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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 28th APRIL 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Mr D van der Linde Acting Director Strategic Community Planning
Mr U Striepe Executive Manager Engineering (until 8.48pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Director Strategic Community Planning

GALLERY: 19

2. PUBLIC QUESTION TIME:

Colleen Rankin – 33 South Crescent, Byford

Urban Development in Serpentine Jarrahdale

I attended the evening when the Mundijong Structure Plan workshop was summarised and was swamped by two emotions, anger and sadness.

This was brought on from listening to Council's consultant state that no one wanted Mundijong to look like Byford and that it wouldn't – Mundijong would keep its rural character. Subdivisions would be designed with street trees, no cut and fill, no retaining walls, even small blocks designed so that trees could be planted, existing trees preserved and best practice WSUD.

I felt angry and sad because Byford's urban development is so poor and also because there is a huge doubt in my mind that it will transfer to action on the ground in Mundijong.

Several consultation forums undertaken with Byford residents between 1998 and 2004 about the proposed urbanisation called for preserving the rural character of the town, mainly through retaining and planting trees and WSUD multi use corridors.

The Serpentine Jarrahdale Shire's Strategic Plan states in part that "the community will participate in determining the future and will own and drive changes that occur. The shire will continuously strive for sustainable outcomes that simultaneously protect the local environment and enhance prosperity and quality of life."

Most of the urban developments in Byford are far from sustainable and the local environment is disappearing.

Fine words must transfer to action on the ground.

- Why do we have subdivisions without verge trees? (Sunrays has none at all!)
- Why do we have subdivisions where all verge trees were removed? (Larsen Road where the developer told us they could have kept quite a number if they had been asked to do so.)
- Best practice WSUD requires swales in most streets not just one waterway for the whole subdivision.
- Why do we have subdivisions where WSUD is either minimal or in a corridor remote from homes?

Byford Central's multiuse corridor on Thomas Road has never been developed.

What is being done about it?

Why do we have subdivisions in Byford with reticulated turfed verges?

This is not a sustainable practice. Lawns are to lay, sit or play on and a verge is not a good place to do any of those things. The verge belongs to the shire and councillors are responsible for what occurs there. The amount of water being used on verges in the new subdivision far out weighs any water savings Council has achieved on its ovals and gardens.

When I read the April Council Sustainable Development Committee agenda I became even more upset. How can Council staff be so out of step with Council's philosophy on sustainability to recommend a reduction in private open space to allow bigger houses on small blocks? At the current size there isn't enough space for a tree and there is very little area for a child to play.

Staff also recommended a reduction in street setbacks. This will ensure there will be no space for trees.

The third recommendation that appalls me is that fencing along rear laneways be changed to 1.8 metre high masonry.

The original DAP required open feature fencing for laneways. Changing that requirement is one way to get around the fact that no-one complied but it doesn't fit well within the Office of Crime Prevention's Designing Out Crime guidelines, it stops airflow around homes that are only one metre from the fence and it looks appalling.

After each dreadful stage of each estate rolled out I was told it wouldn't happen again and each time it did.

There are low budget housing estates that have achieved what we were promised in Byford. In particular one in the City of Armadale and one in Atwell.

Even in the old quarter trees are cut down on verges and not replaced.

As infill subdivision occurs trees are disappearing from home sites. In the old quarter there is less than half the 10% public open space now provided in urban developments.

If the current practice continues the old quarter will eventually look even worse than the worst of the new urban development – no trees around homes or on verges and very few in the small areas of public open space.

What is Council doing to address this issue?

Please Councillors look closely at every approval stage of each subdivision that comes before you so that we do not have anymore treeless suburbs.

Please put something in place to get trees onto verges where there are none and to replace verge trees that are cut down.

The Shire President advised that the questions asked would be taken on notice.

SD101/04/09 - Lisa Metcalf (27 Aquanita Rise, Darling Downs)

With regard to the change in building exclusion zones, would like confirmation of when the application will be approved.

The Shire President advised that the application would be approved tonight if Council endorse the recommendation.

The Director Development Services advised that Development Services would be able to deal with the application quickly and will give it a high priority.

SD092/04/09 - Trevor Henderson (Lot 207 Aquanita Rise, Darling Downs)

With regard to the building application for this property and the rear setbacks and building exclusion zone, the property has been measured and plans submitted to Council on Friday which details the trees that the developer has planted and also trees proposed to be planted by the landowner.

The landowner is hopeful that Council will view this application favourably.

