reserves to accommodate recreation and drainage requirements, which is consistent with the land uses identified within the DSP.

The linear POS on the subject site, provides ecological and transport linkages to the greater area and local points of interest such as schools and the Darling Scarp.

The residential zone is to be developed in accordance with a residential R25 density, for a total of 84ha, and a further 14.9ha towards a residential R40 density code. It is anticipated with the densities proposed, an approximate 3,079 lots will be created, catering for an

estimated population of 9,000 persons (based on an occupancy rate of 2.9 persons per dwelling).

**Relevant Previous Decisions of Council:**

SD017/08/11 – Mundijong-Whitby District Structure Plan – Final Adoption: *Council resolved to adopt the final Mundijong-Whitby District Structure Plan.*

OCM056/10/12 – Mundijong-Whitby Implementation Strategy: *Council resolved to endorse the draft Mundijong – Whitby Implementation Strategy as a working document to facilitate the actions and projects that will be required to implement the Mundijong-Whitby District Structure Plan.*

**Community / Stakeholder Consultation:**

The subject LSP was publicly advertised between 12 May 2016 – 9 June 2016, inclusive, as required under Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A schedule of the submissions, mainly from government agencies, with the applicants' comments, is contained within the attachments. The main concerns raised as part of the submissions are summarized as follows:

- a) Uncertainty surrounding rail crossing requirements.
- b) Further information required on the active transport network promoting walking and cycling;
- c) Mitigation measures to reduce associated transport noise on proposed residential development;
- d) Land use allocation and map identification for the Neighbourhood Centre, application of residential density ranges and separation distances of proposed dwellings from POS and the CCW to reduce Bushfire Attack Levels;
- e) The required buffer zone to the identified for the CCW; and
- f) Inclusion of development timeframes to assist service providers.

The Shire has addressed the above concerns as follows:

- a) The Shire is no longer progressing the proposed amendments to the DSP that re-aligned Soldiers road and therefore the roads and crossings as per the adopted DSP will be progressed by the relevant State agencies.
- b) The Shire has requested further information in the LSP document to identify sufficient pedestrian and cycle pathways and to include the types of infrastructure and facilities to be provided.
- c) The Shire has requested that amendments be made to the LSP map and the noise assessment report to identify a minimum 2.4m to 3m noise wall being constructed along the northern and western boundary of the Precinct and clearly labelled on the LSP map. Additionally, an amended to the report was requested, requiring the identification of the lots to be impacted by transport noise for ease of reference.
- d) It is recommended that the LSP map be amended to clearly denote the location and area for the Neighbourhood Centre to be developed.
- e) The Shire, in conjunction with supporting advice from state agencies, has requested the LSP be amended to clearly reference a 50m buffer requirement to the Manjedal Brook and CCW.

- F) As requested by Western Power, it has been suggested that the LSP include indicative timeframes of development to provide service providers an indication of likely capacity requirements for their infrastructure network planning.

### Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme (MRS) - Zoned 'Urban' under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS.2) Zoned 'Urban Development' under TPS.2
- Mundijong-Whitby District Structure Plan
- State Planning Policy 3.6 – Development Contributions for Infrastructure
- State Planning Policy 3.7 – Planning for Bushfire Management and Guidelines
- State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning
- State Planning Policy 3.1 – Residential Design Codes
- Local Planning Policy No. 04 – Revegetation
- Local Planning Policy No. 06 – Water Sensitive Design
- Local Planning Policy No. 09 – Multiple Use Trails
- Local Planning Policy No. 26 – Biodiversity Planning
- Local Planning Policy No. 29 – Mundijong Planning Framework
- Local Planning Policy No. 40 – Detailed Area Plans
- Local Planning Policy No. 57 – Housing Diversity
- Local Planning Policy No. 60 – Public Open Space
- Local Planning Policy No. 61 – Structure Plans
- Local Planning Policy No. 67 – Landscape and Vegetation

### Financial Implications:

There are no direct financial implications regarding this matter.

### Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

### Planning Assessment:

The proposed sub-precinct over Precinct G has been considered against the provisions and objectives of the Mundijong-Whitby Structure Plan, Local Planning Policy No. 29 – Mundijong-Whitby Planning Framework, State Planning Policies and Liveable Neighbourhoods. The detailed technical assessment is attached as *OCM172.2/09/16 – Technical Assessment Report*. A summary of the main aspects is provided below.

#### *Sub- Precinct*

Under Local Planning Policy No. 29 – Mundijong-Whitby Planning Framework, section 3.6 identifies that Council will not support a local structure plan for any area geographically smaller than those sub-precincts depicted in the DSP depicted in attachment *OCM172.5/09/16*.

The rationale provided by the applicant for the request to prepare a structure plan over a sub-precinct contained within the DSP are summarized as follows:

- i) Discrete boundaries of propose sub precincts are physically separated;
- ii) Each precinct contains suitable area of land to prepare single LSP;

- ii) Higher order items are addressed in the DSP, therefore will not compromise or undermine requirements for the sub-precincts to identify these items;
- iii) LSP's will address the interface and connections between sub-precincts; and
- iv) No district level planning considerations that would prejudice the orderly planning due to the boundary adjustment.

The reasons for proposing a structure plan over a sub-precinct of the DSP are considered to be appropriate. The creation of sub-precincts over Precinct G will not jeopardize the orderly and proper planning for the area as Manjedal Brook and existing roads act as a sufficient physical barrier, allowing the sub-precincts to be designed and developed separately without any negative impacts.

It is therefore recommended the proposal to create two sub-precincts within Precinct G of the DSP be supported by Council.

#### *Local Structure Plan – Precinct G1*

A technical assessment of the LSP has been carried out against the eight (8) elements contained within Liveable Neighbourhoods, as well as any relevant State Planning Policies (SPP) and Local Planning Policies (LPP).

Liveable Neighbourhoods has been prepared to implement the objectives of the State Planning Strategy which aims to guide the sustainable development of Western Australia to 2029. Liveable Neighbourhoods operates as a development control policy, or code, to facilitate the development of sustainable communities. Liveable Neighbourhoods reviews and draws together separate policy aspects such as lot size, movement systems, activity centres, public open space, school sites, urban water management and development adjacent to transit stations.

The LSP generally satisfies the objectives and requirements contained within the Liveable Neighbourhoods. A detailed assessment has been carried out against the relevant objectives where the LSP has failed to satisfy to the Shire's requirements.

The LSP has also been assessed against relevant State Planning Policies to ensure the aims and objectives have been satisfied in the preparation of the LSP and subsequently achieved through the implementation of the development.

The following is a list of the relevant State Planning Policies applicable to the subject LSP:

#### *State Planning Policy 2 – Environment and Natural Resources*

The intent of the policy is to ensure development that may result in unacceptable environmental damage is avoided, whilst seeking opportunities for improved environmental outcomes. This is especially relevant in the protection and enhancement of the Conservation Category Wetland and the Manjedal Brook.

#### *State Planning Policy 3 – Urban Growth and Settlement*

It is considered the primary objectives of SPP 3 has been achieved through the planning and implementation of the DSP. The LSP proposes a predominantly medium density residential land use with associated neighbourhood centre, schools and open space. The design principles are further enhanced through the use of Liveable Neighbourhoods to create a sustainable community.

#### *State Planning Policy 3.4 – Natural Hazards and Disasters*

It is considered that the LSP has appropriately addressed the objectives of SPP 3.4 through the preparation of a Bushfire Management Plan and Urban Water Management Strategy, which have both been assessed and supported (subject to modification) by the Shire.

**State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

The LSP site is designated as a bushfire prone area by the Fire and Emergency Services Commissioner, therefore the application is required to be accompanied by the Bushfire Management Plan (BMP). The Shire’s technical officers have carried out an assessment of the BMP and confirm it has appropriately addresses SPP 3.7.

**State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning**

The applicant has provided a noise assessment in support of the LSP, detailing the constraints applicable to the development of the area. The noise assessment identifies acceptable levels of noise reduction measures, appropriate for residential development.



**Proposed Local Structure Plan**

The proposed LSP has addressed the matters specific to Precinct G, as per clause 7.7.3 of Part 1 of the DSP which requires a range of statutory provisions to be met, as contained within the Shire’s Town Planning Scheme No.2, Mundijong Whitby District Structure Plan, Local Planning Policies and the Western Australian Planning Commissions Structure Plan Framework. The detailed assessment of the LSP is contained in OCM172.2/09/16 – Technical Assessment.

In summary, the assessment supports the LSP subject to modifications, as per attachment OCM172.4/09/16 – Schedule of Modifications, subject to the preparation and endorsement of the following technical appendices:

- Fauna Management Plan

The application fails to identify known fauna species within the wetland, therefore a fauna management plan is requested to ensure the appropriate identification and protection measures during and post development.

- Mosquito Management Plan



The subject site contains a significant wetland that is predominantly or seasonally inundated, providing suitable environment for mosquitos to breed. The Shire considers it to be inappropriate for development to take place where the risk of mosquito nuisance and/or mosquito-borne diseases are likely, specifically considering adult mosquitos have a flight range of five kilometres.

The mosquito management plan is recommended to be carried out over a minimum of 12 months, although preferably three years or more, to establish changing patterns in mosquito abundance over time in response to seasonal variations.

- A site specific Wetland Management Plan

The Shire requires the wetland management plan to be submitted as a technical appendix to the LSP to support the Concept Plan proposal put through the LSP process, as it would inform development possibilities and buffer requirements around the high value natural asset.

Officers recommend that these three management plans be submitted to the WAPC before determination of the LSP. Further modifications as presented in the Schedule of Modifications are recommended as per OCM172.4/09/16.

**Options and Implications:**

With regard to the determination of the application, Council has the following options:

Option 1: To recommend to approve the Structure Plan.

If Council resolves to recommend approval for the LSP, a number of site specific issues will cause implications in the future once the development reaches implementation through subdivision, neglecting a number of significant issues in reference to the natural environment, amenity and acceptable development standards.

Option 2: To recommend to approve the Structure Plan with modifications.

By supporting the LSP with the recommended modifications, Council acknowledges the importance and significance of the required changes to ensure appropriate development standards are identified on a local scale, for the Western Australian Planning Commission's consideration.

Option 3: To recommend to refuse to approve the Structure Plan.

If Council resolves to refuse to approve the LSP, the application will be sent to the WAPC with this recommendation to refuse and will then be re-assessed by the WAPC and determined by the WAPC having regard to the Shire's Technical Assessment.

Option 2 is recommended.

**Conclusion:**

The subject application seeks to obtain Council approval to support a local structure plan for an area smaller than the sub-precinct identified in the Mundijong Whitby District Structure Plan, specifically over Precinct G, as required under section 3.6 of Local Planning Policy 29 – Mundijong – Whitby Planning Framework.

Following review of the Local Structure Plan document it was considered appropriate that the application be progressed over a sub-precinct. Therefore council are requested to formally resolve to support the LSP over the sub-precinct G1.

Officers also recommend Council's endorsement of the Technical Assessment contained in attachment OCM172.2/09/16, and the Schedule of Modifications contained in attachment OCM172.4/09/16 for the proposed Local Structure Plan contained in attachment OCM172.1/09/16.

### Attachments

- [OCM172.1/09/16](#) – Mundijong-Whitby Sub-Precinct G – Local Structure Plan (IN16/3763)
- [OCM172.2/09/16](#) – Technical Assessment Report (OC16/13371)
- [OCM172.3/09/16](#) – Schedule of Submissions (E16/3735)
- [OCM172.4/09/16](#) – Schedule of Modifications (OC16/13394)
- [OCM172.5/09/16](#) – Mundijong – Whitby District Structure Plan (E12/5207)

**Voting Requirements:** Simple Majority

### OCM172/09/16 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Hawkins, seconded Cr Urban**

**That Council:**

1. **Support the request to prepare a Local Structure Plan over a sub-precinct of Precinct G, in accordance with section 3.6 of Local Planning Policy 29 – Mundijong-Whitby Planning Framework.**
2. **Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council endorse the schedule of submissions and comments contained within attachment OCM172.3/09/16.**
3. **Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission approval of the Mundijong-Whitby Sub Precinct G Local Structure Plan with modifications as detailed in the Shire's Report contained within attachment OCM172.2/09/16 and outlined in the Schedule of Modifications contained within attachment OCM172.4/09/16.**

**CARRIED UNANIMOUSLY**

**Councillor Atwell returned to Chambers at 8.22pm**

<b>OCM173/09/16</b>	<b>Proposed Shade Sails, Signage and Tenancy Alterations – Lot 2 (No.20) Abernethy Road, Byford (PA16/95)</b>
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	25 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent:	Michael Kevill, TPG Town Planning
Owner:	Coles Group Property Development Ltd and LWP Byford Syndicate
Date of Receipt:	20 July 2016
Lot Area:	19.269 ha
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

### Introduction

The purpose of this report is for Council to consider proposed shade sails, signage and tenancy modifications at Lot 2 (No.20) Abernethy Road, Byford. Council is required to make a determination as the development proposes variations to the signage requirements of Local Planning Policy 31 – Byford Town Centre Built Form Guidelines and therefore cannot be determined under delegation in accordance with delegation P035S.

The subject land is zoned ‘urban development’ in accordance with the Shire’s Town Planning Scheme No.2 (TPS 2). Within the ‘urban development’ zone due regard must be given to the approved Byford Town Centre Local Structure Plan which identifies the subject site as being within the ‘Town Centre’.

While shade sails and signage are not listed as specific land uses, they are ancillary to the development of a Shopping Centre. Local Planning Policy 31 – Byford Town Centre Built Form Guidelines provides a framework for assessment of all development with the Byford Town Centre area.

Officers recommend that the signage and tenancy elements of the proposed development be approved, subject to only one (1) pylon sign. Furthermore officers recommend that the shade sails be refused due to causing unnecessary interference with landscaping and bio-retention swales within the car park.

### Background:

The planning application is dated 20 July 2016 and was received on 20 July 2016. Due to an initial assessment by Shire officers the applicant has provided amended plans and information.

The subject site is located within the Byford Town Centre. The site is separated by existing low density residential development to the east and a rail reserve and South Western Highway. Land adjoining the proposed shopping centre site is currently undeveloped. This land will form the core of the town centre and will consist of a combination of retail centres, public open space, road and rail infrastructure and mixed use/highway commercial development.

The proposed application is for:

1. Two pylon signs that are 10 metres high, with a signage area of 12m<sup>2</sup>;
2. Signage of 75m<sup>2</sup> on the facades of the building (southern 34.6m<sup>2</sup>, western 23.1m<sup>2</sup> and northern 17.3m<sup>2</sup>);
3. Under awning light box signs;

4. Six rows of 12 x 5m<sup>2</sup> shade sails located over the car parking bays closest to the shopping centre; and
5. A change of tenancies and locations of the access points to the tenancies.



Site Plan

The site has been the focus of a number of applications assessed by Council and determined by the Metropolitan East Joint Development Assessment (JDAP):

1. In October 2012 the JDAP granted approval for the Shopping Centre development, subject to conditions.
2. In June 2014 the JDAP granted a two (2) year extension to the October 2012 approval, subject to the same conditions.
3. In December 2014, the Metropolitan East Joint Development Assessment Panel granted a new approval, subject to similar conditions.
4. In November 2015 the JDAP granted approval for minor modifications to the December 2014 approval to reflect minor changes to tenancies to better reflect the requirements of the prospective tenants.

#### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this specific application for shade sails, signage and minor tenancy modifications. Council has however considered each Responsible Authority Report prior to it being forwarded to the Joint Development Assessment Panel meetings mentioned above.

- OCM045/09/12 - Resolved to endorse the Responsible Authority Report which recommended approval subject to conditions.
- OCM084/05/14 - Resolved to endorse the Responsible Authority Report which recommended approval subject to conditions.
- OCM099/12/14 - Resolved to endorse the Responsible Authority Report which recommended approval subject to conditions.
- OCM227/11/15 - Resolved to endorse the Responsible Authority Report which recommended approval subject to conditions.

#### Community / Stakeholder Consultation:

Consultation was undertaken to three adjoining land owners as indicated in Neighbour referral map below. The application was advertised to these landowners given the signage would be visible from their properties.



Neighbour Referral Map

One submission was received supporting the proposed variation to the signage requirements of Local Planning Policy 31, noting that it is not viable to expect businesses to operate without at least one pylon sign, especially on roads like Abernethy.

**Planning Assessment:**

The Shire’s officers have assessed the proposal in accordance with clause 67 of the *Planning and Development Regulations 2015* ‘Matters to be considered by local government’. The assessment can be viewed as part of attachment OCM173.1/09/16.

Land Use:

The subject site is zoned ‘Urban Development’ under the Shire’s TPS 2. The purpose and intent of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.

As the shopping centre has been approved in accordance with the Byford Town Centre Local Structure Plan, the development is consistent with the orderly planning which has occurred for the large area of the Byford Town Centre. Shade sails and signage are common ancillary elements associated with shopping centre style developments and therefore meet the land use criteria to be considered within TPS 2.

Pylon signs

The proposal includes two pylons signs, one to be located near the entrance of the car park and the second to be located on the future multiple use corridor near Abernethy Road.

The proposed pylon signs have been assessed against Local Planning Policy 31 – Byford Town Centre Built Form Guidelines (LPP 31). Which provides development requirements for signage within the Byford Town Centre. Accordingly the pylon signs have been assessed against this policy, as detailed in the following table:

	LPP31	Proposed
<b>Permissibility</b>	R13.10 states free standing pylon structures are <b>not permitted</b> .  R13.8 states that repetition of the same sign is discouraged. The two signs are duplicate.	Two pylon signs are proposed.
<b>Height</b>	No standard applied	10m
<b>Sign Dimensions</b>	No standard applied	3.75m
<b>Sign Area</b>	No standard applied	11.8875m <sup>2</sup>
<b>Pylon width</b>	No standard applied	2.6m

A pylon sign to be located within close proximity to the existing carpark and is considered a 'standard' pylon sign as it will be constructed of grey cladding and contain signage relating to Coles, Liquor Land and the name of the precinct being Gungahlin Village. The design of the proposed pylon is illustrated on the right.

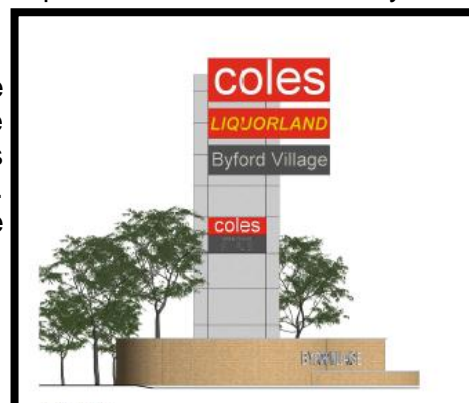
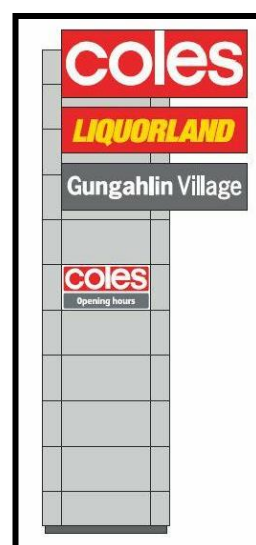
The proposed style of the pylon sign does not actively contribute the architectural style of the development nor the character of the area. As it does not propose varying materials and colours synonymous with the area and the design of the development.

Pylon signs are usually used for the purposes of wayfinding. The proposed location of this pylon sign adjacent to the car park area will not serve the purpose of wayfinding as the development itself proposes large facade signs. These wall signs are considered to be more appropriate in identifying the uses contained within the development. As such, the additional pylon sign is considered excessive when considered against other facade signage proposed as part of this application.

The proposed pylon sign on the future multiple use corridor has been architecturally designed to provide interest and articulation. This has been achieved by providing varying materials and finishes on the pylon sign itself which reduces its overall bulk and scale on the landscape. In addition, the proposal includes a feature low brick wall to reference Byford's long association with brickworks. The pylon sign also incorporates landscaping to soften the appearance of the sign.

The pylon sign proposed on the future multiple use corridor is to provide a wayfinding feature for the Coles development site, given that the buildings are setback from Abernethy Road. Pylon signage is typically provided for shopping centre developments and is consistently applied to Coles developments within Western Australia.

Officers consider that there is planning merit in proposing one pylon sign which can be incorporated into the future multiple use corridor nearby Abernethy Road, given the pylon sign is architecturally designed and serves as a wayfinding device. However, officers do not consider two pylon signs appropriate for the location.



Façade Signage

The proposed façade signs have been considered against Local Planning Policy 31. The assessment of these signs is as follows:

	LPP31	Proposed
<b>Permissibility</b>	R13.8 states that repetition of the same sign is discouraged.	Officer considers the signage is permissible, subject to assessment against the objectives of Local Planning Policy 31.
<b>Number</b>	No requirement	Southern Elevation – Five signs Western Elevation – Two signs Northern Elevation – Three signs Eastern Elevation – Zero signs
<b>Height</b>	No requirement	No dimensions provided
<b>Sign Dimensions</b>	No requirement	No dimensions provided
<b>Sign Area</b>	R13.6 permits an aggregate area of 0.4m <sup>2</sup> per 1.0m of street frontage – up to a maximum of 10m <sup>2</sup>	South: 34.615 West: 23.14 North: 17.3 East: Not applicable

Local Planning Policy 31 requires signage to be informative and positively contribute to the overall streetscape and not be excessive or obtrusive. For signage to be informative it should relate to the occupants of the tenancies and assist in wayfinding or provide directions. An example of excessive signage would be a repetition of the same sign every 10 metres as a pedestrian or motorist makes their way down a road or being of a size and/or scale which makes signage visible from two kilometres away, when it only needs to be visible from 20 metres away.

The subject development is a large building and is expected to attract visitors from all directions, such as South Western Highway to the east, Abernethy Road to the west and south. The area to the north of the shopping centre is yet to be developed, however the Byford Town Centre Structure Plan shows road connections to the north.

The proposed signage covers a maximum 5.5% of the building facades and positively contributes to the navigational landscape of the Byford Town Centre, of which the shopping centre development is a prominent feature along with its associated town square.

The applicant contends that the Local Planning Policy 31 was not written to account for large scale commercial developments, rather focussing on small to medium size commercial developments within a town centre context. Shire officers agree that this is reflected in Local Planning Policy 31, with example images only depicting small commercial tenancy signage as below.



Example Signage in Local Planning Policy 31

The façade signage is directly relevant to the site and the scale of the signage is in proportion to both the scale of the development and the distance pedestrians and visitors to the site will be from the signage.

The elevations below show signage as a small element of each façade.



Southern Elevation



Western Elevation





Northern Elevation

The images above depict a scale of signage which suits the development which is proposed. The proposed signage does not dominate the elevations with passing pedestrians and motorists able to view the architectural features of the development and the centrepiece tower in the village square.

Below Awning Signage

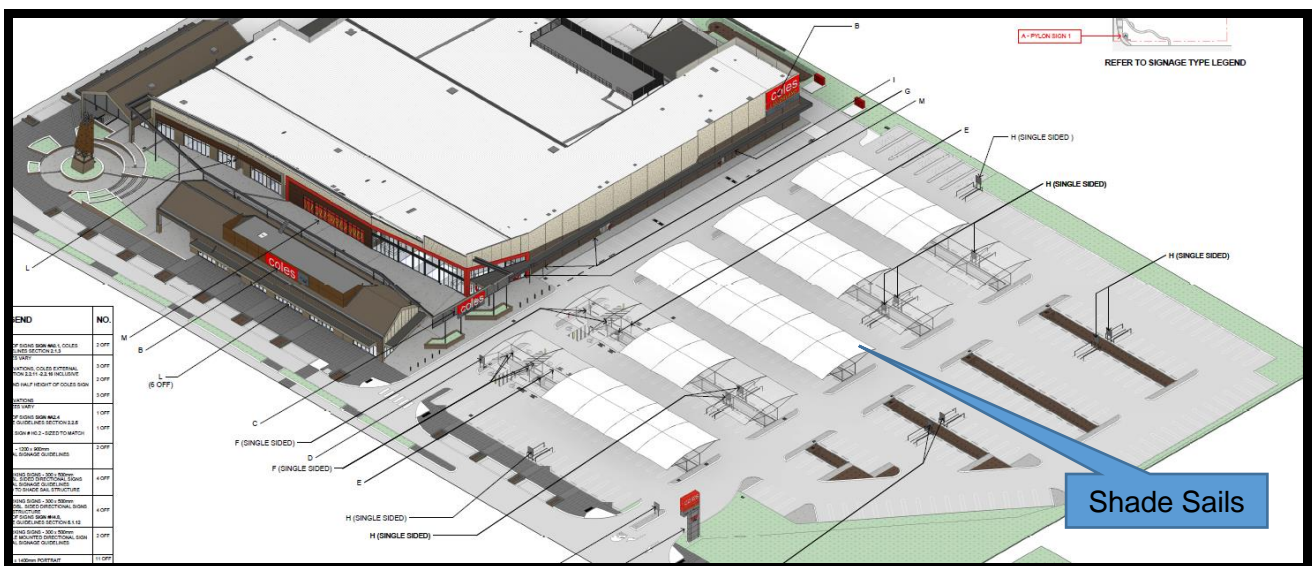
Below awning signage is provided per tenancy which is consistent with the requirements of Local Planning Policy 31. Below awning signage is an important secondary wayfinding method after visitors have successfully navigated to the centre and parked on the street or in the car park or have parked their bicycle.

Below awning signage is of a smaller scale than façade signage and it relates more closely with pedestrian movement along footpath areas. The signage proposed will be directly related to each tenant of the building. The size of the signs complies with Local Planning Policy 31.

However, clause R13.4 of Local Planning Policy 31 requires a minimum clearance of 2.7 metres between the bottom of the sign and the footpath pavement below. With an awning height of 3.1 metres and a proposed signage height of 0.6 metres, the current design proposes 2.5 metre clearance. For the signage boxes to meet policy requirements the vertical dimensions would have to be reduced. As this is a minor amendment to the boxes Shire officers recommend a condition requiring below awning signs be modified to achieve a minimum clearance of 2.7 metres in order to be consistent with the requirements of Local Planning Policy 31.

Shade Sails

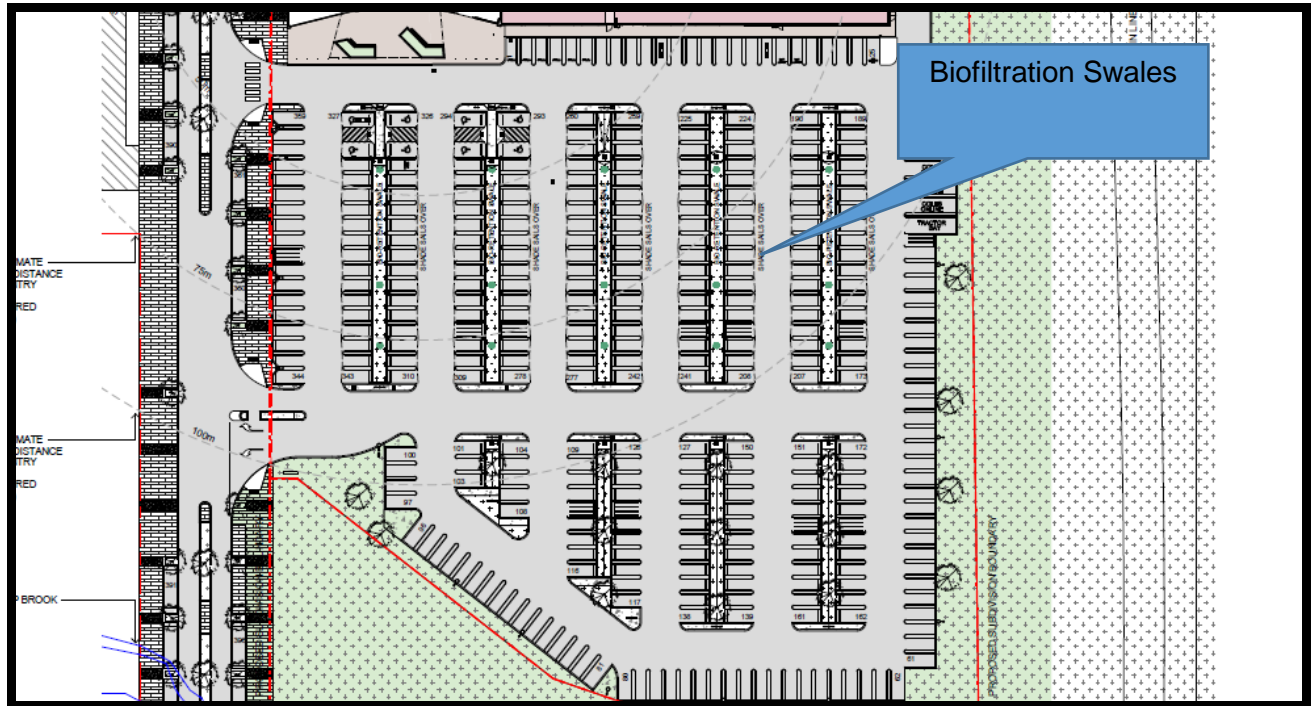
The proposed shade sails are located over the existing car parking bays adjacent to the shopping centre.



Officers noted in an initial review of the application that the ability of the bio-retention swales which require plants in order to operate may be negatively impacted by the proposed shade sails if there is no direct sunlight available. It was also noted that the approved landscaping

plan which was required as a condition of the Joint Development Assessment Panel approval did not foresee shade sails being included.

The existing car park was designed with bio-retention swales which incorporate planting to facilitate the operation of the swales. The swales are located at the front of the car parking bays, oriented north-south as depicted on the below plan.



Plan showing biofiltration swales within the carpark

These swales also formed part of a landscaping plan that was conditions as part of the JDAP approval for the development.

The proposed shade sails are to cover approximately half of the existing car park closest to the developments entrance. The shade sails will cover the bio-retention swales and associated landscaping.

The applicant has advised that the footings of the proposed shade sails will not affect the functionality and capacity of the swales. The applicant has also advised that the vegetation within the swales will be able to grow and function. Officers note that reference to vegetation in this case relates to club rushes (reeds) rather than trees which are required as part of the landscaping plan and are required to be planted within the car park in accordance with Local Planning Policy 31.

Local Planning Policy 31 states in clause R18.7 that “*Car parks shall be appropriately landscaped, overlaid with a regular grid of trees between parking rows to provide visual break-up, shade and infiltration of stormwater. Trees shall be planted every 5<sup>th</sup> parking bay within vegetation swales and bio-retention tree pits...*”. Therefore the inclusion of solid shade sails over this portion of car park will result in a detrimental loss of trees which are required as part of LPP 31. These trees also serve as a landscape softener given the vast expansive area of car parking and assist in the transition between the multiple use corridor and the development site by providing a transition of landscaping. Further, the trees also tie into the history of the site which was previously rural land.

Officers consider that the applicant has not demonstrated that stormwater will be managed as it was initially intended. Local Planning Policy 31 states in clause R17.2 that “Generally all water draining from roofs and other impermeable surfaces shall be directed to soak wells,

bio-retention basins or rainwater tanks where climatic soil conditions allow for the effective retention of stormwater on-site”.



Image of Parking with Bio-retention taken from Local Planning Policy 31

The removal of trees from the swales will result in less root mass which negatively impacts the effectiveness of the bio filtration system. In addition, the shading of sedges and rushes will hinder their growth resulting in the bio filtration system not functioning as its intended capacity.

Officers acknowledge the applicants offset to plant the trees intended in the bio filtration swales elsewhere on the site, however this is considered to be a poor outcome as the trees part of the bio filtration have a higher function in their approved location as opposed to elsewhere on the site.

The shade sails and removal of trees is considered to result in an increased heat within the micro climate of the development. This is commonly known as ‘urban heat island effect’. The loss of trees will directly increase the temperature within the microclimate of the area, which will make the area harsher and hotter for patrons within the future town centre precinct. Soft landscaping and trees are proven to facilitate more pleasant microclimates as they directly assist in the reduction of temperature. Therefore, the removal of trees amongst a portion of the existing car park with the replacement of shade sails is not considered environmentally sensitive.

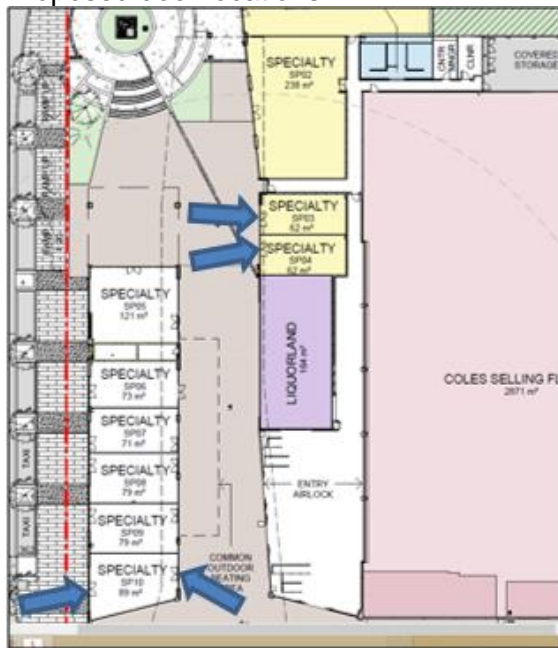
In light of the above, Shire officers are not supportive of the proposed shade sails and recommend they be excluded from any planning approval.

The vision for the Town Centre requires development to identify with the natural features of the area in accordance with Local Planning Policy 31. Shire officers note the lack of relationship between a shade sail and the natural environment when compared to the shade provided by tree canopy’s. When making their way to the site visitors will notice the amenity and shade provided by existing vegetation along Abernethy Road and George Street. When entering the subject site from the south visitors will travel past the heavily vegetated multiple use corridor. As a mechanism for the provision of shade to the carpark area, shade sails are not as consistent with Local Planning Policy as trees would be.

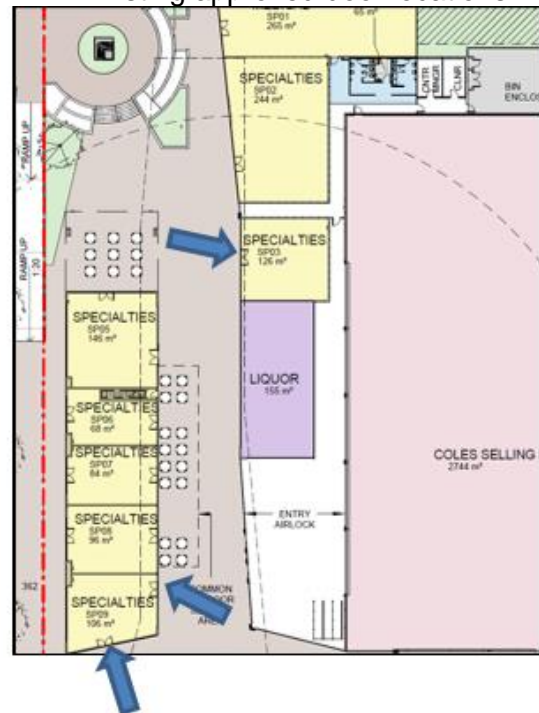
#### Tenancy Modifications

Amended plans have been received by the applicant seeking approval to relocate the locations of external doors for some tenancies to reflect the likely fitout.

Proposed door locations



Existing approved door locations



The change in door location for speciality tenancy 10 in the bottom left corner of the above images does affect the orientation of the tenancy and determines whether its interaction is to the south facing the car park, or to the west addressing the street. Local Planning Policy 31 consistently refers to the street being a priority frontage for pedestrian activation, thus relocating the door from the south to the west side is consistent with Local Planning Policy 31.

The additional door noted on the right of the above images increases the pedestrian interaction between the tenancies and the alfresco/mall area. As such, the additional door achieves activation objectives of Local Planning Policy 31.

### Conclusion

The proposed additions and alterations to the existing Joint Development Assessment Panel Approval of 22 November 2015 are considered to be generally minor in nature and are generally consistent with Local Planning Policy 31. However, two pylon signs are considered to be excessive for the site, given façade signs will cater for development identification and one pylon sign close to Abernethy Road will provide direction and provide a way-finding landmark.

The proposed shade sails have a negative impact on the bio filtration swales and do not allow for the planting of trees in accordance with Local Planning Policy 31 which provide natural shade to a heat absorbent surface and provide a vegetation link to the multiple use corridor which will be re-vegetated.

In light of the above, Officers recommend the shade sails be refused and the remaining elements of the application be approved subject to appropriate conditions.

### **Attachments:**

- [OCM173.1/09/16](#) – Development Application (IN16/14523)
- [OCM173.2/09/16](#) – Development Application – Amended Justification (IN16/18942)
- [OCM173.3/09/16](#) – Development Application – Amended Plans (IN16/18943)
- [OCM173.4/09/16](#) – Clause 67 Table (E16/7309)
- [OCM173.5/09/16](#) – Copy of Submission (IN16/17846)

**Statutory Environment:**

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): the site is zoned 'Urban' under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2: the site is zoned 'Urban Development' under the Shire's TPS 2.
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines

**Financial Implications:**

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

1. That Council approve the pylon sign located on the future multiple use corridor, façade signage, below awning signs and tenancy modification forming part of the application submitted by TPG Town Planning on behalf of the landowner Coles Group Property Development Ltd and LWP Byford Syndicate on Lot 2 (No.20) Abernethy Road, Byford, subject to the following condition:
  - a) Below awning light box signs must be modified to achieve a 2.7 metre clearance between the bottom of the sign and the footpath pavement.
2. That Council refuse the shade sails and pylon sign adjacent to the carpark forming part of the application submitted by TPG Town Planning on behalf of the landowner Coles Group Property Development Ltd and LWP Byford Syndicate on Lot 2 (No.20) Abernethy Road, Byford, for the following reasons:
  - a) The pylon sign adjacent to the car park does not comply with Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines.
  - b) The proposed shade sails will have an adverse impact on the functionality of the bio filtration swales located within the car park.
  - c) The proposed shade sails will unduly impact on the visual amenity and character of the immediate locality.

**OCM173/09/16 COUNCIL DECISION / Amended Officers Recommendation**

Moved Cr Piipponen, seconded Cr Rich

That Council

1. Approves the pylon sign located on the future multiple use corridor, façade signage, below awning signs and tenancy modification forming part of the application submitted by TPG Town Planning on behalf of the landowner Coles Group Property Development Ltd and LWP Byford Syndicate on Lot 2 (No.20) Abernethy Road, Byford, subject to the following condition:
  - a. Below awning light box signs must be modified to achieve a 2.7 metre clearance between the bottom of the sign and the footpath pavement.
2. Refuses the pylon sign adjacent to the carpark forming part of the application submitted by TPG Town Planning on behalf of the landowner Coles Group Property Development Ltd and LWP Byford Syndicate on Lot 2 (No.20) Abernethy Road, Byford, for the following reasons:
  - a. The pylon sign adjacent to the car park does not comply with Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines.

**CARRIED UNANIMOUSLY**

**Reason for change to officers recommendation: to remove reference to the shade sails, as this will be dealt with in another development application.**

<b>OCM174/09/16</b>	<b>Proposed Local Development Plan – Lot 9078 Orton Road, Byford - Byford Main Precinct (Icaria Stage 7) (PA16/96)</b>
Author:	Regan Travers - Senior Planning Officer
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	18 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett  
 Owner: LWP Byford Syndicate Pty Ltd  
 Date of Receipt: 13 July 2016  
 Lot Area: 19 211m<sup>2</sup> (1.9ha)  
 Town Planning Scheme No. 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Urban'

### Introduction:

An application for a proposed Local Development Plan was received on 13 July 2016 for Lot 9078 Orton Road which is located within Icaria Stage 7 of the Byford Main Precinct Local Structure Plan.

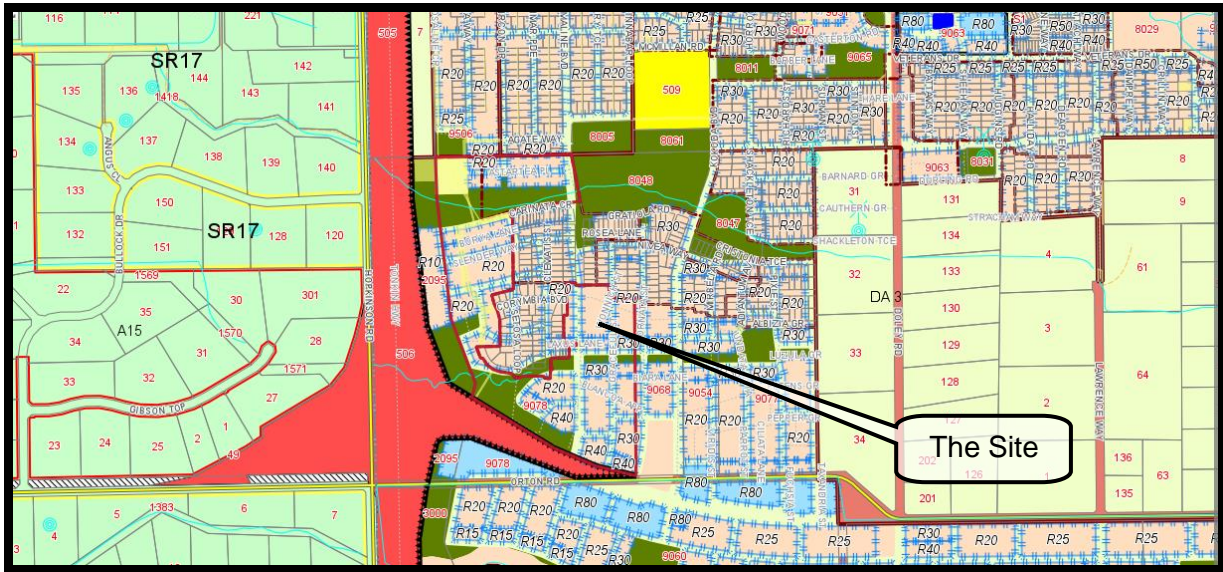
The Local Development Plan has been assessed with regard to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Western Australian Planning Commission (WAPC Framework for Local Development Plans 2015).