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

SD096/04/09 - Anthony Morcombe, Roberts Day Group (acting on behalf of Australand)

We have been working with Council staff for approximately 2.5 years on the preparation of the LSP and look forward to Council's approval tonight so we can progress to subdivision and development of the land.

I'd like to refer Councillors to my letter dated 24 April 2009. The letter addresses two issues that were raised at last week's Sustainable Development Committee meeting - concerns about landscape character and the extent of R25 lots proposed.

We wish to assure Council that Australand has been, and will continue to, work closely with Shire staff to ensure landscaping of public spaces meets Council's requirements.

The Structure Plan requires that Australand prepare a Landscape and Vegetation Management Plan for Council approval prior to subdivision of the land. This includes a requirement to retain vegetation that is identified as feeding habitat for cockatoos and providing street trees at the rate of one per lot. A draft management plan has been prepared by Blackwell & Assoc in consultation with Council staff, who have advised it is supported in principle.

It is proposed to retain as much of the remnant vegetation as possible, and landscape and rehabilitate the site using native trees, in particular vegetation that is important to the feeding habitat of cockatoos.

In consultation with Council staff, Australand also intends to provide purchasers of housing lots with welcome packages that include information about water-wise native gardens, including landscaping that is recommended by the local Landcare group.

We request that Council support the extent of R25 lots we have proposed, which is supported by Council's planning staff.

We are not proposing lots that are significantly smaller than R20 lots. As can be seen on the Preliminary Landscape Plan, the difference between the size of the R25 and R20 lots will not be noticeable. However, the R25 will provide for an increased diversity of lot types and a different product for purchasers. We wish to point out that Australand is not proposing a high proportion of R30 and R40 lots, as has been approved nearby in The Glades estate.

We therefore request that Council approve the structure plan tonight as per the officer recommendation on p.38 of the agenda - including the extent of R25 lots proposed in our submission and supported by Council staff, rather than a predominant density of R20 as per the new motion noted on p.39 of the agenda.

CGAM087/04/09 - Gerald Bergsma (Lot 27 Lightbody Road, Mardella)

Mr Bergsma appreciates the proposal for Council to consider staged sealing of Lightbody Road in the next budget.

As we have been at this point of road closure on two occasions in four years, residents need some re-assurance that the sealing of Lightbody Road will indeed be adopted in the 2009/10 budget. If this decision to rescind the closure is accepted, please ensure the sealing will indeed take place.

Residents and ratepayers need to see the staged sealing of the remainder of Lightbody Road in future budgets. This must be included in a motion at this meeting or a Council meeting in the near future

CGAM087/04/09 - Geoff Manning (Lot 16 Lightbody Road, Mardella)

A petition to rescind the motion to close Lightbody Road should not be taken lightly due to support from landowners in two surveys and support from landowners and the public in two public meetings which was overwhelming.

Thanked Shire officers and Council for reconsidering Lightbody Road closure because of the extensive feedback that supported leaving the road open.

The position of most of the people who provided feedback is that they would like to ultimately see Lightbody Road fully sealed over time.

CGAM087/04/09 - Loretta Oud (301 Lightbody Road, Mardella)

Firstly I would like to thank Councillors and officers for their time and attention to this matter which has brought us up to this point.

It is obvious that Lightbody Road cannot continue to be used as a gravel through road and action needs to be taken.

A decision needs to be made as to Lightbody Roads' function by deciding whether it would be:

1. used as a road to service local traffic to properties on it only and closed; or
2. used as a through road linking to Mundijong Road to service the whole community

The Officer's recommendation to rescind closure and recommendation to seal 1km determines that Lightbody Road will be used as a through road open to service the whole community. If that decision is to be adopted Lightbody Road is further integrated into the network of sealed roads to service the community and must be upgraded to a sealed surface urgently.

If a staged sealing programme is to be adopted then there must be a commitment to carry out sealing expeditiously as remaining gravel portions will still pose significant safety and dust issues created by the high volume of through traffic on it (through traffic which will most likely increase).

I ask that councillors leave road closure in their motion as an option to be re-visited in the event that funds are not allocated in the 2009/10 budget for sealing 1km or if a staged sealing program cannot be carried out in an expeditious time frame.

I also ask councillors to include in their motion that an effective dust management plan be implemented to effectively address and manage dust pollution generated by the through traffic whilst unsealed sections of the road remain open during a staged sealing plan.

CGAM087/04/09 - Jacqueline Marsh (340 Lightbody Road, Mardella)

In the 15 years I have lived on this road I have seen someone on the Manning property perhaps six times.

This does not mean that they do not go onto the property it just means I have not seen them.