The applicant has sought variations to the open space requirements of the Residential Design Codes. In accordance with clause 7.3.2 of the Residential Design Codes, the proposed open space variation cannot be varied by Council without prior approval from the Western Australian Planning Commission. The Western Australian Planning Commission has provided comments and raised no objection to the proposed variation to open space. In addition to open space, the Local Development Plan proposes to vary street setbacks, lot boundary setbacks and vehicle access requirements.

The design of Lot 2338 is likely to result in future development not being able to meet vehicle access requirements of the Residential Design Codes which must be addressed as part of consideration of the proposed Local Development Plan.

The purpose of this report is for Council to consider a Local Development Plan for part of Lot 9078 Orton Road, Byford, as Shire officers do not have delegation to determine Local Development Plans in accordance with Delegations P033D and P033s – Local Development Plans.

The report recommends that the Local Development Plan submitted be approved subject to modifications as discussed within the report and forming part of the officers recommendation.



Location Plan

**Background:**

Existing Development:

The lot is currently vacant with initial earthworks relating to the approved subdivision being undertaken in parts of the site.



Aerial Plan

Proposed Development:

The proposed Local Development Plan has been prepared in accordance with condition 27 of subdivision approval (S150178) issued by the Western Australian Planning Commission on 11 September 2014. The subdivision included the following condition:

- '27. Detailed Area Plans(s) being prepared and approved for all proposed lots shown on the plan dated 2 September 2014 (Attachment A) to address the following, as deemed relevant:
  - (a) Dwelling Orientation to Primary Streets (and Secondary Streets where applicable);
  - (b) Secondary Street Fencing;
  - (c) Passive surveillance of Public Open Space;
  - (d) Open Space variations; and

(e) Identification of lots subject to a Noise Management Plan, to the satisfaction of the Western Australian Planning Commission. (Local Government)’

The Local Development Plan covers 57 residential lots encompassing R20 (43 lots), R30 (12 lots) and R40 (2 lots) densities.

The Local Development Plan is consistent with the approved subdivision as shown below.



Proposed Local Development Plan

Approved Plan of subdivision

The lots marked in yellow on the subdivision plan above identifies lots with site constraints relating to passive surveillance of Public Open Space and secondary street fencing. These are the only lots identified at subdivision stage to require a Local Development Plan.

The following table represents the Open Space variations sought by the applicant:

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R20	50%	40%	10%
R30	45%	7 lots 40% and 5 lots 35%	5-10%
R40	45%	35%	10%

**Relevant Previous Decisions of Council:**

There are no previous Council decisions relating to this application.

**Community / Stakeholder Consultation:**

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 ‘Advertising of Local Development Plans’ subclause 3 states that:

*“despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.”*



Shire officers consider that the proposed open space variations are more likely to have an impact on the future residents of dwellings on the lots. However, it is noted that similar open space variations have been applied in other areas of the Glades subdivision.

### Agency Referrals

In accordance with clause 7.3.2 of the Residential Design Codes the proposed Local Development Plan was referred to the Western Australian Planning Commission for approval prior to being considered by Council.

The Western Australian Planning Commission advised that the subdivision approval granted over this area includes a condition that lists open space variations as a matter to be considered as part of a Local Development Plan. While inconsistent with the Commission's policy provision, with the preference being for adoption via Local Planning Policy of the Residential Medium Density Codes, the Western Australian Planning Commission advised that in this circumstance the proposed open space variation was supported. This was based on the fact the estate is undergoing staged construction whereby previous Local Development Plans have allowed for open space variations and a change in approach may lead to an inconsistent built-form outcome.

### **Statutory Environment:**

- *Metropolitan Regional Scheme (MRS)*
- *The lot is zoned 'Urban' under the MRS.*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)*
- *The lot is zoned 'Urban Development' under the TPS 2.*
- *State Planning Policy 3.1 – Residential Design Codes (R- Codes).*
- *The area of the subject lot has been identified as R20, R30 and R40 densities under the Glades Main Precinct Local Structure Plan.*

### **Financial Implications:**

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

### **Planning Assessment:**

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the *WAPC Framework for Local Development Plans* and the *State Planning Policy 3.1 Residential Design Codes*.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework, however some additional detail is required which is discussed later in this report.

#### *Residential Design Codes*

The proposed LDP has been assessed with regards to clauses 7.3.1 and 7.3.2 of the R-Codes, which outline the scope of changes which LDPs can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Codes requirements:

- Street setbacks;
- Lot boundary setbacks;
- Building height;
- Setback of garages and carport;
- Garage width;

- Street surveillance;
- Street walls and fences;
- Sight lines;
- Appearance of retained dwellings;
- Site works; and
- External fixtures; and aged and dependant person dwellings.

Clause 7.3.2 of the R-Codes states:

***“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed – to – comply provision within the R-codes by means of a local planning policy, local structure plan or local development where it can demonstrated to the satisfaction of the WAPC that the proposed amendment:***

- *is warranted due to a specific need related to that particular locality or region;*
- *Is consistent with the objectives and design principles of the R-codes; and*
- *can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.”*

The applicant proposes to vary:

- Street setbacks;
- Lot boundary setbacks;
- Vehicle access requirements; and
- Open Space requirements.

### Street Setbacks

The applicant proposes to prescribe a minimum setback and not allow for ‘averaging’ as shown in provision 2 of the Local Development Plan. If averaging was allowed, there would be potential for dwellings to be setback from the primary street closer than the minimum, but an applicant would have to provide an additional space behind the minimum setback line to balance the setback.

2 STREETScape REQUIREMENTS					
Setbacks		Lots Applicable	Minimum	Maximum	Averaging
Primary Street	Dwelling	Lots 2371, 2390-2391, 2403-2404, 2406-2407, 2441 & 2454	2.0m	N/A	• Averaging is not permitted to minimum
	Dwelling	All remaining lots	3.0m	N/A	• Averaging is not permitted to minimum.
	Garage (laneway access not applicable)	All lots (except Lots 2371, 2390-2391, 2403-2404, 2406-2407, 2441 & 2454)	4.5m	N/A	• Averaging is not permitted to minimum.
Secondary Street	Dwelling	All lots (including side boundary to laneway for Lot 2339)	1.0m	N/A	• Averaging is not permitted to minimum.
Laneway (and laneway truncation where applicable)	Garage or Carport	All laneway lots	0.5m	N/A	• Averaging is not permitted to minimum.
	Rear of Dwelling	All laneway lots	1.5m	N/A	• Averaging is not permitted to minimum.
	Studio/ Balcony	All laneway lots (where located above garage)	0m	N/A	• Averaging is not required.

Provision 2 of the Local Development Plan

The applicant has applied the same provisions for existing approved development within the Glades estate. The variation allows for a larger house to be constructed than the Residential Design Codes would have anticipated. The requirement for a minimum setback will ensure the character of the area is consistent.

### *Lot Boundary Setbacks*

The applicant proposes to allow nil building setbacks for lot 2337 and 2338 to two side boundaries. The Residential Design Codes allows for only one nil side setback. The two lots have an R40 density code, which provides for smaller and compact development. Facilitating two nil side setbacks would allow design flexibility for future residents.

The applicant also proposes to allow for buildings on the majority of R30 density lots to be built up to one side boundary for 2/3 the length of the boundary. This is very similar to clause 5.1.3 C3.2 of the Residential Design Codes which already allows for 2/3 boundary setback, however it also requires the wall to be:

- behind the street setback;
- walls not higher than 3.5 metres; and
- walls with an average height of 3 metres or less.

The proposed provision 3 of the Local Development Plan does not provide the same level of built form consistency of clause 5.1.3 C3.2 of the Residential Design Codes and is unlikely to result in a higher quality built form.

This provision is considered superfluous given the Residential Design Codes permits boundary walls to one side for a length of 2/3 with wall height constraints. Officers recommend this provision be removed from the Local Development Plan as reflected in the officer recommendation at the end of this report.

### *Vehicle Access Requirements*

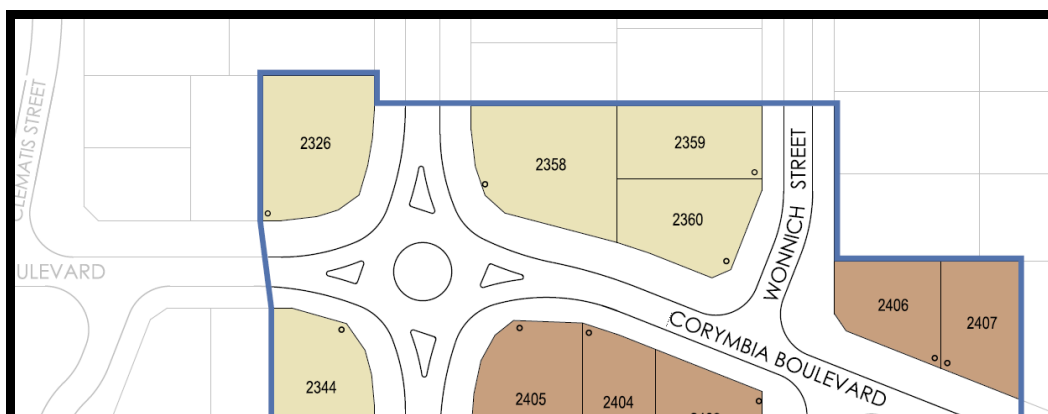
Proposed provision 2.4 lists lots which are requested to be excluded from complying with clause 5.3.5 C5.3 of the Residential Design Codes. Clause 5.3.5 C5.3 states that driveways shall be no closer than 6 metres to a street corner or the point at which the (road) carriageway deviates. The Residential Design Code provision relates to the objectives of:

- vehicle safety;
- pedestrian safety;
- reduced impact of access points on the streetscape;
- minimal crossovers; and
- high quality landscaping features.

The proposed allowances for driveways to be located within 6 metres of a street corner also has the effect of varying clause 5.3.5 C5.1 which notes there preference of access to be (No.1 being first preference):

1. from a right of way (laneway);
2. from a secondary street; and
3. from the primary street.

As the Local Development plan only has Lot 2339 with access from a laneway, all other corner lots should take access from the secondary street. All lots have a secondary street boundary length which facilitates a 6 metre distance from the street corner with the exception of Lots 2326, 2344, 2358 and 2405 which are the four lots on each corner of the Corymbia Boulevard and Tourmaline Boulevard intersection.



These four lots were identified as part of the subdivision application as having site constraints which need to be addressed as part of a Local Development Plan. Shire officer preference is for the four lots around the intersection to have a designated garage location at the furthest point from the intersection to ensure the vehicle access objectives of the Residential Design Codes are achieved, maximising the distance of crossing points from the intersection and increasing safety.

The remaining lots which were not identified as part of the subdivision application are suitably managed by clause 5.3.5 of the Residential Design Codes. Those remaining lots should be removed from the Local Development Plan as they have no site constraints and any variations to the Residential Design Codes can be assessed on their individual merits when a Development Application is lodged.

#### *Open Space Requirements*

As noted in the background section of this report, the applicant proposes a range of open space variations in the proposed Local Development Plan, as indicated in the table below.

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R20	50%	40%	10%
R30	45%	7 lots 40% and 5 lots 35%	5-10%
R40	45%	35%	10%

The table below represents the minimum lots size for each Residential Design Code Density compared to the smallest size of each density code on the Local Development Plan.

Density	R-Code Minimum Size	Smallest Lot Proposed
R20	350m <sup>2</sup>	388m <sup>2</sup>
R30	260m <sup>2</sup>	343m <sup>2</sup>
R40	180m <sup>2</sup>	225m <sup>2</sup>

The table above demonstrates that no lots are small enough to justify an open space variation, given development can be designed to comply with the respective Residential Design Code density at much smaller sizes than those subject to the Local Development Plan.

Shire officers acknowledge that similar modifications have been approved for other Local Development Plans within the Glades area. However, the assessment of Local Development Plans must keep up with changing development trends to ensure the Shire applies an innovative approach to maintain consistency with the objectives of the Residential Design Codes.

Unfortunately, the R-Codes do not specify how open space should be treated and it is a common theme within the greenfield sites that the areas are often paved. Although the open space still provides a sense of openness being paved, it does not create a diverse streetscape or good amenity for residents.

The streetscape within the Local Development Plan will remain consistent with the existing neighbourhood character as demonstrated by the applicants 'Design Guidelines and Restrictive Covenants' document which forms part of the contract of sale for the future lots.

Shire officers during assessment of the proposed Local Development Plan recommended the applicant consider additional provisions to provide for soft landscaping or a similar offset if it insisted on seeking an Open Space variation, however this has not been provided. Insufficient justification has been provided to support the proposed open space variations.

As a result Shire officers are not supportive of the proposed Open Space variation for all lots and recommend Open Space variations be removed from the Local Development Plan.

## Land Use

### *Proposed Land Use*

The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No.2 zonings of 'Urban' and 'Urban Development' respectively. The Byford District Structure Plan broadly defines the intention of the area to be developed for residential purposes.

### *Proposed Residential Densities*

The proposed residential densities are consistent with the latest modification (No.8) to the Glades Main Precinct Local Structure Plan which was supported subject to modification by Council in May 2016 (OCM088/05/16). Those densities were confirmed through subdivision which occurred prior to the Local Structure Plan modification being submitted. Lots sizes meet the minimum and average lot size requirements of the Residential Design Codes.

### *Local Development Plan Framework*

The Western Australian Planning Commissions *Framework for Local Development Plans 2015* outlines the information expected to be included on and in support of Local Development Plans.

Clause 5.2 states that the Local Development Plan should stipulate that the Residential Design Code Density is as per the relevant Structure Plan. The proposed Local Development Plan does not have a provisions which gives regard to the residential densities identified on the Structure Plan. Shire officers recommend a provision to reflect clause 5.2 of the *Framework for Local Development Plans 2015*.

Appendix 1 of the *Framework for Local Development Plans 2015* provides an example of the page layout and format of a Local Development Plan. The proposed Local Development Plan is not consistent with the example layout. Notable differences are the omission of:

- lot dimensions;
- designated garage locations; and
- location plan.

Shire officers recommend the abovementioned details be added to the proposed Local Development Plan.

Shire officers also note that the *Framework for Local Development Plans 2015* does not duplicate any Residential Design Code requirements. The following provisions contained within the Local Development Plan serve no purpose:

- "1.3 *Planning approval is not required, but a Building Permit is required, for the construction of a dwelling on any lot within the area covered by the Local Development Plan (LDP) (including lots with a land area less than 260sqm) except where variations to the provisions of the LDP are sought"*
- "1.4 *The erection or extension of a single house on a lot contained within this LDP, which satisfies the requirement of this LDP, is exempt from the requirement to obtain planning approval."*
- "2.1 *Dwellings are required to suitably address all adjacent street frontages to maximise visual surveillance. All visible house elevations (from building line to erected fence) from the secondary street shall feature a suitable level of detail in a manner consistent with the primary street elevation."*
- "2.2 *For all lots, no adjoining consultation is required where garages are built to one side boundary."*

Provisions 1.3 and 1.4 are not required as these requirements form part of the relevant planning and building legislations. Provisions 2.1 and 2.2 are addressed as part of the Residential Design Code provisions. Shire officers consider the abovementioned provisions to be superfluous and recommend their removal to increase the legibility of the Local Development Plan and increasing the focus on the site specific variations which are proposed.

### **Options and Implications:**

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to approve the Local Development Plan subject to modifications.

The approval of the Local Development Plan will not result in a negative impact on the amenity of character of the area.

Option 2: Council may resolve to refuse the Local Development Plan.

Refusal of the Local Development Plan may be contemplated by Council if consideration is given that the Local Development Plan does not comply with aspects of State Planning Policy 3.1. – Residential Design Codes and the Western Australian Planning Commission *Framework for Local Development Plans 2015*.

Option 1 is recommended.

### **Conclusion:**

The proposed Local Development Plan has been assessed with regards to the Western Australian Planning Commission *Framework for Local Development Plans 2015* and the Residential Design Codes.

As discussed in the report, the Local Development Plan proposes to vary:

- Street setbacks;
- Lot boundary setbacks;
- Vehicle access requirements; and
- Open Space requirements.

The applicant has proposed variations across 57 residential lots. As part of the subdivision approval Shire officers only identified six of the lots within the Local Development Plan area to require a Local Development Plan to address site constraints.

Shire officers consider the majority of lots included in the Local Development Plan to have no site constraints and that the Residential Design Codes provide appropriate controls for development, thus many lots can be removed from the Local Development Plan.

The applicant has not provided sufficient justification for Shire officers to be supportive of Open Space variations and have not provided any offset to ensure that the streetscape is not negatively impacted. The Applicant has referred to its 'design guidelines and restrictive covenants' to justify variations, however 'design guidelines and restrictive covenants' are not statutory planning documents and while part of the land sales process, fall outside the scope of being a useful planning instrument for Shire officers.

Shire officers recommend the proposed Local Development Plan be supported subject to appropriate modifications

**Attachments:**

- [OCM174.1/09/16](#) – Proposed Local Development Plan (IN16/18521)
- [OCM174.2/09/16](#) – Proposed Local Development Plan Full Application (IN16/18522)
- [OCM174.3/09/16](#) – Western Australian Planning Commission Comment (IN16/18524)

**Voting Requirements:** Simple Majority

**OCM174/09/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr Rich

That Council approves the application submitted by Taylor Burrell Barnett on behalf of LWP Byford Syndicate Pty Ltd for Lot 9045 Orton Road, Byford in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:

1. Delete provisions 1.3, 1.4, 2.1, 2.2, and 3.
2. Inclusion of lot dimensions, designated garage locations and a location plan on the Local Development Plan to the satisfaction of the Shire.
3. Delete provision 5 relating to Open Space variations.
4. Delete lots 2339, 2340, 2341, 2342, 2343, 2244, 2245, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2406, 2407, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2441, 2453, 2454 from the Local Development Plan.
5. Delete provision 2.4 and replace with the following provision:  
  
*‘Garages for lots 2326, 2344, 2358 and 2405 must be located at the furthest location from the Corymbia Boulevard and Tourmaline Boulevard intersection. The garage for lot 2338 is permitted to be located on Laxus Lane due to access restrictions from Tourmaline Boulevard.’*
6. Delete first dot point of provision 3 – Boundary setback requirements.

**CARRIED UNANIMOUSLY**

<b>OCM175/09/16</b>	<b>Lot 1001 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road, Oakford – Proposed Use Not Listed (Solar Farm) and Incidental Tourist Facility, Office and Site Facilities</b>
Author:	Marcel Bridge – Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	22 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

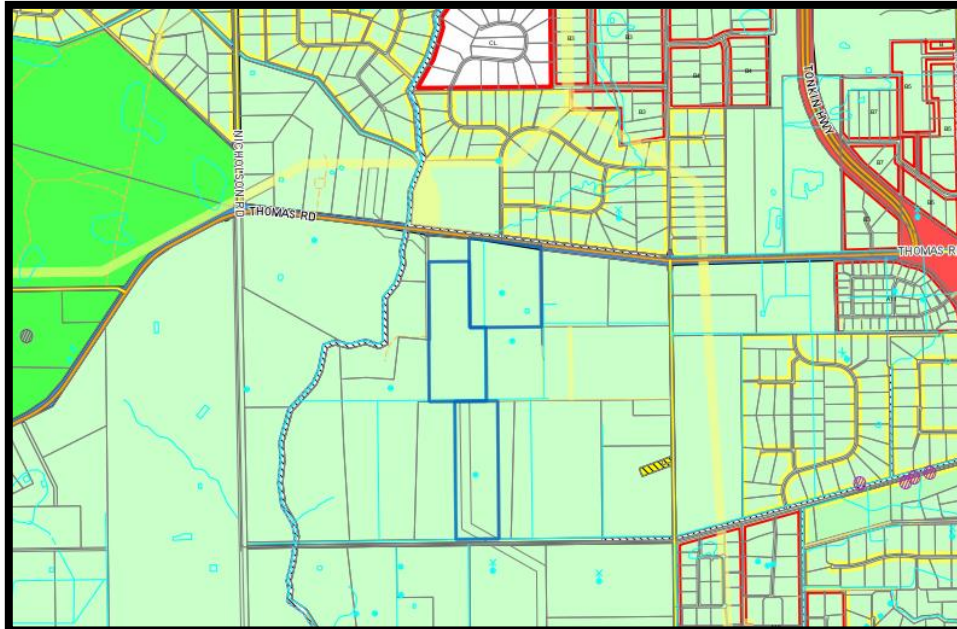
Proponent: Westgen Pty Ltd – Mr Dermot Costello  
 Date of Receipt: 27 May 2016  
 Town Planning Scheme No. 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: 'Rural, Other Regional Roads'

### Introduction:

The purpose of this report is to endorse the Responsible Authority Report (RAR) to the Metropolitan East Joint Development Panel (JDAP) for the proposed use not listed (solar farm) and incidental tourist facility, office and site facilities at Lot 1001 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road, Oakford.