The same analogy applies to accidents on Lightbody Road.

The ones who do not live on the road or travel it on a regular basis have no idea of just how many there are...

I resent the statement that we, the residents, are lying about the events on this road.

I am totally aware that the present Councillors are not the ones who have given undertakings regarding this road and then changed the agenda, however that is what has happened in the past.

I can only say once again something needs to be done and done quickly before there is a fatality.

I certainly do not want to be the one who has to deal with that.

If there is no alternative but to start sealing 1km at the time then in my opinion that should begin on the stretch from MacKays down to Spencers to try to alleviate the horrendous dust problem that we face on a daily basis.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President advised of the success of our Cadets at the National Fire Cadet Championship Games held on 16-17 April in New South Wales. Our Cadets brought home many trophies and also received a standing ovation at the Games.

The Shire President congratulated all concerned and advised that we are looking forward to hosting the next National Cadet Games in Western Australia.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Needham declared a financial interest in item CGAM093/04/09 as she claims a farmland concession and advised that she will leave the Chamber and not vote on this item.

Cr Harris declared an interest of impartiality in item SD094/04/09 as her brother is a member of the Yangedi Aircraft Association and advised that this will not affect the way in which she votes on this matter.

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETING:

7.1 Ordinary Council Meeting – 23 March 2009

COUNCIL DECISION

**Moved Cr Price, seconded Cr Twine
That the *attached (E09/1793)* minutes of the Ordinary Council Meeting held on
23 March 2009 be confirmed.
CARRIED 10/0**

REPORTS OF COMMITTEES:

SD099/04/09 PROPOSED ANCILLARY ACCOMMODATION – LOT 21 BAIGUP LOOP, CARDUP (P06787/04)		
Proponent:	Cavalier Portables and Park Homes	In Brief Application seeking a variation to Local Planning Policy 17 to construct and occupy an Ancillary Accommodation prior to the main dwelling be constructed. It is recommended the application be refused.
Owner:	T & L Starcevich	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Director Development Services	
Date of Report	23 March 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 26 February 2009
 Lot Area: 2ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living B
 Date of Inspection: 20 March 2009

Background

The owners purchased the property in September 2008 and subsequently lodged an application for an outbuilding (shed and stables) in November 2008. As the application was for an oversized outbuilding, a formal advertising process was conducted and consequently the application was determined by Council in January 2009.

The information provided with the application for the outbuilding included a single dwelling and Ancillary Accommodation subject to future applications, with the owners noting their intention to reside on the property by April 2009.

On 20 February 2009, the Rural Building Company lodged an application for a single dwelling comprising a 337m² double brick, single storey home with rendered finished and a Colorbond roof of Woodland Grey. The proposed main dwelling has a distinct feature roof with a 25 degree pitch.

A subsequent application for Ancillary Accommodation was lodged on 26 February 2009. The proposed Ancillary Accommodation is 45m² and is a steel framed, weatherboard clad transportable home with a Colorbond roof in Bushland. The cladding of the transportable is proposed to be covered with Custom Orb in Evening Haze colour. The proposed Ancillary Accommodation is a transportable building which once connected to necessary essential services can allow for immediate occupancy upon delivery to site.

A copy of the location plan, aerial photo, site, floor, elevation plans and elevations of the main dwelling are with the attachments marked SD099.1/04/09.

The owners wish to reside on their property prior to the main dwelling being constructed and seek an approval to reside in Ancillary Accommodation in lieu of Temporary Accommodation. The owners advise they believe the estimated time of construction of the main dwelling to be approximately twelve months. At the time of compiling this report, the building licence for the main dwelling had not yet been issued.

Therefore the proposed Ancillary Accommodation seeks two variations to Local Planning Policy (LPP) 17 and as such a determination must be made by Council.

Sustainability Statement

Effect on Environment: The land contains no established vegetation where the proposed buildings are to be constructed and therefore minimal impact will occur to vegetation.

Resource Implications: With the transportable being delivered to site prior to construction of the main dwelling this will potentially lead to a repetition of some excavation and construction methods at different stages of construction as opposed to the main dwelling and Ancillary commencing construction.

The proposed Ancillary Accommodation has only two windows on the northern elevation and therefore achieves limited solar passive design however, the additional roof area of another structure will provide another ability to capture and reuse storm water.

Social – Quality of Life: Whilst the proposal may provide a better quality of life for the owners whilst the main house is being constructed, it would discriminate against other residents who have not been permitted to construct ancillary accommodation prior to the main house being constructed. The Temporary Accommodation Policy caters for property owners wishing to reside on their property whilst the main dwelling is under construction. The Temporary Accommodation Policy is guided by the Caravan and Camping Regulations.