The total area of the lots is approximately 75.7ha. A majority of the site will consist of fixed position solar panels, orientated to access natural sunlight to its optimum.

The Shire's officers have recommended that the proposal be approved subject to appropriate conditions.



— Figure 1 – Site Subject Area TPS 2

### Background:

The subject site is located within the South Eastern Metropolitan Corridor, approximately 30km south of the Perth Central Business District and approximately 6km west of the Byford Town Centre. The subject site is located on the southern side of Thomas Road, western side of Rice Road and eastern side of Peverett Lane, Oakford. The current use of the subject site is 'rural'.

The existing sites are currently privately owned, with lots 1001 and 210 being owned by Western Power. The sites are currently used for pastoral and grazing in line with the rural zoning. The site contains scattered vegetation inclusive of shrubs and mature trees.



The applicant has advised that the solar panels are estimated to generate approximately 30 megawatts of electricity and will be connected to the Byford substation through designated underground cables. Once this electricity reaches the substation it will then be distributed through existing low voltage power lines to approximately 30,000 houses and businesses within the Byford area.

The following infrastructure will also be provided:

- office building and storage shed with a dimension of 12m x 6m in size with a height of 3.9m;
- three (3) switch board rooms with a dimension of 22m x 4.5m in size with a 3.9m wall height;
- security fence with a height of 2.2m which feature battery room, control room and switch room;
- 1.0m high post and wire fence along the primary street (Thomas Road);
- 1.20m high deer fence along the side and rear boundaries of the facility;
- vegetation screen around the perimeter of the facility;
- tourist area consisting of a benches, seats and elevated viewing platform for visitors to the site;
- 9 car parking bays to accommodate visitors to the solar farm;
- private bus stopping area; and
- private vehicle access gates to Lot 200 and Lot 210.

#### **Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this application.

#### **Community / Stakeholder Consultation:**

##### Public Consultation

The application was advertised for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) 2015 Regulations*. Advertising was carried out by providing letters and associated documents to 102 surrounding properties and the full application was available on the Shire of Serpentine Jarrahdale website after the commencement of consultation. Residents were able to review all documentation at the Shire's Administration Centre.

A total of ten (10) public submissions were received during the submission period, of which raised matters of concern and/or objections to the proposed development, the main items were:

- impact on the current land use and amenity of rural landscape;
- land devaluation;
- traffic management;
- security concerns associated with on-site facilities (tourist facility);
- landscape buffer;
- impact on existing land uses operating adjacent to the proposed site;
- environmental impacts associated with the removal of existing native vegetation; and

These matters have been considered in the technical report attached (**OCM175.5/09/16**).

##### Consultation with Agencies

A total of five (5) agencies were forwarded a copy of the development application for comment, all agencies responded;

- Department of Planning;
- Main Roads Western Australia;
- Civil Aviation Safety Authority;
- Department of Environment and Regulation (DER); and
- Western Power.

All submissions indicated support for the development application with appropriate conditions. Details are provided in the attached schedule of submissions.

#### Validity of the Application

Concerns have been raised by landowners outside of the community consultation timeframe with respect to the validity of the planning application. The Shire received the application from Westgen Pty Ltd in May 2016. Following receipt of the application it was advertised for a period of 14 days. During the advertising period the Shire's officers noted that the original application forms had been incorrectly signed. Therefore a new JDAP form and Development Application form were received with landowner signatures (amended forms).

In light of concerns raised by community members, the matter was referred to the Shire's solicitors for comment. They advised that the current amended forms were missing one (1) signature as the contract of sale supplied was insufficient to allow for the applicant to sign on their behalf. This has resulted in the Applicant providing further updated forms to both the Shire and the JDAP.

The legal advice received advised that the advertising of the application remains valid despite the discrepancy in forms received from the Applicant. The legal advice further stated that the matter relating to land owner signatures can be rectified by simply providing the updated forms prior to the determination of the application by the JDAP. The Shire's officers have followed due process and rectified the issues presented by the Applicant. Accordingly, the application is considered valid.

#### **Financial Implications:**

There are no direct financial cost implications for Council

#### **Alignment with our Strategic Community Plan:**

Objective 5.1	Responsible Resource Management
	Incorporate solar and wind farms into Local Planning Strategy and Town Planning Scheme III

The Shire's strategic community plan was developed in consultation with the community, Councillors and staff of the Shire of Serpentine Jarrahdale. The plan sets out key actions for implementation relating to governance, financial sustainability, built environment, local economy, natural environment and community wellbeing.

The proposed solar farm is aligned to section 5.1 of the community plan in relation to responsible resource management. The community plan identifies that solar and wind farms are to be incorporated into Local Planning Strategy and Town Planning Scheme No. 3.

Should the proposal be supported the proposal will set a precedent for the Shire of Serpentine Jarrahdale in its support of resource management, and provide guidance on future sustainable and renewable energy developments.

#### **Planning Assessment:**

##### Land Use

The Metropolitan Region Scheme and the Shire's Local Planning Scheme No. 2 zone the land as 'Rural'. The Shire's TPS 2 does not have a land use definition for a solar farm. Therefore the proposed solar farm is considered a use not listed in accordance with clause 3.2.5 of TPS 2 which states "*if the use of the land for a particular purpose is not specifically mentioned in the zoning table and cannot be reasonably be determined as falling within the interpretation of one of the use categories the Council may;*

- a) *Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*

- 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 planning consent.*

The purpose and intent of the rural zone in accordance with the TPS2 is to “*allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme Area*”.

Officers at the Development Assessment Unit (DAU) meeting held on 15 June 2016, under delegated authority considered the proposal as a use not listed (solar farm) may be consistent with the objectives and purpose of the rural zone, and subsequently advertised the proposal.

In accordance with the Shire’s Rural Strategy 1994 (as reviewed) the ‘Rural Policy Area’ identifies desirable land uses such as alternative agriculture (Aquaculture, Hydroponics), Agriculture (Commercial and Residential), Forestry, Home Occupation, Public Recreation, Residential, Granny Flat, Stables, Stables and Tourism.

It is noted that solar farms were not specified within the subject rural policy area of the 1994 Strategy. Land uses relating to renewable energy is considered a relatively new concept and was unlikely to be considered at the time the Strategy was contemplated. It is noted that a majority of solar farms constructed within the Australian landscape has occurred since the year 2000.

The 1994 Strategy has a number of objectives relating to the facilitation of agriculture land within this policy area in which this proposal does not directly satisfy. However, objective R5. states “*to otherwise prevent further fragmentation of land through subdivision for farmlet development in the Policy Area.*” The proposed use does not propose to fragment land ownership, rather consolidate the lots for the purpose of a use. A condition forms part of the Officers recommendation requiring the land to be amalgamated.

The Shire’s ‘Rural Strategy 2013 Review’ that is yet to be endorsed by the Commission updates the existing objectives detailed in the 1994 Rural Strategy. Although not specifically referring to solar farms, the Strategy review includes an objective which states “*to promote alternative agriculture uses, particularly those that have less land degradation and higher commercial viability*”.

The solar panels may impact the land during the construction phase of the development, however thereafter they pose minimal risk to land degradation as they are open beneath with their main structure being elevated from the ground to obtain optimum natural sunlight. It is considered that the land may have the opportunity to regenerate given the existing intensive pastoral and grazing of the land will cease to allow for the operation of the solar farm. Furthermore, although not a planning consideration the commercial viability of the project is considered high given the projected power supply will generate power to 30,000 homes and businesses within proximity to the Byford substation.

The *Department of Agricultural and Food, Agricultural futures: Potential rural land uses on the palusplain* identifies that the proposed development area for annual perennial horticulture and grazing is considered to have moderate to low land capability. This technical report states that the palusplain “*with its flat topography and proximity to major power infrastructure corridors and end users, has potential for solar power generation*”. It is therefore considered that the solar farm is unlikely to impact on existing or future agricultural pursuits of the area and the proposed use is in line with the intent of this technical report.

#### Built Form Impact on Rural Landscape

The proposed development site of 75.7ha will feature solar panels across a majority of the site. The solar panels will be setback approximately 30.2 metres from the front setback (Thomas Road) and eight (8) metres from the side and rear boundaries (Rice Road & Peverett Lane).

The operational site facilities inclusive of switchboard rooms, a shed and site offices are proposed to be setback approximately 65.35 metres from the primary street (Thomas Road), 14 metres to the eastern boundary, 418 metres from the western boundary and 1,771 metres from the rear boundary.

The operational facilities will have a maximum building height of 3.9 metres. The associated structures consisting of an office building (12m x 6m in size), storage shed (12m x 6m in size) and three (3) switch rooms (22m x 4.5m in size) will be constructed of galvanised and painted steel and will be coloured in dark green and a light shade of grey.

The proposal includes a preliminary landscaping plan that illustrates a vegetation buffer along the perimeter of the development. It is proposed that the landscaping buffer will include mature trees with a view of screening a majority of the facility. In addition, the proposal includes a 1.2m dear style perimeter fence.

Upon considering the side and rear setbacks, Officers have noted that 8 metres is not considered a sufficient setback to maintain a mature vegetation landscaping buffer and fire access. In accordance with the fire access requirements and the area permitted to allow for mature vegetation, the setback shall be a minimum of 12 metres. Accordingly, the Officers recommendation includes a 12 metre setback requirement for the side and rear setbacks for the purposes of landscaping and fire access.

Officers consider that the proposed associated structures are consistent with the rural locality and will effectively be screened by mature vegetation to be planted. Officers recommend that an increased setback be imposed to ensure the mature vegetation does not impact on fire access to the site.

#### Impact on Adjoining Land Owners

As detailed above the proposed tourist facility, solar panels and associated operational facilities are significantly setback from the Primary Street, secondary streets/side and rear boundaries. The proposal has considered the existing vegetation onsite where possible, which results in some existing mature vegetation being retained within the setback areas to supplement the new proposed perimeter landscaping screen.

Officers consider that the amenity of the locality will be maintained given the proposals setback distances to the site facilities and solar panels. In addition, the proposed and existing mature vegetation buffer will assist in ameliorating any offsite visual amenity impacts.

Furthermore, Officers have recommended a condition requiring a finalised landscape and vegetation management plan to the satisfaction of the Shire for approval prior to the commencement of any site works.

#### Existing Vegetation and Black Cockatoo Habitat

Shire officers note that there is remnant native vegetation on the site, consisting of mature trees and regrowth (predominantly paperbarks, swamp sheoaks (*Casuarina obesa*) and flooded gums (*Eucalyptus Rudis*). Officers noted that the swamp sheoaks and flooded gums may be considered to be black cockatoo feeding habitat, however it is unlikely that there is any breeding habitat in the remnant vegetation across the three lots.

Given this, officers have recommended a condition requiring the applicant to provide a landscaping and revegetation plan identifying black cockatoo feeding habitat and any mature vegetation that may be retained for screening to the satisfaction of the Shire.

#### Glare:

The Shire referred the application to the Australian Civil Aviation Safety Authority who raised no concerns given there are no direct flight paths over this portion of Oakford and the site is located 12km from Jandakot airport. No concerns were raised regarding the potential glare of the solar panels.

Furthermore, the Shire referred the application to Main Roads WA who also raised no objection to the solar panels with respect to potential glare.

#### Noise:

It is expected that during construction there will be vehicle and machinery noise. Hours of construction of the site will be restricted to standard workings hours in which will be form part of the construction management plan that has been proposed as a condition of approval.

The Shire's officers have also recommended a noise impact statement to ensure the proposed solar farm does not generate noise exceeding the *Environmental Protection (Noise) Regulations 1997*.

#### Access and Vehicular Movement:

The proposed tourist location requires a crossover to allow for tourists to enter and exit from the site. The crossover is proposed to be located on the Rice Road road reserve. The tourist area will be serviced by general passenger vehicles and tourist buses on occasion. The Officers recommendation includes a management plan to be submitted prior to the submission of a building permit to address hours of operation and vehicle movements to reduce potential off-site impacts. In addition two (2) vehicle access gates are proposed at the southern boundary of Lot 210 and western boundary of Lot 200.

Furthermore, once the construction of the facility is completed the facility will be managed by a maximum of two (2) employees with occasional additional traffic such as deliveries and maintenance personnel.

#### Parking:

A total of nine (9) parking bays are proposed to be located to the west of the bus stop drop off and pick up area located between the shed, office buildings and Thomas Road. The proposed tourist area is incidental to the use not listed (solar farm). The predominate use is not listed within TPS 2 which currently guides car parking requirements in accordance with Table V – parking requirements. TPS 2 does not provide guidance on car parking requirements for uses not prescribed within Table V.

Given the nature of the tourist facility, it is considered that nine (9) car bays is sufficient to cater for the incidental use. The full justification can be viewed as part of the attached responsible authority report.

The proposal also includes an office area to the south of the tourist area, near the intersection of Rice Road and Thomas Road. The office is proposed to have a total gross floor area of 72sqm. In accordance with Table V of the Shire's TPS 2 an office is required to have "1 space per 40 square metres gross leasable area with a maximum of 2 spaces for each office unit". The proposed plans indicate an area for car parking however have not provided the specifications. As such, the officer's recommendation includes a condition requiring a minimum of two (2) car bays for the offices.

#### Operation / Operating Hours

The applicant has stated there will be no full time staff on the site, however a maximum of two staff members may attend the site approximately two to three times per week, during normal working hours.

The hours of operation for the incidental tourist facility will form part of the management plan required as per a condition of approval recommended by the Shire's officers.

#### Rehabilitation

The life span of the facility is 20 years and given the likely advances in rehabilitation and refurbishment techniques during that period officers consider that it is necessary for a conceptual rehabilitation plan to be submitted prior to the commencement of works and a final plan be submitted prior to cessation of the use. This has been conditioned accordingly.

### Local Planning Policy No.59: Public Art Policy for Major Developments

A monetary contribution is requested for the establishment of public art in accordance with Council's Local Planning Policy No.59 – Public Art Policy for Major Developments to the Satisfaction of the Shire prior to occupation of the development.

As the construction cost is greater than \$50,000,000 the public art cost of \$500,000 applies to the development.

### Directions 2031 and Beyond

Directions 2031 provides the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The document aims to guide the detailed planning and delivery of housing, infrastructure and services.

In reference to one of the key objectives of becoming an 'A responsible City' directions 2031 discusses the importance of an acceptable standard of utility infrastructure is in place for future urban growth. The proposed development is considered to largely contribute to this utility service required in a sustainable method.

### Draft Perth and Peel Green Growth Plan for 3.5 Million

The Draft Perth and Peel Green Growth Plan for 3.5 million aims to identify and protect the current bushland, rivers, wildlife and wetlands through implementation of a comprehensive plan to protect our environment. The subject site has not been identified for conservation reserves or as a priority area for acquisitions for the retention of flora and fauna.

Notwithstanding, the proposal involves the clearing of vegetation and in accordance with the Environmental Protection Act 1986 the applicant is required to apply for a clearing permit from the DER.

### Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 Million

The subject site is classified as 'rural' under the draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 million (sub-regional framework). The Draft Perth and Peel @ 3.5 Million (Perth and Peel 3.5) broadly defines rural land as land accommodating a range of uses such agriculture, agistment, rural living, cattle, poultry and the growing of food.

Perth and Peel 3.5 states that a timeline for short, medium and long term electricity infrastructure is identified in the sub-regional frameworks. The framework acknowledged that renewable energy is a way of achieving the future infrastructure needs for future density: "*in 2011/12, renewable energy – from landfill gas, hydro, solar and wind power – accounted for 9 per cent of all electricity consumed on Western Australia's South West Interconnected System.*"

Section 3.6 of the sub-regional framework discusses service infrastructure and the importance to deliver timely and efficient service infrastructure for the growth of the region. The proposed development is likely to contribute to this growth and by providing electricity supply in a sustainable form.

### Draft State Planning Policy 2.5: Rural Planning Policy 2015

The intent of draft State Planning Policy 2.5 (SPP 2.5) is to "*protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is inherent in this approach.*"

Section 6.6 of SPP 2.5 relating to development states that:

*"In contemplating development proposals, the following shall apply:*

- (a) the provisions of section 5 of this policy as relevant; and*
- (b) planning decisions are to be consistent with the purpose and intent of environmental legislation, policy and regulation."*

The application was referred to the Department of Planning in the context of SPP 2.5 and the following advice was received:

*“The proposal appears consistent with the objectives and policy measure of the Draft State Planning Policy 2.5: Rural Planning Policy (WAPC 2015) and is compatible with surrounding rural land uses.”*

In light of the above, the proposal is considered to be consistent with the intent and purpose of SPP 2.5.

### **Options and Implications:**

With regard to the determination of the application, Council has the following options:

With regards to the determination of the application for planning approval under Town Planning Scheme No. 2 (TPS 2), Council has the following options:

Option 1: Council may resolve to endorse the RAR.

Option 2: Council may resolve not to endorse the RAR.

Option 1 is recommended.

### **Conclusion:**

The proposed use not listed (solar farm) and incidental uses have been assessed against all relevant local and state planning policies. It is considered that the proposed use is appropriate within this portion of Oakford and provides a wider benefit in the generation of clean energy.

The aesthetics of the proposal have been duly considered as part of the officer's technical report. Whilst it is acknowledged that the sheer number and area covered by the solar panels is likely to impact on the visual character of the area, this is appropriately mitigated through the proposed significant setbacks, perimeter mature vegetation and further landscaping required to screen the solar farm. Therefore, the officers are of the opinion that the proposal has included measures to minimise any potential visual impact on the surrounding area.

In light of the technical reports and comments contained within this Officer report the Officers recommend Council endorse the Responsible Authority Report advising the JDAP to conditionally approve the proposed use not listed (solar farm) and incidental tourist facility, office and site facilities.

### **Attachments:**

- [OCM175.1/09/16](#) – Responsible Authority Report (E16/6031)
- [OCM175.2/09/16](#) – Development Application – Solar Farm (IN16/18450)
- [OCM175.3/09/16](#) - Main Roads Western Australia Plan (E16/7329)
- [OCM175.4/09/16](#) – Clause 67 Table – Solar Farm (E16/7134)
- [OCM175.5/09/16](#) – Summary of Submissions (E16/6658)

### **Statutory Environment:**

#### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine-Jarrahdale Town Planning Scheme No.2
- Shire of Serpentine-Jarrahdale Rural Strategy 2013 Review
- Shire of Serpentine-Jarrahdale Rural Strategy 1994

#### State Government Policies

- Directions 2031 and Beyond
- Draft Perth and Peel Green Growth Plan for 3.5 Million -

- Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 Million
- Draft State Planning Policy 2.5: Rural Planning Policy 2015
- Agriculture Future: Potential rural land uses on the Palusplain

#### Local Policies

- Local Planning Policy No.59 Public Art Policy for Major Developments
- Local Planning Policy No.01 Development Assessment Unit

**Voting Requirements:** Simple Majority

**Councillor Rich foreshadowed she would move an alternative motion to approve the application with additional conditions, advice notes and an amendment to the current condition 13, if the motion under debate is lost.**

#### **OCM175/09/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Ellis , seconded Cr See**

**That Council endorse the Responsible Authority Report contained within attachment OCM175.1/09/16, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking approval for the proposed use not listed (solar farm) and incidental tourist facility, office and site facilities at Lot 101 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road, Oakford with relevant conditions.**

**LOST 2/7**

#### **OCM175/09/16 COUNCIL DECISION / Foreshadowed Motion:**

**Moved Cr Rich, seconded Cr Piipponen**

**That Council endorse the Responsible Authority Report contained within attachment OCM175.1/09/16, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking approval for the proposed Use Not Listed (Solar Farm) and incidental tourist facility, office and site facility at Lot 101 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road, Oakford with relevant conditions, and subject to the following:**

- 1. Additional conditions to be included:**
  - a. Prior to the submission of a building permit a fauna and flora study shall be undertaken, submitted and approved by the Shire of Serpentine Jarrahdale. This study shall inform the landscaping plan to ensure significant flora is retained for its conservation value or habitat value with respect to fauna.**
  - b. No herbicides shall be used for the maintenance of the height of the ground cover, only mowing or grazing shall be permitted.**
  - c. The solar farm shall be fully constructed in accordance with the approved plans within two years from the date of this approval.**
- 2. An advice note relating to condition 9 to be added:**

**Advice Note:**

  - a. In relation to condition 9, mature vegetation means initial tree plantings shall have a height of two (2) metres and shall grow to a full height of no less than 5 metres. The trees shall not be pruned to a height less than five (5) metres.**
- 3. Amendment to Condition 13 by adding the words “within the Oakford area”:**

**Therefore condition 13 is to read:**

  - 13. A monetary contribution of \$500,000 being paid to Council for the establishment of public art within the Oakford area in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major**



**Developments to the satisfaction of the Shire prior to occupation of the development.**

**Amendment 1:**

**Moved Cr Gossage, seconded Cr Piipponen**

To amend condition 3 (as per below) under point 3 of the foreshadowed motion to increase the buffer zones from 12 metres to 25 metres:

3. Prior to the submission of a building permit amended plans shall be submitted illustrating setbacks of 25 metres from all side and rear boundaries to all side and rear boundaries to any proposed development to the satisfaction of the Shire of Serpentine Jarrahdale.

**LOST 2/7**

**Amendment 2:**

**Moved Cr Gossage, seconded Cr Urban**

To amend condition 7 under point 3 of the foreshadowed motion, by adding the sentence: The Traffic Management Plan shall ensure there is an adequate and safe turning circle along Rice Road, adjoining Lot 200 Thomas Road. This is to allow traffic entering Rice Road outside of the operating hours of the facility to be able to conduct a safe u-turn to exit Rice Road onto Thomas Road.

Therefore condition 7 under point 3 of the foreshadowed motion is to read:

7. Prior to the commencement of works a Traffic Management Plan shall be submitted, approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Traffic Management Plan shall ensure there is an adequate and safe turning circle along Rice Road, adjoining Lot 200 Thomas Road. This is to allow traffic entering Rice Road outside of the operating hours of the facility to be able to conduct a safe u-turn to exit Rice Road onto Thomas Road.

**CARRIED UNANIMOUSLY**

**Amendment 3:**

**Moved Cr Gossage, seconded Cr Urban**

To amend condition 12 under point 3 of the foreshadowed motion by adding the sentence: The Tourist Facility Management Plan shall include suitable operating hours and add an advice note that: Operating hours of the Tourist Facility should consider when the facility is manned.

Therefore condition 12 under point 3 of the foreshadowed motion is to read:

12. Prior to the commencement of the use a tourist facility management plan shall be submitted, approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Tourist Facility Management Plan shall include suitable operating hours.

**Advice note:**

Operating hours of the Tourist Facility should consider when the facility is manned.

**CARRIED 5/4**

The motion as amended then became the substantive motion before the meeting:

**OCM175/09/16 COUNCIL DECISION / Foreshadowed Motion:**

**Moved Cr Rich, seconded Cr Piipponen**

That Council endorse the Responsible Authority Report contained within attachment OCM175.1/09/16, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking approval for the proposed Use Not Listed (Solar Farm) and incidental tourist facility, office and site facility at Lot 101 Peverett Lane, Lot 210 Abernethy Road and Lot 200 Thomas Road, Oakford with relevant conditions, and subject to the following:

**1. Additional conditions to be included:**

- a. Prior to the submission of a building permit a fauna and flora study shall be undertaken, submitted and approved by the Shire of Serpentine Jarrahdale. This study shall inform the landscaping plan to ensure significant flora is retained for its conservation value or habitat value with respect to fauna.
- b. No herbicides shall be used for the maintenance of the height of the ground cover, only mowing or grazing shall be permitted.
- c. The solar farm shall be fully constructed in accordance with the approved plans within two years from the date of this approval.

**2. Additional advice note to be included:**

**Advice Note:**

- a. In relation to condition 9, mature vegetation means initial tree plantings shall have a height of two (2) metres and shall grow to a full height of no less than 5 metres. The trees shall not be pruned to a height less than five (5) metres.

**3. Amendment to the following Conditions:**

7. Prior to the commencement of works a Traffic Management Plan shall be submitted, approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Traffic Management Plan shall ensure there is an adequate and safe turning circle along Rice Road adjoining Lot 200 Thomas Road. This is to allow traffic entering Rice Road, outside of the operating hours of the facility, to be able to conduct a safe u-turn to exit Rice Road onto Thomas Road.

12. Prior to the commencement of the use, a tourist facility management plan shall be submitted, approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Tourist Facility Management Plan shall include suitable operating hours.

**Advice Note:** Operating hours of the Tourist Facility should consider when the facility is manned.

13. A monetary contribution of \$500,000 being paid to Council for the establishment of public art within the Oakford area in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire prior to occupation of the development.

**CARRIED 9/0**

**Council Note:** The officers recommendation was changed to minimise the visual impact of the solar farm so that it is in keeping with the area. Other changes to the officers recommendation was to address issues and concerns raised in submissions as a result of the community consultation period. These changes result in a strengthening of the officers conditions to reflect the concerns raised by the community.

**COUNCIL DECISION**

**Moved Cr See, seconded Cr Ellis**

**That Standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.04pm in order for Councillors to have a convenience break.**

**CARRIED UNANIMOUSLY**

**Councillors Erren, Piipponen, See, Hawkins, Atwell and Acting Director Corporate and Community left the Chambers at 9.04pm**

**Councillor Piipponen returned to chambers at 9.05pm**

**Councillors Erren, See, Hawkins, Atwell and Acting Director Corporate and Community returned to Chambers at 9.07pm**

**COUNCIL DECISION**

**Moved Cr Gossage, seconded Cr See**

**That Standing Orders be reinstated at 9.08pm**

**CARRIED UNANIMOUSLY**

<b>OCM176/09/16</b>	<b>Proposed 'Floriculture (Extensive)' Lot 14 (No.121) King Road, Oakford (SJ1976)</b>
Author:	Rob Sklarski – Principal Planner, RPS Environment and Planning
Date of Report:	8 September 2016
Disclosure of Officers Interest:	RPS has no conflict of interest to declare.

Proponent: Bioscience  
 Owner: The Kieu LP Family Pty Ltd  
 Date of Receipt: 8 September 2015  
 Lot Area: 40493m<sup>2</sup> (4ha)  
 Town Planning Scheme No 2 Zoning: 'Rural Groundwater Protection'  
 Metropolitan Region Scheme Zoning: 'Rural – Water Protection'

### Introduction

RPS has been commissioned by the Shire of Serpentine-Jarrahdale to undertake a review of the development application for 'Floriculture (Extensive)' at Lot 14 (#121) King Road, Oakford.

The review has been undertaken independent from Shire officers.

The scope of RPS' review has been as follows:

- 1) Review of application background and context
- 2) Review of the determination by the State Administrative Tribunal
- 3) Full assessment of the development application
- 4) Full review of the Nutrient Management Plan (NIMP)
- 5) Review of submissions received on the development application during advertising
- 6) Discussions with the relevant State Government agencies

The Shire refused the original application under delegated authority on 31 March 2016 for the following reasons:

1. *"The proposed use of 'hydroponics' is a prohibited use within the 'rural groundwater protection' zone in accordance with clause 5.19.2 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.*
2. *Insufficient information has been provided as required by Schedule 2, Part 8, clause 63 (ii) (vii) and (C) of the Planning and Development (Local Planning Schemes) Regulations 2015 in relation to the watercress ponds, drainage sumps and potential noise impacts."*

Following the refusal, the applicant appealed the decision to the State Administrative Tribunal (SAT). The SAT subsequently agreed that the land use of 'hydroponics' was the appropriate land use and is prohibited within the 'Rural Groundwater Protection' zone (refer to attachment OCM176.1/09/16). SAT did however indicate that if soil was used instead of sawdust to grow the cucumbers in, then the proposal would fall within the 'Floriculture (Extensive)' land use.

The applicant subsequently amended the application to reflect this and the SAT invited Council to reconsider the application in accordance with section 31 (1) of the *State Administrative Tribunal Act 2004*. The applicant has also provided an amended Nutrient and Irrigation Management Plan for consideration.

At its Ordinary Council Meeting of 22 August 2016, the Council was asked to reconsider a development application for 'Floriculture (Extensive)' at Lot 14 (#121) King Road, Oakford

(OCM151/08/16). At this meeting, the Council resolved to defer the application pending further review of the documentation associated with the application. RPS was engaged to undertake the review in response to the Council’s decision.

RPS has carefully considered the application including responses to various additional queries raised with the applicant. On the basis of the assessment undertaken, RPS is comfortable in recommending Council approve the application subject to the imposition of appropriate conditions. It is noted that whilst RPS concurs with the initial approval recommendation made by Shire officers, RPS has recommended the imposition of one additional condition and an amendment to a condition previously recommended by Shire officers.



Locality Plan

**Background:**

The initial application was received on 8 September 2015, for proposed ‘Floriculture (Extensive)’ described by the applicant as a closed loop fertigation system. The proposal involved the growing of cucumbers within 25 tunnel greenhouses located to the east (rear) of the site. Each of the 25 greenhouses would measure 40m x 9m with a wall height of 2.6m and a total height of 4m.

Pre-application discussions took place with the applicant who was advised that a closed loop fertigation system would best fit within the land use of ‘hydroponics’ which is a land use that cannot be considered in the subject zone. For this reason, although described as a closed loop fertigation system, the system proposed openings in the drainage channels to connect them to the soil. It was considered that this resulted in the proposal best fitting within the land use of ‘Floriculture (Extensive)’ and thus not ‘hydroponics’. The intention of the applicant was to in the meantime submit a proposal to amend TPS 2 to add ‘hydroponics’ as a discretionary use within the subject zone. Once this had been approved the system was to be amended to remove these openings and essentially result in ‘hydroponics’.

At this stage the proposal could not be supported as it was incompatible with the zoning and the Jandakot water mound as a drinking supply resource. Objections were received from the Department of Agriculture and the Department of Water on the basis of excessive nutrient export and the impact on the Jandakot Water Mound as a water resource.

Following these objections, the applicant amended the proposal to remove the drainage channels from the proposal therefore removing any connection with the soil and the water supply. An amended Nutrient and Irrigation Management Plan was received on 20 November 2015. The amended application was referred back to the Department of Water and the Department of Agriculture who advised that although the drainage channels had been removed, their opinion remained unchanged as the proposal still involved the discharge of the spent fertigation solution to the land for irrigation purposes.

Again, these concerns were raised with the applicant and the proposal was further amended so that the spent fertigation solution was proposed to be discharged into static ponds which would be used for the production of watercress. These ponds would be installed within the greenhouses. An amended Nutrient and Irrigation Management Plan was received on 7 January 2016. The amended details were referred again to both the Department of Water and the Department of Agriculture who raised no objections. However, as amended the Shire considered the proposal to best fit within the land use of 'hydroponics' and not 'floriculture (extensive)' because of the proposed growing method. 'Hydroponics' is a prohibited land use under TPS2 and therefore the application was refused under delegation on 31 March 2016.

Following the SAT process, the member determined that the proposal did best fit within the land use of 'hydroponics' and therefore a prohibited land use that could not be considered by the Shire. The member however determined that if the proposal were amended to the growing of cucumbers in soil contained in pots yet still using the same method of irrigation instead of using sawdust, then it would best fit within the land use of definition of 'Floriculture (extensive)'. The land use of floriculture (extensive) is an 'AA' use within the 'Rural Groundwater Protection' zone which means that Council, at its discretion, may permit the use. At the SAT it was agreed that because the amendment was considered a minor modification to the proposal and that the form of the development would not be changed the applicant could submit an amended Nutrient and Irrigation Management Plan for consideration without the requirement to resubmit a full revised planning application.

The applicant provided the amended information to include the introduction of soil in the growing method, and the SAT Member ordered a Section 31 reconsideration in accordance with the *State Administrative Tribunal Act 2004*.

In light of the Council's decision of 22 August 2016 to defer consideration of the application pending the receipt of independent advice, SAT has agreed to extend the timeframe for Council to reconsider the application to the 27 September 2016 OCM.

#### **Relevant Previous Decisions of Council:**

P04672/08 – Proposed Floriculture (Extensive) was refused under delegated authority on 31 March 2016.

SD027/08/05 – Scheme Amendment No.92 Council endorsed WAPC modifications and the introduction of the 'Rural Groundwater Protection' zone.

#### **Community / Stakeholder Consultation:**

The application was originally advertised in accordance with clause 6.3 of TPS2 and was initially advertised from 23 September 2015 to 21 October 2015 whereby five submissions were received from nearby landowners and six from government agencies.

Following the submission of the first amended Nutrient Management Plan the application was re-advertised from 2 December 2015 to 8 January 2016 seeking comment from nearby landowners. Responses were received during the consultation period from nearby landowners and government agencies. Re-advertising was only sent to those landowners who initially made submissions due to the amended development being substantially similar to that initially advertised and specific to the Nutrient Management Plan; therefore not justifying broad spectrum re-advertising. This resulted in a further four submissions from adjacent landowners and two from government agencies.

Following the second round of advertising, the applicant submitted a further amended Nutrient Management Plan whereby the application was again re-advertised those who initially made submissions. This resulted in a further three submissions from nearby landowners and two from Government Agencies.

The application received a total of 12 submissions from neighbouring landowners, which included one letter of support for the proposal subject to groundwater monitoring bores, water quality testing and landscaping to screen the greenhouses. The main issues of the submissions objecting to the proposal are as follows:

- Land use;
- Nutrient export and Impact on the Peel-Harvey Estuary System/Groundwater
- Visual amenity;
- Traffic; and
- Quality/Lack of Information.

A full schedule of submissions, applicant response and officer comments are attached (E16/6261). RPS has reviewed both the submissions received during advertising and the officer's comments with respect to the submissions received and can advise that it concurs with the comments provided.

The amended application has not been referred to adjoining landowners for comment as at SAT it was agreed that the substitution of sawdust with soil would not materially change the proposal and as the built form and land use remains unchanged, it would not result in any new objections or satisfy the previous objections.

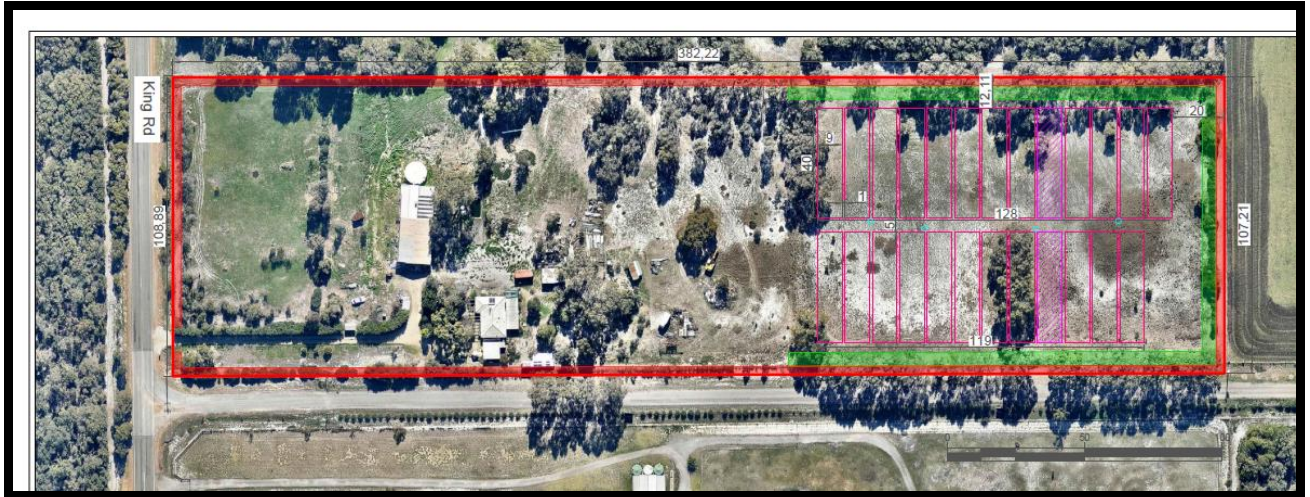
The amended application has been referred to the Department of Water and the Department of Agriculture who have no objections to the proposal, subject to a condition ensuring that no process water or material is to be discharged to the land at any time.

RPS has separately consulted with the Department of Water to discuss the application including the details of the Nutrient Management Plan. Based on the outcomes of this consultation, RPS concurs with the Department's assessment of the Nutrient Management Plan, and the condition recommended by the Department subject to a minor variation to the wording of this condition which has been flagged by RPS and subsequently agreed to by the Department.

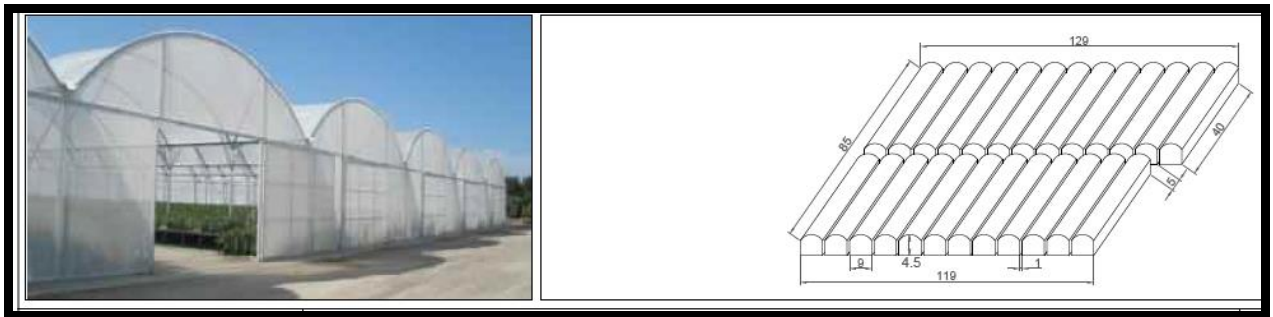
#### **Comment:**

##### Proposal

The Section 31 reconsideration process requires Council to consider the whole application which is described in the application details as the production of Lebanese cucumbers in greenhouses using a closed loop fertigation system. The system delivers a nutrient solution to plants growing in soil contained within a polyethylene plastic membrane over a Styrofoam box section gully which ends in a PVC drainage channel. The drainage water flows from the end of the gully via a drainage channel to a drainage sump. Water is pumped from the drainage sump to recirculation tanks then blended with fresh water and fertiliser salts. This resultant nutrient solution is pumped into the greenhouses and the plants are irrigated using t-tape laid across the soil in the gully. The discharge water from the growing process would be used to grow watercress in sumps located within the greenhouses.

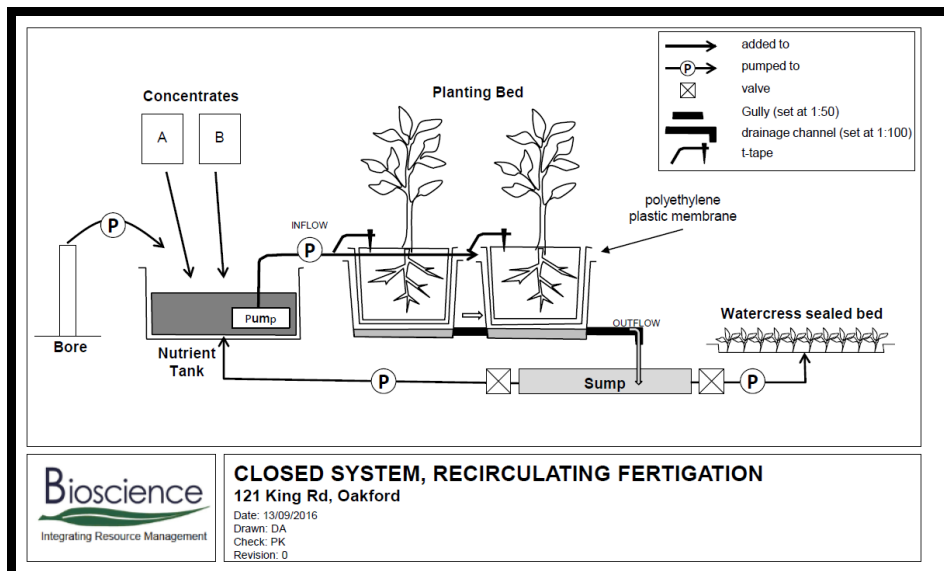


The greenhouses would be located to the rear of the site and measure 40m x 9m with a wall height of 2.6m and a total height of 4m as illustrated in the images above and below. They would be set back 20m from the rear boundary, 12m from the northern boundary and 10m from the southern boundary.



The proposal would involve the removal of a line of non-endemic trees near the central and northern part of the production area. All other trees would be retained. The site currently has vegetation to the boundaries surrounding the proposal however it is also proposed to provide planting where any gaps exist within this screening.

RPS has reviewed the documentation which has accompanied the development application and is satisfied with the level of information provided by the applicant, and the description of the proposal including the closed loop fertigation system and sizing of discharge water holding areas as illustrated in the applicant’s process diagram (refer to below figure).





As illustrated in the process diagram, the nutrient tank is situated above ground. This tank has a capacity of 20,000 litres and is constructed of rotomoulded one piece high density polyethylene.

The process diagram also illustrates the provision of a below ground sump to facilitate gravitational drainage with a 2000 litre capacity constructed of concrete and lined with butyl rubber paint to ensure the sump remains impervious.

As a precautionary measure, RPS has requested the imposition of an additional approval condition which requires that prior to the commencement of the development, the applicant is to arrange for an inspection of the development by Shire officers for the purposes of assessing compliance with the NIMP, including the commissioning of the recirculation fertigation system.

### Land Use

In determining the application, due regard must be given to all matters listed in Regulation 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and in particular the land use and the development form of the proposed works. The application site lies within the 'Rural Groundwater Protection' zone. This zone was introduced as part of Town Planning Scheme Amendment No. 92 that was approved on 2 March 2006 to rezone land from 'Rural' and 'Special Rural' in response to the Jandakot Groundwater Protection Policy. The objective of this zone is to ensure that land use and development over the Jandakot water mound is compatible with the use of the mound as a drinking supply resource.

Clauses 5.19.1 of TPS 2 states that *"the use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the Scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy)"*

Clause 5.19.2 of TPS 2 states that *"Land use permissibility within the Rural Groundwater Protection Zone shall be in accordance with the following use permissibilities. All other uses are prohibited within the Zone"*.

Aquaculture AA  
Caretaker's Dwelling AA  
Dwelling AA  
Equestrian Activity SA  
Floriculture (Extensive) AA  
Fodder and Pasture AA  
Hobby Farm AA  
Home Business AA  
Home Occupation AA  
Industry Extractive SA  
Orcharding AA  
Poultry Farm (Housed) SA  
Private Tree Plantation AA  
Radio, TV and Communication Installation AA  
Public Utility AA  
Recreation Public AA  
Stable AA  
Stall-wayside AA  
Viticulture AA

Clause 3.2.4 of TPS 2 states that *"Where in the zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such a particular use"*.

Clause 5.19.3 of TPS 2 states that *"In exercising its discretion in respect of the uses specified under clause 5.20.2, and having regard to the provisions of Statement of Planning*

*Policy No. 2.3, the Council shall only permit such uses where it is satisfied that the use does not involve excessive nutrient application or clearing of land, or risk of damage to any on site vegetation or risk of contamination to the Jandakot Groundwater Protection area”.*

Following the amendment to the growing process by the addition of soil, SAT has determined that the proposal best fits within the land use of ‘Floriculture (Extensive)’ as defined within TPS2 as *‘the production of vegetables, flowers, exotic and native plants’*. This land use is an ‘AA’ use within the ‘rural groundwater protection’ zone and therefore Council, at its discretion, may permit the use.

RPS has carefully reviewed the proposal and has concluded that the proposed land use is consistent with the definition of ‘Floriculture (Extensive)’ which is as ‘AA’ land use. This is also in line with the SAT determination.

#### *Jandakot Groundwater Protection Area:*

The objective of State Planning Policy 2.7 Public Drinking Water Source Policy is to ensure land use and development within public drinking water source areas is compatible with the protection and long-term management of water resources for public water supply. It allows two hectare lots with compatible land uses. It also states that land use and development in all priority source protection areas that have the potential to impact detrimentally on the quality and quantity of public drinking water supplies should not be permitted unless it can be demonstrated that such impacts can be satisfactorily managed.

State Planning Policy 2.3 – Jandakot Groundwater Protection Policy lists floriculture as an ‘AA’ use therefore the Local Government may, at its discretion, but after having due regard for the advice from the Department of Water, permit the use.

The Department of Water is satisfied with the amendments subject to a condition restricting water or material being discharged to the land. RPS recommends the implementation of a condition which is an amendment to the original condition recommended by the Department. RPS has discussed this condition with the Department which has agreed with the amended wording. The proposed condition is as follows:

- No process water or material shall be discharged to the land at any time. Any off-site discharge of process water or material can only occur outside of the proclaimed Jandakot Underground Water Pollution Control Area.

As currently amended, the growing process would use a closed fertigation system that would not involve drainage channels with connections to the soil and thus reducing the impact on the public water source area. The system is closed from the external environment with the nutrient solutions separated by disposable polyethylene film, polystyrene gullies and polyethylene double layered plastic liners. The fertigation solution uses polyethylene pipes.

Once the re-circulated drainage water has reached a salinity greater than 1000 parts per million sodium chloride it will be used to grow watercress. A bed of watercress will be maintained in the same closed system as used to grow the cucumbers although it will be completely closed and not drain and therefore there will be no discharge of nutrient solution to the environment. Should the watercress production prove to be a poor commercial solution, the discharge water would be recovered and disposed of in class 2 landfill.

Upon review of the information provided by the applicant, and having regard to the aforementioned, RPS is of the view that that the proposed development satisfies the objectives of SPP2.7 and TPS 2.

It is also noted that RPS has carried a separate assessment out with respect to compliance with the applicable Department of Water Policies and Water Quality Protection Notes. RPS has concluded that the application complies with the applicable Departmental policies and guidance notes.

### *Nutrient Application*

RPS has discussed the nutrient application in detail with the applicant, and has explained nutrient application in this report. RPS particularly notes that proposed system as described in the application will not allow nutrients to escape into the ground water.

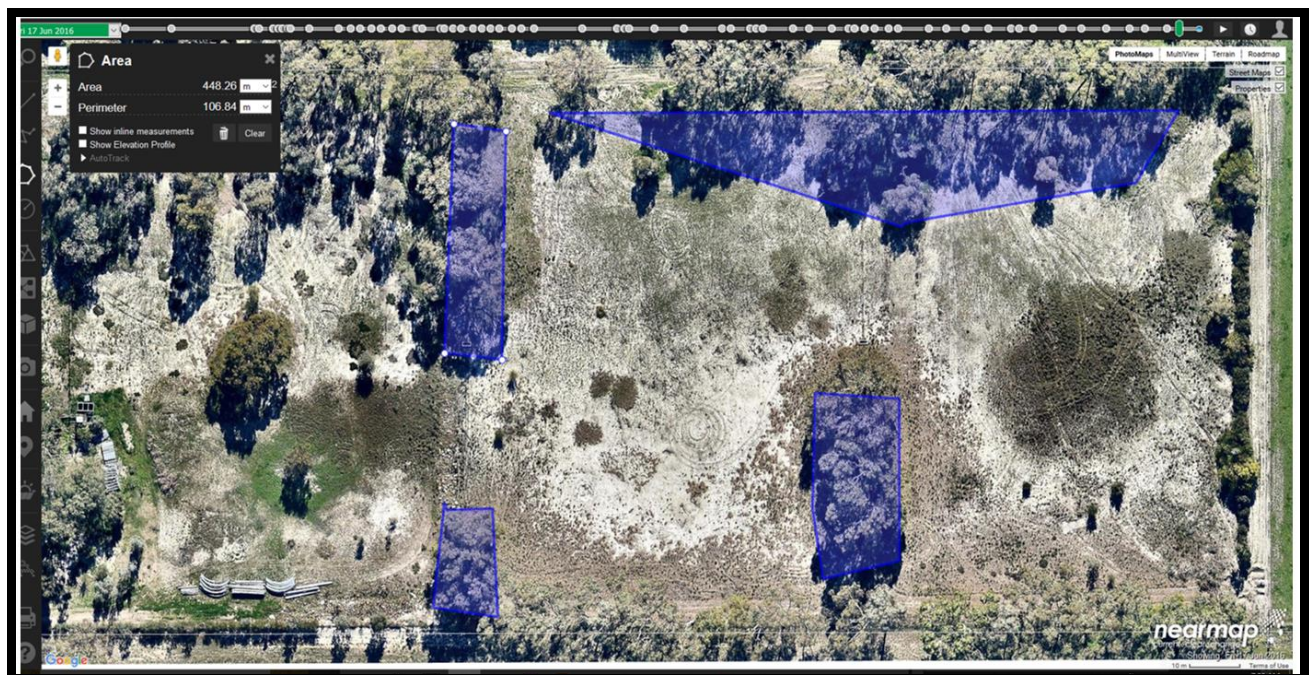
RPS has sought additional information by way of responses to a number of queries posed to the applicant with respect to the potential impact of the proposal on water resources. RPS is satisfied with the information provided by the applicant in response to the queries posed.

The geology of the site is Bassendean Sand which is poorly nutrient retentive, therefore not considered suitable for in-ground floriculture operations in the catchment of the Peel-Harvey Estuary System.

The proposed growing method reflected in the amended application is supported by Department of Agriculture and the closed fertigation system would not result in a harmful level of nutrient export. Considering the above, RPS is of the view that this type of system is more appropriate in the proposed location as it will allow the uses entertained under SPP 2.7 and TPS 2 to occur without allowing excessive nutrient application.

### *Vegetation*

The application site comprises of established non-endemic vegetation however this is sparse throughout the rear of the lot. The proposal would involve the removal of some trees as indicated on the plan below.



The trees to be removed are *Eucalyptus camaldulensis* which are not endemic to the area. They are located to the rear of the site, are not visually prominent within the streetscape and do not significantly contribute the visual amenity of the area. Once removed, there would still be vegetation along the boundaries screening the development. A condition is recommended for a vegetation and landscape management plan to be submitted and maintained thereafter to ensure there is no further loss of vegetation and that the screening is maintained.

RPS considers that subject to the landscaping and vegetation management plan, the proposal would not result in excessive clearing of land, or excessive risk of damage to any on site vegetation in line with clause 5.19.3 of TPS 2.

*Rural Strategy and Surrounding Land Uses*

The map below indicates the different land uses within the surrounding area of the application site. It includes poultry farms, extractive industry and a plant nursery. These land uses are considered more intensive than the proposal. As such, the proposed use is consistent with those in the general locality and therefore is considered acceptable in this location. These surrounding land uses comprise of development that is synonymous with the greenhouses proposed and therefore would not detract from the amenity currently afforded to this area.

The subject site is included within the ‘Rural Policy Area’ in the 1994 Rural Strategy. The 1994 Rural Strategy was prepared prior to the incorporation of the ‘Rural Groundwater Protection’ zone which occurred over 10 years later. Traditional agriculture and alternative forms of agriculture are listed as ‘desirable’ land uses in the 1994 Rural Strategy for Rural Policy areas.

The subject site maintained within the ‘Rural Policy Area’ of the 2013 Rural Strategy Review which notes two key objectives:

- to retain and maintain traditional agricultural uses;
- and to promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.

As such, the proposed Floriculture (Extensive) land use is considered to be consistent with the intent of the agricultural uses outlined within the Rural Strategy 1994 and Rural Strategy Review 2013.



The application demonstrates that it can address the relevant issues that Council is required to consider in order to exercise its discretion. On this basis, RPS considers that there are no substantive reasons for Council not to exercise its discretion to approve the use.

### Form of the Development

#### *Impact on Character and Amenity:*

The streetscape of King Road comprises of lots varying between 2 and 4 hectares and has a rural character. The immediate surrounding properties are predominantly residential.

The proposal includes the construction of 25 'tunnel' greenhouses that would be located towards the rear (east) of the site. The objectives for development in rural areas includes maintaining and promoting the 'rural character' of the Shire and its distinct rural-living lifestyle. The Rural Strategy states that the protection of rural lifestyle and character are significant objectives in the development of land.

It is considered that the scale and appearance of the greenhouses by virtue of their use would not appear out of context with the rural character of the area. The greenhouse structures by way of their appearance are consistent with the design of development in the locality as per the above image which illustrates the surrounding land uses which feature large structures such as poultry sheds, shade houses and green houses.

The greenhouses would be set back 20m from the rear boundary at their closest point and at least 10m from the side boundaries. They would have a wall height of 2.6m with a total height of 4m. The applicant has not proposed vegetative screening to the rear and side boundaries. Adjoining sites are likely to benefit from the installation of a vegetative screen which effectively reduces the visual impact of the proposed structures thus it has been recommended as a condition of approval.

TPS 2 does not specifically set out setbacks for development in the 'Rural Groundwater Protection' zone, however, in comparison the Residential Design Codes for rural lots coded R2 require development to have a front setback of 20m and lot boundary setbacks of 10m.

As the structures would be located to the rear of the site they would not be prominent within the streetscape of King Road. RPS are of the opinion the proposed setbacks assist in ameliorating any undue impact the proposal may have on the visual amenity of the area. Furthermore, a landscaping plan has been conditioned to be submitted and approved by the Shire with the intent of screening.

It is considered that, subject to a landscaping plan, the siting, scale and appearance of the proposed greenhouses would not have a detrimental impact on the character and amenity of the site or surrounding area.

#### *Residential Amenity:*

While the proposed development does not fit within a residential streetscape, it is important to acknowledge that large structures related to agricultural style activities are common on rural properties within the Shire, particularly along King Road. It is considered that the impact on the visual amenity of the area could be mitigated through a landscaping plan and ongoing maintenance of a landscaping screen which is required as per condition 2 of RPS's recommendation.

With regard to the impact of the land use on the amenity of neighbouring properties, prior to commencement of the use or any development information will be required to be provided in relation to noise and activity to include traffic movements. As a condition of approval the applicant / landowner will be required to submit, to the satisfaction of the Shire, a noise

management plan identifying all potential noise sources together with details of mitigation measures. Once approved, the noise management plan will ensure the proposal does not result in an unacceptable level of harm to the amenity of neighbouring residents.

### Other Considerations

Concerns have been raised regarding the amount of water required to be used for the growing of the cucumbers. The water from the Jandakot water mound through a bore is not potable water however, the Department of Agriculture supports the proposal. With respect to the amount of water consumption required to water the cucumbers the Department of Water has not raised any concerns. Furthermore, the applicant will be required to obtain a water license from the Department of Water prior to installing a bore for the watering of the cucumbers. The water volume requested is not significant in the scheme of the Jandakot Mound itself and licensed groundwater abstractions in the local area are for similar and larger volumes. The Department will make the appropriate determination on this license when necessary. Samples of groundwater taken by the applicant and examined by an accredited laboratory indicate that groundwater that will be used in the irrigation process will not require any treatment.

### Options and Implications

Option 1: Council may resolve to approve the application subject to conditions.

Approval of the application would be consistent with the planning policy framework and the objectives of the zone. The approval of the application will not result in a negative impact on the amenity of character of the area or adjacent landowners.

Option 2: Council may resolve to refuse the application.

Refusal of the application will result in the continuation of the SAT appeal which may not be able to be successfully argued.

Option 1 is recommended.

### Conclusion

The application seeks approval for the production of Lebanese cucumbers which has been determined by the SAT that the amended application falls within the land use of 'floriculture (extensive)'. This land use is a discretionary use within the 'rural groundwater protection' zone and therefore can be considered.

The proposal is consistent with the objectives of the 'rural groundwater protection' zone and would not adversely impact the Jandakot water mound as a drinking water supply and would not result in nutrient export beyond acceptable environmental parameters having regard to the site context.

The land use together with the greenhouses would not adversely impact on the character or amenity of the area. The impact of the proposal on the amenity of neighbouring residents would be mitigated through a noise impact assessment and management plan that would be required to be approved prior to commencement of the use or development.

In light of the above, RPS recommends the proposed amended application for 'floriculture (extensive)' be approved subject to appropriate conditions.

### **Attachments:**

- [OCM176.1/09/16](#) – SAT Decision (IN16/14567)
- [OCM176.2/09/16](#) – Site Plan (E16/6085)
- [OCM176.3/09/16](#) – Nutrient Management Plan (E16/6087)
- [OCM176.4/09/16](#) – Schedule of Submissions (E16/6261)
- [OCM176.5/09/16](#) – Process Diagram (E16/7370)

**Statutory Environment:**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Administrative Tribunal Act 2004*
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Shire of Serpentine Jarrahdale Rural Strategy
- Shire of Serpentine Jarrahdale Rural Strategy 2013 Review
- State Planning Policy 2.3 – Jandakot Groundwater Protection Policy
- State Planning Policy 2.7 – Public Drinking Water Source Policy
- State Planning Policy 3.1 – Residential Design Codes (R- Codes).

**Financial Implications:**

Should Council resolve not to approve the revised application, the current appeal may be progressed to a full SAT hearing. As such, the Shire would be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings. It is noted that Shire officers nor RPS Environment and Planning would be able to represent the Shire in light of the previous approval recommendation from Shire staff and approval recommendation on foot from RPS.

Furthermore, the engagement of RPS through this process has an estimated cost of \$5,060.

**Voting Requirements:** Simple Majority

**RPS Recommendation:**

**That Council approves the application submitted by Bioscience on behalf of Mr Kieu for 'Floriculture (Extensive)' dated on 1 September 2015 and received on 8 September 2015 on Lot 14 (#121) King Road, Oakford, plan numbered P1 and Nutrient Management Plan dated July 2016 subject to the following conditions:-**

1. **The landowner/applicant shall within 60 days from the date of this approval submit a revegetation/landscaping plan with a view of providing a visual buffer between the neighbouring properties to the proposed use and development to the satisfaction of the Shire of Serpentine Jarrahdale.**

**The landscaping plan shall incorporate screening vegetation species list that has 50% local native trees (one row native, one row non-local), and the use of *Atriplex* as a natural pest control measure.**

2. **Prior to commencement of the use or development, the landowner/applicant shall implement the approved landscaping plan and thereafter maintain the landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.**
3. **All existing native trees and/or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless illustrated on the approved plans.**
4. **Prior to commencement of the use or development, a Noise Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. The approved plan shall be implemented and maintained thereafter.**
5. **Prior to commencement of the use or development, details shall be submitted and approved showing the location of chemical storage, sumps, effluent containment systems and all other associated development as referred to in the Nutrient Management Plan.**

6. No process water or material shall be discharged to the land at any time. Any off-site discharge of process water or material can only occur outside of the proclaimed Jandakot Underground Water Pollution Control Area.
7. No manure may be used in the system to prevent odours emanating from the development.
8. Prior to the commencement of the use or development, the applicant is to arrange for an inspection of the development by Shire officers for the purposes of assessing compliance with the NIMP, including the commissioning of the recirculation fertigation system.

**OCM176/09/16 COUNCIL DECISION / Alternative Motion:**

**Moved Cr Urban, seconded Cr Gossage**

That Council approves the application submitted by Bioscience on behalf of Mr Kieu for 'Floriculture (Extensive)' dated on 1 September 2015 and received on 8 September 2015 on Lot 14 (#121) King Road, Oakford, plan numbered P1 and Nutrient Management Plan dated July 2016 subject to the following conditions:-

1. The landowner/applicant shall within 60 days from the date of this approval submit a revegetation/landscaping plan with a view of providing a visual buffer between the neighbouring properties to the proposed use and development to the satisfaction of the Shire of Serpentine Jarrahdale. The landscaping plan shall incorporate screening vegetation species list that has 50% local native trees (one row native, one row non-local), and the use of Atriplex as a natural pest control measure.
2. Prior to commencement of the use or development, the landowner/applicant shall implement the approved landscaping plan and thereafter maintain the landscaping to the satisfaction of the Shire of Serpentine Jarrahdale.
3. All existing native trees and/or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless illustrated on the approved plans.
4. Prior to commencement of the use or development, a Noise Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale. The approved plan shall be implemented and maintained thereafter.
5. Prior to commencement of the use or development, details shall be submitted and approved showing the location of chemical storage, sumps, effluent containment systems and all other associated development as referred to in the Nutrient Management Plan. One (1) nutrient tank only (20,000 litres), shall be installed above ground and appropriately screened from public view. One (1) sump tank only (2000 litres) shall be exposed to allow regular visual inspections, and contained within an impervious bund or tank.
6. No process water or material shall be discharged to the land at any time. Any offsite discharge of process water or material can only occur outside of the proclaimed Jandakot Underground Water Pollution Control Area.
7. No manure may be used in the system to prevent odours emanating from the development.
8. Prior to the commencement of the use or development, the applicant is to arrange for an inspection of the development by Shire officers for the purposes of



assessing compliance with the NIMP, including the commissioning of the recirculation fertigation system.

9. The growth medium for the cucumbers and watercress shall comply with Australian Standard 4419-2003.

**Advice Note**

1. With regards to condition 4, the noise management plan shall outline how the operation of the use shall comply with the *Environmental Protection (Noise) Regulations 1997* the plan is to detail hours of operation of any noise generating activities.

**CARRIED 9/0**

**Reason for change to officers recommendation: Condition 5 was amended to 1 protect the Jandakot Water Mound (a priority 2 catchment area) and allow regular visual inspections of the tanks, 2 the amendment to the condition reinforces a need for a bunded area to ensure the tanks are enclosed and available for inspection which addresses concern raised by the Council and the community and 3 the amendment to the condition seeks to clarify the number and capacity of the approved tanks. Condition 9 was added to the officers recommendation to ensure compliance with Australian standards.**

## 8.3 Engineering Report:

<b>OCM177/09/16 Serpentine Cemetery Reserve Draft Management Plan (SJ514-07)</b>	
Author:	Chris Portlock – Manager Environmental and Sustainability Services
Senior Officer/s:	Doug Elkins –Director Engineering
Date of Report:	9 September 2016
Disclosure of Officers 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

### Introduction:

The purpose of this report is to request Council to release the Serpentine Cemetery Reserve Draft Management Plan to the public for a standard submission period not less than 21 days.

### Background:

The Serpentine Cemetery Reserve comprises 2.4 hectares of land located on the South West Highway in Serpentine. Approximately 1 hectare of the Reserve consists of built cemetery and associated infrastructure, whilst the remainder is recognised and protected as part of an Environmentally Sensitive Area (managed and recognised as Bush Forever Site No. 371). There are also declared rare flora and threatened ecological communities located within the bush area.

Burials in the Serpentine Cemetery date back to the 1870s. The local government manages the activities within the cemetery, and has an overarching group that can provide assistance to the Shire, when required. The Serpentine Jarrahdale Cemeteries Management Committee was established in March 2000 and consists of community members, Councillor Representatives and Shire Officers who meet every four months. The committee has been set up to ensure that members of the community take an active interest in assisting the local government in management, retention and promotion of the socio-economic, cultural, natural heritage and history of the cemetery and its surrounding areas.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this item.

### Community / Stakeholder Consultation:

The Reserves Advisory Group and other internal and external stakeholders (including Shire Officers and the Cemeteries Management Committee) have already reviewed the Draft Management Plan which has been amended to incorporate comments received. In addition to this, the Draft Management Plan will be forwarded to the Department of Parks and Wildlife and the Department of Planning for agency consultation. The Draft Management Plan will be released for full public consultation and will include a community workshop. The management plan's final edited form, will include comments from the community, the Reserves Advisory Group, government agencies and Shire Officers.

### Comment:

The protection of the flora and fauna within the reserve is of paramount importance. Reconciling the protection of this significant environmental feature along with community demands for access, maintenance and continued use of the cemetery, is a major aim of the management plan. As such, the key issues to be considered by the management plan include:

- long term protection, maintenance and management of the reserve's flora and fauna;
- providing for appropriate community access to the reserve and facilities; and
- recognising the community value associated with the reserve and facilities, both in terms of its environmental features and the cemetery infrastructure features provided.

**Attachments:**

- [OCM177.1/09/16](#) – Serpentine Cemetery Reserve Draft Management Plan (E16/3841)

**Alignment with our Strategic Community Plan:**

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

**Statutory Environment:**

- *Metropolitan Region Scheme (MRS)*
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *TPS 2*

**Financial Implications and Risk:**

There are no financial implications relating to the preparation of the report other than the standard local newspaper advertisement costs. Once finalised, the reserve maintenance fund will be increased to allow for the implementation of the management plan.

The Serpentine Cemetery Reserve is a Bush Forever Site, where prosecution and fines can apply in relation to accidental removal of protected vegetation. Illegal clearing by the Shire and impact on a declared rare flora species has happened in the past. Fortunately no prosecution or fine resulted. Within a few years the cemetery will reach capacity, a future regional facility in Whitby will accommodate future burials, so there is a high risk associated with not having this management plan in place, increasing awareness for ongoing operations.

**Voting Requirements:** Simple Majority

**OCM177/08/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Rich**

**That Council, pursuant to Clause 7.18 of Local Planning Policy No 27 Stakeholder Engagement in Land Use Planning, invite public comment on the Serpentine Cemetery Reserve Draft Management Plan.**

**CARRIED UNANIMOUSLY**

**Director Engineering left Chambers at 9.23pm**

**Director Engineering returned to Chambers at 9.24pm**

<b>OCM178/09/16</b>	<b>South East Regional Energy Group – Terms of Reference and Memorandum of Understanding (SJ829)</b>
Author:	Jessie Parrish – Switch Your Thinking Program Coordinator
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	9 September 2016
Disclosure of Officers 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

### Introduction

The purpose of this report is for Council to consider for endorsement:

- The updated Terms of Reference for the South East Regional Energy Group (SEREG) – Attachment A.
- The updated Memorandum of Understanding between City of Armadale, City of Gosnells and Shire of Serpentine Jarrahdale for the Management and Conduct of the South East Regional Energy Group and the Switch your Thinking Program (the Memorandum of Understanding) – Attachment B.

### Background:

In 1999 the Cities of Armadale and Gosnells, and Shire of Serpentine Jarrahdale, resolved to work together as the South East Regional Energy Group (SEREG) to reduce corporate and community greenhouse gas emissions. The Switch Your Thinking program was developed by SEREG, in 2002, as a vehicle to deliver diverse greenhouse gas emission abatement projects.

The direction and budget of the Switch Your Thinking program is outlined in the endorsed Switch Your Thinking Business Plan 2015/16 to 2019/20.

The conduct of the SEREG is governed by the Group's Terms of Reference and the roles and responsibilities of each SEREG partner Council is documented in the Memorandum of Understanding.

### Relevant Previous Decisions of Council:

14 September 2015 – OCM 175/09/15 – Switch Your Thinking Business Plan 2015/16 – 2019/20 (SJ829)

The Switch Your Thinking Business Plan 2014/15 – 2019/20, which covers the strategic direction and activities of the Switch your thinking program from 2014 – 2020, was endorsed by Council.

### Community / Stakeholder Consultation:

Consultation was undertaken with the following stakeholders in the development of the Terms of Reference and Memorandum of Understanding:

Intra directorate in Shire of Serpentine Jarrahdale

- SEREG
- City of Armadale
- City of Gosnells

### Comment:

#### Proposal

The purpose of this report is to seek endorsement for the updated Terms of Reference and Memorandum of Understanding for the SEREG.

The current Terms and Memorandum governing the group has expired and is out of alignment with the adopted Switch Your Thinking Business Plan 2014/15 – 2019/20. Minor updates are recommended, to bring the Terms and Memorandum up to date, and recommended for adoption for the ongoing good governance of the SEREG.

### **1. Terms of Reference**

SEREG has operated under a Terms of Reference since the Group's inception, with the document outlining the Groups' purpose, scope, objectives, membership and meeting formalities.

The updated Terms of Reference, tabled, includes the following changes to the previous version:

- Immaterial changes to the Group's objectives
- Increase in duration of terms, from three to five years, to match the life of the Switch Your Thinking Business Plan
- Reduction in the minimum number of annual meetings from six to five, to accommodate a break in December

### **2. Memorandum of Understanding**

In May 2013, a Memorandum of Understanding, between SEREG partner Councils, was drafted and endorsed by the City of Gosnells, City of Armadale and Shire of Serpentine Jarrahdale. The document outlines the operational roles and responsibility of each partner Council.

The updated Memorandum of Understanding, tabled, includes the following changes to the previous version:

- Increase in duration of memorandum, from three to five years, to match the life of the Switch Your Thinking Business Plan.
- Reference to the Shire of Serpentine Jarrahdale financially contributing to the administration of the Program, as outlined in the adopted Switch Your Thinking Business Plan.

### Options and Implications

It is necessary that an updated Terms and Memorandum are adopted by all three participating Councils, for the ongoing good governance of the SEREG. The proposed Terms of Reference and Memorandum of Understanding are also being presented to the City of Gosnells and City of Armadale. If the proposed changes are not adopted by Council, further negotiation and communication with the other stakeholders listed will be undertaken.

### Conclusion

For the ongoing good governance of the SEREG and partnership between the City of Armadale and the City of Gosnells, and Shire of Serpentine Jarrahdale, minor updates to the Terms of Reference and Memorandum of Understanding have been proposed. The updates bring the Terms and Memorandum in line with the business plan adopted at Council, on 14 September 2015 OCM (OCM175/09/15).

The staff recommendation is that Council endorse the updated documents.

### **Attachments:**

- [OCM178.1/09/16](#) – SEREG Terms of Reference (E16/7238)
- [OCM178.2/09/16](#) – SEREG Memorandum of Understanding (E16/7252)

**Alignment with our Strategic Community Plan:**

Indicate how this proposal aligns or is in conflict with the specific objectives outlined in the Strategic Community Plan, ie:

Objective 4.3	Regional Collaboration
Key Action 4.3.2	Continue engaging with neighbouring councils to explore service and resource sharing options

**Statutory Environment:**

Nil

**Financial Implications:**

The contribution towards the Switch Your Thinking Program for 2016/2017 is \$31,043 plus GST.

**Voting Requirements:** Simple Majority

**OCM178/09/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr Ellis

That Council:

1. Endorses the updated Terms of Reference of the South East Regional Energy Group, as per attachment *OCM178.1/09/16*.
2. Endorses the Updated Memorandum of Understanding between City of Armadale, City of Gosnells, and Shire of Serpentine Jarrahdale, for the Management and Conduct of the South East Regional Energy Group and the Switch Your Thinking Program, as per attachment *OCM178.2/09/16*.

**CARRIED UNANIMOUSLY**

<b>OCM179/09/16</b>	<b>Buildings Asset Management Plan (SJ490)</b>
Author:	Jegan Puvan – Asset Officer
Senior Officer:	Doug Elkins – Director Engineering
Date:	9 September 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

The purpose of this report is to provide Council with an update of the status of the Shire's Buildings Asset Management Plan, and renewals forward works, including the financial aspects associated with maintaining the existing and planned Shire Buildings.

**Background:**

In 2012/2013, as part of the Integrated Planning Framework, a requirement of the Department of Local Government stated that the Shire produce an Asset Management Plan for the 2012/2013 financial year. Core Business Consultants were engaged to look at all six major asset categories. This exercise produced a Summary Asset Management Plan. The Summary Asset Management Plan identified issues with completeness of data, and outlined a way forward, for the Shire to progressively improve its asset management information and practices. Following this process, asset management plans, for each asset class, are being refined. The process of improving the quality and detail of the asset management plans will continue into the future, with the addition of new assets, the improvement of asset data, and the changing expectations of the community.

**Comment:**

A fundamental problem identified in the Summary Asset Management Plan was the completeness and accuracy of condition data and also the completeness of the asset information. In response to this, asset management consultants, JRA, were engaged to collect detailed data on building infrastructure and develop 10 year forward works programs, based on several funding scenarios.

The outcome of the refined asset management process for building infrastructure, has been the clear establishment of the scale of the funding shortfall. Without the ability to raise substantial additional funds, the current building asset base is likely unsustainable. This should be considered, in the context of each of the asset classes and the overall inability to meet the future renewal need.

The urbanisation of much of the Shire of Serpentine Jarrahdale is expected to improve the sustainability of the district as a whole. So, while a current snap shot provides a concerning picture, it is anticipated that the growth of population will assist with bridging the funding gap. Importantly, however, the Council does need to focus on the funding gap with a plan to increase renewal funding into the future. Council will also need to make some hard decisions, into the future, about the management, ownership, and quality of all assets, and the overall level of service the community can afford.

Not easily recognised in the Buildings Asset Management Plan is the value of external funding in the funding gap. Many public buildings are funded through external grants, fundraising and community in-kind support. In the case of buildings, it is usually not necessary to fully fund the gap, as major refurbishments, or replacements, are likely to be partially funded through external sources.

During the development of the Buildings Asset Management Plan, along with the process of updating the cleaning contract for tender, it has been identified that the Shire is providing substantial subsidies to some community and not-for-profit groups, using public buildings. Council's policy on Lease and Licence Management seeks to manage the cost of public buildings, and address the inequity to ratepayers, of providing public buildings to individual

clubs and community groups, through ensuring that the club or community group contributes to the cost of building provision. This policy requires the lessee to clean and maintain the building. While Council expects the group to maintain and clean the building, Council's policy requires that the lease be provided on the basis of a peppercorn fee. Under this policy, where a club or community group has exclusive use of part of a building, or the whole building, a lease will be established.

In addition to the Lease and Licence Management policy, Council has a Facility Hire policy. This latter policy, while providing limited guidance, does recognise the need for hire rates to offset the cost of maintaining and cleaning a building. Under this policy, a group using a Council building, on a casual hire basis, will pay the hire fee and lodge a bond.

In the case of some facilities, the current practice does not accord with either policy. In some cases, a club or community group is 'hiring' a facility exclusively for an extended period, such that there is limited opportunity for another person or club to use the facility. The fees paid for this long-term hire is not in accordance with the Council's schedule of fees and charges, and does not accord with the cost of providing the facility. In essence, while many clubs are paying to maintain and clean buildings, some clubs and community groups are paying a very low fee, or no fee, and the cost to maintain the building, the cost to repair damage caused by the club, and the cost to clean the building, is being met by the Shire. This is not equitable, and this inequity is being covered by the general ratepayer.

Also noted, a number of clubs, using a Shire building on a 'casual hire' basis, have a locked bar area and a liquor licence over the building. These clubs, therefore, have exclusive use of part of a building, and also enjoy the financial benefit of a liquor licence, to the detriment of any other possible casual user. Under Council's Lease and Licence Management policy, to have exclusive use of part of a building, a lease is required. The existence of private bars and liquor licences is not in accordance with Council's policy.

Finally, anecdotal staff evidence is that some long-term casual hirers are damaging buildings, and causing unnecessary cleaning costs. Unlike a club or community group with a lease, where a club or community group is allowed a long-term exclusive casual hire, there are no consequences for damage to the building, or the cleanliness of the building after use. This is an inequity in the current arrangements that is being funded by the general ratepayer.

In a situation where Council is trying to bridge a substantial operational, maintenance and renewal gap, Council needs to consider if it is reasonable to continue to provide subsidies to a small number of clubs and community groups. The subsidies seem to be inconsistent with Council's existing policy and do not appear to be based on a Council determined fee or charge (which is also inconsistent with Council's policy and the *Local Government Act 1995*). Further, in some cases, officers have been unable to find a Council decision that allows the subsidy.

It is recommended that a consultant be employed to review the lease, licence, hire and use of the Shire's buildings, including the existence of private liquor licences of casual hire buildings, and report back to Council, with a view to achieving equity across clubs and community groups, and a fair contribution towards the maintenance and cleanliness of buildings. Pending the audit being completed, and Council determining how to proceed, consideration should be given to not allowing 'block bookings', with all future bookings being made for the actual times a facility is to be used, with the hire fee being based on the booked time, in accordance with the Schedule of Fees and Charges. Finally, it is recommended that consideration be given to a condition of casual hire of a building being that the hirer cleans the building on completion of hire, and the cost of any damage to the building, other than fair wear and tear, and any additional cleaning required, be recovered from the hirer.

#### **Relevant Previous Decisions of Council:**

- SCM011/06/13 – The Summary Asset Management Plan

#### **Community/Stakeholder Consultation:**

No community consultation was required.



**Attachments:**

- [OCM179.1/09/16](#) – Buildings Asset Management Plan (E15/5177)
- [OCM179.2/09/16](#) – State of the Assets (E15/6673)

**Alignment with our Strategic Community Plan:**

Objective 2.1	Responsible Management.
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long term financial sustainability.

**Financial Implications:**

The attached report identifies funds to be allocated for building maintenance, operations, renewal and capital works. This is to maintain the level of service provided to users and avoid costly future major rehabilitation works. The predicted funding shortfall, over the next ten years, for the priority operational and maintenance cost of buildings, is \$5.8m. In addition, there is an estimated \$5.05m shortfall for building renewal, over the next ten years, for existing buildings, and as estimated \$8.2m shortfall, over the next ten years, for new buildings identified in the Community Facilities Plan. Finally, there is an estimated shortage of \$3.4m for upgrade and renewal works, identified in the next ten years. This latter shortfall should be bridged through grants and community contributions.

Operational and maintenance costs can be reduced if casual hire fees recognise the true cost of providing public buildings, and building users are held accountable for damage to the building and cleanliness.

Also identified in the Buildings Asset Management Plan is the need for an officer to take overall responsibility for the management of buildings.

**Voting Requirements:** Simple Majority

**OCM179/09/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Ellis**

**That Council:**

- 1. Adopt the Buildings Asset Management Plan as per attachment *OCM179.1/09/16*; and**
- 2. Request the Chief Executive Officer engage a consultant to review the lease, licence, hire and use of the Shire's buildings, including the existence of bars and liquor licences on casual hire buildings, and report back to Council.**

**CARRIED 9/0**

## 8.4 Corporate and Community Services Report:

<b>OCM180/09/16</b>	<b>Renewal of Licence between the Department of Parks and Wildlife and the Shire of Serpentine Jarrahdale (SJ975-05)</b>
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	25 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report is to seek Council's endorsement of the Licence Conditions Schedule including the term and annual rent. Furthermore it requests that Council authorise the Acting Chief Executive Officer (CEO) and Shire President to sign the Deed Poll which will form an attachment to the Licence and make it legally binding.

### Background:

The Shire has, located at the Department of Parks and Wildlife depot in Serpentine National Park, radio communications equipment, which is part of the radio network used by Fire and Emergency Services and several commercial enterprises which sub-lease space on the tower for their equipment. This Shire has occupied this property since 2004.

The Department of Parks and Wildlife is seeking a renewal of Licence so that the Shire of Serpentine Jarrahdale can continue to utilise the communications facility located in Scrivener Road, Serpentine National Park. The new licence will expire on 30 November 2031.

The agreement to utilise an existing facility is the most cost effective method of being able to provide radio communications services to the Bush Fire Brigades in the Shire.

Unlike a lease, the Department of Parks and Wildlife does not provide a draft licence for review before issuing the licence as the standard clauses apply.

Since 2004 there has been a discrepancy in the amount of rent paid by the Shire which may have been based on the shire owning the tower. The Shire's most recent invoice was for \$887.

The new licence 2035/101 will incur the correct licence charge of \$3,825 (GST exempt) per annum increased annually by CPI based on the Shire co-locating on the department's tower. The new licence charge for the first year of the new licence is payable on the Payment Date 1 December 2016.

The licence to access and use the abovementioned site will not be signed by the licensee (licensor only) and therefore the indemnity (Deed Poll) needs to be signed separately by the Shire to make the contract legally binding.

### Relevant Previous Decisions of Council:

CGAM005/07/08 – Authorised the CEO to sign the original licence agreement.

CGAM055/03/10 – Authorised the CEO and the Shire President to sign the extension to the licence agreement.

### Community / Stakeholder Consultation:

The area is a remote location and does not require extensive community consultation.

### Attachment:

- [OCM180.1/09/16](#) – Deed Poll between the Department of Parks and Wildlife and the Shire of Serpentine Jarrahdale. (IN16/12394)
- [OCM180.2/09/16](#) – Licence to Enter Upon and Use Land to Operate and Maintain Telecommunications Network - Conditions Precedent. (IN16/12399)

**Alignment with our Strategic Community Plan:**

The provision of radio communications equipment in this location assists the Bush Fire Brigades in the protection to property and life in the event of a fire.

Objective 2.2	Innovative Partnerships
Key Action 2.2.1	Reduce costs via asset sharing and shared services with other local governments and pursue joint ventures or public private partnerships that are mutually beneficial.

**Statutory Environment:**

Nil

**Financial Implications:**

There is an annual licence rental fee of \$3,825 which is funded from the Fire and Emergency Services Budget.

**Voting Requirements**      Absolute Majority

**OCM180/09/16      COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Gossage, seconded Cr Rich**

**That Council:**

1. **Endorse the Licence between the Department of Parks and Wildlife and the Shire of Serpentine Jarrahdale until 30 November 2031.**
2. **Endorse the terms and conditions of the Schedule 2 Licence as per attachment OCM180.2/09/16.**
3. **Endorse an annual licence fee of \$3,825 (GST exempt) per annum increased annually with CPI.**
4. **Authorise the Acting Chief Executive Officer and Shire President to sign the Deed Poll on behalf of Council.**
5. **Explore the possibility of the lease area being vested into the Shire.**

**CARRIED ABSOLUTE MAJORITY 5/4**

<b>OCM181/09/16 Monthly Financial Report - August 2016 (SJ514-07)</b>	
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	5 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

The purpose of this report is to provide a monthly financial report which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

**Background:**

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this application/issue.

**Community / Stakeholder Consultation:**

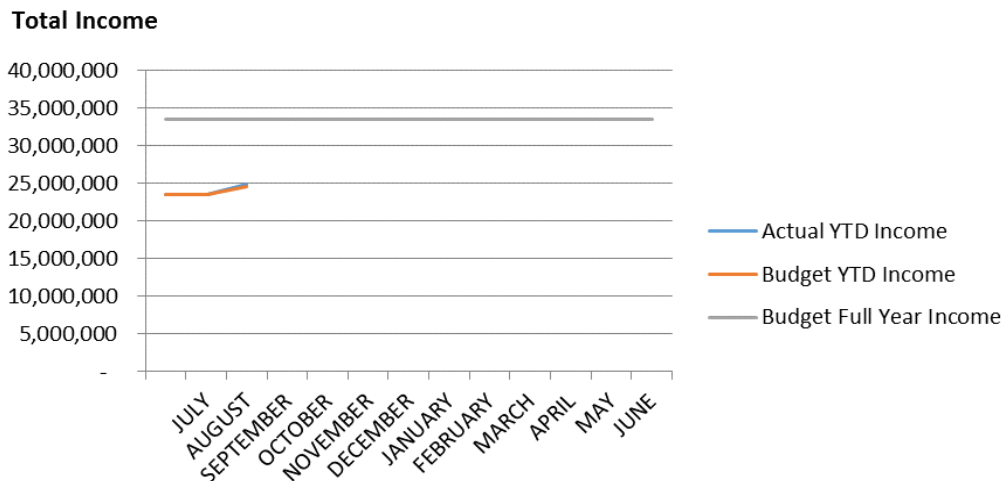
No community consultation was undertaken / required.

**Comment:**

The period of review is August 2016. The municipal surplus for this period is \$23,373,005 compared to a budget position of \$20,636,169. This is considered a satisfactory result for the Shire.

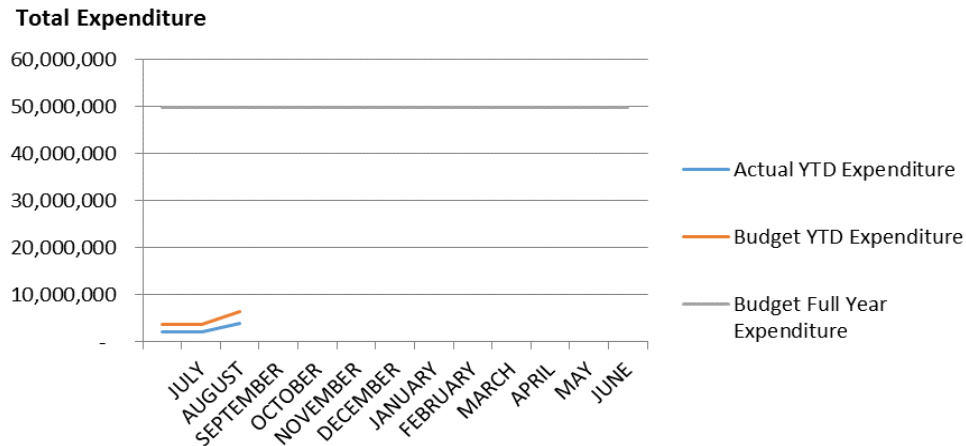
Income for the August 2016 period, year-to-date is \$24,880,564. The budget estimated \$24,532,765, would be received for the same period. The variance to budget is \$347,799. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the August 2016 period, year-to-date is \$3,819,860. The budget estimated \$6,475,541 would be spent for the same period. The variance to budget is \$2,655,681. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



**Attachment:**

- [OCM181.1/09/16](#) – Monthly Financial Report August 2016 (E16/7157)

**Alignment with our Strategic Community Plan:**

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

**Statutory Environment:**

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

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

**Financial Implications:**

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

**Voting Requirements:** Simple Majority

**OCM181/09/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Urban, seconded Cr Hawkins**

**That Council accepts the Monthly Financial Report for August 2016, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED UNANIMOUSLY**

<b>OCM182/09/16 Confirmation Of Payment Of Creditors (SJ514-07)</b>	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 September 2016
Disclosure of Officers 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

### Introduction

The purpose of this report is to prepare a list of accounts paid by the Chief Executive Officer each month, as required by The *Local Government (Financial Management) Regulations 1996*.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

### Community / Stakeholder Consultation

No community consultation was required.

### Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 August 2016 to 31 August 2016, as per attachment

OCM182.1/09/16 and the Purchasing Card Report 6 July 2016 to 5 August 2016 as per attachment OCM182.2/09/16.

### Attachments:

- [OCM182.1/09/16](#) - Creditors Schedule of Accounts 1 August 2016 to 31 August 2016. (E16/7163)
- [OCM182.2/09/16](#) - Purchasing Card Report 6 July 2016 to 5 August 2016. (E16/7161)

### Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

#### Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

### **Statutory Environment**

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

### **Financial Implications**

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

**Voting Requirements**                      Simple Majority

### **OCM182/09/16      COUNCIL DECISION / Officer Recommendation**

**Moved Cr Piipponen, seconded Cr Hawkins**

**That Council accepts:**

- 1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 August 2016 to 31 August 2016, as per attachment OCM182.1/09/16 - Creditor List of Accounts 1 August 2016 to 31 August 2016 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.**
- 2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 July 2016 to 5 August 2016, as per attachment OCM182.2/09/16 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED UNANIMOUSLY**

## 8.5 Chief Executive Officer Reports:

<b>OCM183/09/16</b>	<b>Appointment of Director Engineering (SJ409)</b>
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	8 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is to inform Council of the appointment of Doug Elkins to the position of Director Engineering.

### Background:

The contract for the former Director Engineering expired on the 30 June 2016. A temporary Director Engineering, Mr Doug Forster was contracted to the role whilst the recruitment process was underway. Mr Doug Forster contract expired on the 16 August 2016 and the newly appoint Director Engineering commenced his employment on 15 August 2016.

### Relevant Previous Decisions of Council:

OCM138/07/16 Appointment of Mr Doug Forster as Acting Director Engineering at the 25 July Ordinary Council Meeting.

### Community / Stakeholder Consultation:

There is no requirement for community or stakeholder consultation on this matter.

### Comment:

#### Proposal

Section 5.37 of the *Local Government Act* requires the CEO to inform the Council of each proposal to employ or dismiss a senior employee. All Director positions at the Shire are designated as senior employees and therefore it is appropriate that Council is advised of this appointment. Mr Doug Elkins commenced his employment with the Shire on the 15 August 2016 on a 5 year contract, expiring 15 August 2021.

#### Conclusion

The purpose of this report is to inform Council of the appointment of Mr Doug Elkins as Director Engineering in accordance with section 5.37(2) of the *Local Government Act*. Council are not required to make a decision merely that the CEO needs to inform Council of any proposal to dismiss or employ a senior employee. Council may accept or reject the CEO's recommendation, however if the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so.

### Attachments:

There are no attachments for this item.

### Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.1	Attract, develop and retain the best people to work in the Shire
Key Action 1.2.6	Comply with all legislative and statutory requirements



**Statutory Environment:**

Section 5.37 and 5.39 of the *Local Government Act 1995*.

**Financial Implications:**

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

**OCM183/09/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr Ellis

That Council:

1. **Accept the recommendation from the Acting Chief Executive Officer that Mr Doug Elkins be employed as the Director Engineering for a term of five (5) years, expiring 15 August 2021, in accordance with section 5.37(2) and 5.39 (2)(b) of the *Local Government Act*.**
2. **Confirms that the Director Engineering is a senior employee pursuant to section 5.37 of the *Local Government Act*.**

**CARRIED UNANIMOUSLY**

<b>OCM184/09/16</b>	<b>Reporting of Information and Activities to Councillors (SJ473)</b>
Author:	Gary Clark – Acting Chief Executive Officer
Date of Report:	29 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is to confirm the Information Bulletin as the most appropriate method of ensuring that Councillors are kept informed of the activities of the Shire President, individual Councillors and the Chief Executive Officer (CEO) as well as other relevant information such as progress on strategic priorities and projects.

The report also recommends that Council revoke the decisions of the July OCM directing the Acting CEO to develop policies requiring monthly reports on the activities of the CEO and the Shire President.

### Background:

Following the initial appointment of the Acting CEO discussion was held at a Policy Concept Forum (PCF) in June about determining the appropriate level of communication, what that communication includes, how it is to be presented and ultimately reaching consensus. The Acting CEO committed to arranging a workshop to determine individual Councillor's expectations and hear advice on what might be reasonable to expect. Further to this, officers have commenced undertaking relevant research across the local government sector in order to benchmark and identify best practice approaches in delivering meaningful information to ensure our Councillors feel informed and empowered to best undertake their role. This will include inviting members of the local government sector, such as WALGA to provide relevant advice and assist all parties through this process.

At the Ordinary Council Meeting (OCM) on 25 July 2016, two notices of motion raised by Councillor Urban were carried, thereby instructing the Acting CEO to develop two policies requiring both the CEO and the Shire President to report to Council on a monthly basis, prescriptive detail about meetings and activities attended and the subject matter and outcomes from these meetings and activities.

Tony Brown and James McGovern, from WALGA, facilitated a workshop on communication with Councillors and senior staff on Monday 12<sup>th</sup> September 2016. The result was that Councillors indicated that they were satisfied with the current format and content of the Information Bulletin and that it should be distributed on a monthly basis. The workshop also helped clarify what level Councillors should expect from the CEO. Mr Brown also advised the Acting CEO that the Information Bulletin was one of the best he had seen.

### Community / Stakeholder Consultation:

Consultation and advice will be sought from a number of sources from the local government sector. Community consultation is not relevant in this instant.

Tony Brown and James McGovern, from WALGA, facilitated a workshop on communication with Councillors and senior staff on Monday 12<sup>th</sup> September 2016.

### Comment:

The Council resolutions from the 25<sup>th</sup> July OCM were as follows;

**OCM146/07/16** – Council resolved that a policy be developed that requires a monthly report on the events, meetings and attendances of the CEO.

**OCM147/07/16** – Council resolved that a policy be developed that requires a monthly report on the events attended by the Shire President, who the Shire President meets with, the subject of the meeting and any outcome agreed to at the meeting.

While the motivation of Councillors to ensure transparency and accountability is clearly understood and supported by staff, adopting these two policies seems somewhat premature and is contrary to the discussions and consensus from the June PCF to hold a workshop about communication. The specifics of what information is expected, how it is to be reported, what is relevant and effective information needs to be addressed, assessed and all stakeholders should have an opportunity to have input.

The CEO should be given an opportunity to consult and gain an understanding of issues with all Councillors before determining the information that is regularly communicated to Council. Directing the CEO to develop policies without consultation is not consistent with the Shire's stated value to "work as a team". Raising a notice of motion and making a decision without staff advice or consultation disenfranchises stakeholders, including fellow Councillors and staff.

The CEO is accountable to the Council and the Shire President, along with Councillors, are accountable to the community. The Local Government Act requires both the CEO and the Shire President to liaise with each other. Councillors should be kept informed regularly about the activities of the CEO and the Shire President that are relevant to achieving the strategic priorities and the implementation of Council's policies.

Section 5.41 defines the functions of the CEO, in particular *section 5.41(d) manage the day to day operations of the local government;.....* It could be considered that resolving that the CEO reports on day to day appointments and activities is not consistent with section 5.41(d).

The functions of the CEO are defined by statute and contract. However, the quality of the relationship between the CEO and the Council cannot be prescribed. At the commencement of the employment of the CEO and at review times, there needs to be specific targets and measures, against which the performance of the CEO can be assessed. The priorities in the strategic plans (such as the Strategic Community Plan and the Corporate Business Plan) and the budget of the Council are the best guide to what is required of the CEO. These priorities and measures are determined by the Council and the CEO in collaboration and are measured, reviewed and discussed on an ongoing basis. This is a more strategic focus on the performance of the CEO and far more measurable and effective than prescribing a policy aimed at focusing on the activities, movements and meetings of the CEO.

There will be differing opinions amongst Councillors about the level of detail that should be reported to Council about the activities of the CEO and the Shire President. That is why it was important for the Councillors and staff to workshop the options before deciding what information is provided.

The format of the Information Bulletin that is sent to Councillors fortnightly has been progressively improved over the last few months to provide comprehensive information including the activities of the CEO and the Shire President. This format will continue to be refined following the workshop and ongoing feedback from elected members. It is proposed that Council ensure that the Information Bulletin is included as a measure of the CEO's performance rather than prescribing policies that the CEO and Shire President report separately.

### Conclusion

The most effective method of providing Councillors with an update on the activities of the Shire President and the CEO is to include the information in the Information Bulletin. This also provides comprehensive reporting of progress on community priorities, projects and

selected operational matters that Council may be most interested in. It is not considered in the best interests of the Council or the community for a policy to be developed that prescribes that the Shire President and the CEO to report on their daily activities, meetings and the outcomes of these.

#### Attachments:

**OCM184.1/09/16 – Confidential Attachment** - The most recent Information Bulletin circulated to Councillors.

#### Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.1	Attract, develop and retain the best people to work in the Shire.
Key Action 1.2.3	Establish and communicate the Shire's purpose, vision, values and goals.

#### Statutory Environment:

Part 5 of the Local Government Act deals with the administration of the local government.

#### Financial Implications:

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

#### Officer Recommendation:

#### That Council:

1. Endorse the format and structure of the Information Bulletin as contained in attachment OCM184.1/09/16.
2. Acknowledge that the Information Bulletin will provide Councillors with relevant, timely and appropriate information that ensures the priorities of the Shire's strategic documents are being achieved.
3. Give consideration to including the Information Bulletin as a performance measure for the CEO.
4. Give consideration to revoking previous decisions made at the Ordinary Council Meeting on the 25<sup>th</sup> July 2016, identified as:
  - a) *OCM146/07/16 – Council resolved that a policy be developed that requires a monthly report on the events, meetings and attendances of the CEO; and*
  - b) *OCM147/07/16 – Council resolved that a policy be developed that requires a monthly report on the events attended by the Shire President, who the Shire President meets with, the subject of the meeting and any outcome agreed to at the meeting.*

Councillor See foreshadowed she would move the officers recommendation if the motion under debate is lost.

#### OCM184/09/16 Alternative Councillor Recommendation:

Cr Gossage, Cr Rich

To defer this item to be further discussed within a Policy Concept Forum.

LOST 4/5

**OCM184/09/16 COUNCIL DECISION / Foreshadowed Motion:**

**Moved Cr See, seconded Cr Hawkins**

**That Council:**

- 1. Endorse the format and structure of the Information Bulletin as contained in attachment OCM184.1/09/16.**
- 2. Acknowledge that the Information Bulletin will provide Councillors with relevant, timely and appropriate information that ensures the priorities of the Shire's strategic documents are being achieved.**
- 3. Give consideration to including the Information Bulletin as a performance measure for the CEO.**
- 4. Give consideration to revoking previous decisions made at the Ordinary Council Meeting on the 25<sup>th</sup> July 2016, identified as:**
  - a) OCM146/07/16 – Council resolved that a policy be developed that requires a monthly report on the events, meetings and attendances of the CEO; and***
  - b) OCM147/07/16 – Council resolved that a policy be developed that requires a monthly report on the events attended by the Shire President, who the Shire President meets with, the subject of the meeting and any outcome agreed to at the meeting.***

**CARRIED 5/4**

## 8.6 Late Items:

**Councillor Atwell declared an impartiality interest in item OCM185/09/16 as a part land owner in West Mundijong. Councillor Atwell stated this will not affect the way in which he votes and will partake in the debate and vote on this agenda item.**

<b>OCM185/09/16</b>	<b>Support for an Outer Harbour in Cockburn Sound</b>
Author:	Gary Clark – Acting Chief Executive Officer
Date of Report:	23 September 2016
Disclosure of Officers 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.

### Introduction

The construction of an outer harbour in Cockburn Sound will be a major economic driver for the Southern Corridor of the metropolitan area. It will support the case for Serpentine Jarrahdale's major strategic objectives including the extension of Tonkin Highway, the realignment of the rail corridor, the West Mundijong Industrial Precinct and the economic development of the region to provide employment for the growing population.

Council is requested to support the planning and construction of an outer harbour, with associated land based transport infrastructure, as a major driver of employment and growth.

### Background:

The Shire President, Acting CEO and Manager Communications attended a breakfast meeting in Kwinana on Friday 23<sup>rd</sup> September to discuss the common economic development, infrastructure and development objectives that align with an outer harbour in Cockburn Sound. The Mayors, Presidents, CEO's and Communication staff of seven local governments (Armadale, Cockburn, East Fremantle, Fremantle, Kwinana, Rockingham and Serpentine Jarrahdale), that would directly benefit from the construction of an outer harbour, attended the meeting.

### Relevant Previous Decisions of Council:

There are no relevant recent decisions of Council

### Community / Stakeholder Consultation:

The seven local governments at the meeting all indicated support for the concept of an outer harbour to service the port requirements of the state.

Regional Development Australia – Perth recently launched a report titled "Driving Change" that set out the priority infrastructure required to deliver economic prosperity to the state. It listed the outer harbour, the associated Latitude 32 industrial land, and intermodal transport hubs at Mundijong and Bullsbrook as the four nation building initiatives that required strong government intervention.

The Perth and Peel @3.5 million by 2050 as well as the Shire's draft SJ 2050 Vision also supports the establishment of the Outer Harbour. Consultation on these were undertaken separately.

### Comment:

#### Proposal

It is proposed that the seven local governments mentioned above create an alliance to promote an outer harbour as a major economic opportunity for the state and the nation.

### Options and Implications

Successive state governments of both political persuasions have had long term plans to develop a new port on Cockburn Sound for at least fifteen years and detailed planning for the new port was scheduled to start approximately two years ago. The current state government decided to ignore those plans and build the Perth Freight Link to the existing Fremantle Port.

The drivers for this were;

- Improved freight efficiency,
- Reduced traffic congestion,
- A significant funding contribution from the Federal Government,
- Lobbying to remove trucks from Leach Highway; and
- A decision to sell Fremantle Port.

There is significant opposition to the Perth Freight Link from a myriad of stakeholders but the fundamental issue is that the project will require the taxpayer to invest in excess of \$2.5 billion in a three stage project to a port that is estimated to reach capacity within 25 years. This time frame could vary depending on the rate of economic growth. Investment in major infrastructure should have a payback period of 50 to 100 years.

The City of Kwinana released the Indian Ocean Gateway proposal in August 2015 as an alternative investment that would meet the objectives of the Perth Freight Link with significantly less opposition from stakeholders. The project creates a major nation building project for the region and the state and be a major catalyst for private investment and economic activity.

At full utilisation, the benefits of a new port in Cockburn Sound and the associated land side infrastructure would be;

- Additional annual revenue of \$42.4 billion with additional indirect sales/output of \$28 billion,
- 37,000 extra jobs and further indirect employment of 50,000,
- Improved freight efficiency through new road and rail networks,
- New industries associated with science, innovation and technology; and
- A diversification of the state economy towards a broader base including agribusiness, marine servicing, communications and technology.

The direct benefits to the Shire of Serpentine Jarrahdale would be;

- Employment prospects for the thousands of children that will graduate from the district's schools over the next 35 years,
- A catalyst for the Tonkin Highway extension, the realignment of the railway and the West Mundijong Industrial Precinct; and
- The development of an intermodal hub in Mundijong West Industrial Precinct.

There are no other current infrastructure options or economic development opportunities that would provide a greater potential benefit to the Shire. All of the Shire's current strategic objectives for infrastructure and economic development will be complimented by an outer harbour in Cockburn Sound.

### Conclusion

It is estimated that Serpentine Jarrahdale's population will exceed 100,000 by the time the Perth and Peel region reaches 3.5 million around 2050. The district will need to generate around 40,000 jobs in the same timeframe to minimise the need to commute out of the area for work.

Supporting major nation building initiatives that in turn support the Shire's strategic objectives will build regional relationships and improve the economic development potential of the district.

**Attachments:**

Further details on the Indian Ocean Gateway proposal can be found at;  
[http://indianoceangateway.com.au/files/iog\\_proposal\\_new.pdf](http://indianoceangateway.com.au/files/iog_proposal_new.pdf)

**Alignment with our Strategic Community Plan:**

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.1	Plan and develop public transport networks link the community with the built and natural environment.
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management.
Objective 4.1	Sustainable Industries
Key Action 4.1.3	Develop transport, communication technology and utilities infrastructure.
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

**Statutory Environment:**

There are no statutory implications for this proposal.

**Financial Implications:**

The current budgets and staff resources for communications and economic development will cover the work required to participate in this proposal.

**Voting Requirements:** Simple Majority

**OCM185/09/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Ellis**

**That Council:**

- 1. Support the planning and construction of an outer harbour, with associated land based infrastructure, in Cockburn Sound.**
- 2. Collaborate with the Local Governments in the Southern Corridor to promote this nation building project as a freight and transport solution for Western Australia.**

**CARRIED 9/0**



**8.7 Confidential Reports:**

Nil

**9. Motions of which notice has been given:**

Nil

**10. Information Reports:**

Nil

**11. Urgent Business:**

Nil

**12. Councillor questions of which notice has been given:**

Nil

**13. Closure:**

There being no further business the Presiding Member declared the meeting closed at 9.58pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 24 October 2016

.....  
Presiding Member

.....  
Date