If approved, there is a risk that construction of the main dwelling may not commence and therefore result in an undersized dwelling being permanently located on the site.

Social and Environmental Responsibility: The proposal is likely to create a negative and confusing outcome amongst the community as historically the two policies have been clearly segregated and operated independently to allow for Temporary Accommodation prior to completion of the dwelling and/or the construction of an Ancillary Accommodation after the completion of the dwelling.

Social Diversity: The proposal is an uncommon application and would potentially create a precedence that does not address either the Temporary Accommodation Policy or Local Planning Policy 17. The above mentioned policies are clearly defined and Temporary Accommodation distinctly provides an opportunity for short term occupancy of land whilst a main dwelling is under construction.

Statutory Environment:

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

Policy/Work Procedure Implications:

LPP 17 – Residential and Incidental Development Within Serpentine-Jarrahdale Shire

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

4. Respect diversity within the community.

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

LPP 17 requires applications of this nature to be advertised before approval is granted. Advertising is not required ahead of a determination to refuse on application.

Following a meeting with the owners and Shire officers, the owners requested a special consideration for this application to be expedited and therefore in order to table the proposal for the April Sustainable Development Committee meeting, advertising is yet to be conducted.

Comment:

Under the Residential Design Codes (R Codes) of Western Australia, the definition of Ancillary Accommodation states:

“Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by the members of the same family as the occupiers of the main dwelling”

Section 5.1 of LPP 17 states:

“The main dwelling must be constructed prior to the Ancillary Accommodation” and;

for Exterior Finish *“Ancillary Accommodation is to be constructed in the same or similar materials to the main dwelling to the satisfaction of the Shire”*

The proposed Ancillary Accommodation attempts to address the requirements for Exterior Finish by amending the original 300mm gable roof to a 15 degree pitched roof and also proposes to clad the transportable in Colorbond Evening Haze (grey tone). There is the potential for conflict of materials as the proposed main dwelling would be constructed of double brick and the proposed Ancillary Accommodation would be a weatherboard transportable. As the property contains virtually no screening the transportable would be highly visible from the street and adjoining properties.

Shire officers receive a reasonable number of enquiries from landowners for such proposals. In accordance with LPP17 such proposals are not supported. The approval of this application may establish an undesirable precedent. Landowners seeking occupancy of the land prior to completion of the dwelling are readily able to meet the requirements of Council Policy on Temporary Accommodation. In contrast, the purpose and intent of Ancillary Accommodation is to provide additional accommodation for extended members of the families that occupy a main dwelling.

Given the owners have lodged an application for a main dwelling this demonstrates good intention to finalise the overall property development. However, there can be a risk that the building licence for the main dwelling can be cancelled after the building licence for the Ancillary Accommodation is issued.

Council have allowed on a few occasions, Ancillary Accommodation to be occupied prior to the main dwelling being built:

In the first occasion, Development Approval was issued for the construction of an oversized Ancillary Accommodation and Single Dwelling at a property in Oakford in November 2003. To date, the main dwelling has not been constructed and a small outbuilding has since been constructed in place of the proposed main dwelling.

In the second occasion, an application for a “house and granny flat” in Mundijong was approved in 1989. In 1992 the property was sold with an incomplete Ancillary Accommodation and the main dwelling had not been commenced. Following an investigation the matter was referred to Council who resolved that occupancy of the partially constructed ancillary accommodation was not permitted until the main residence was completed and also approved for occupancy.

On the third occasion, approval was granted for Ancillary Accommodation to be constructed on a property in Serpentine, prior to the main house being constructed.

Whilst these cases are infrequent outcomes, there is the potential of lengthy compliance issues should the Ancillary Accommodation be approved and occupied and the main dwelling not being proceeded with.

It is therefore recommended the application for Ancillary Accommodation be refused.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That approval to commence development for proposed Ancillary Accommodation on Lot 21 Baigup Loop, Cardup is refused for the following reasons:

1. The application does not comply with Council’s Local Planning Policy No 17 by virtue of the land having no existing single dwelling.
2. The approval of this application may establish an undesirable precedent for other similar requests.
3. The application does not comply with Council’s Local Planning Policy 17, by virtue of the Ancillary Accommodation being constructed of different materials to the main dwelling.

Advice Note:

1. The applicant be advised that Council would consider an application for Ancillary Accommodation that meets the requirements of Local Planning Policy No 17 or an application for Temporary Accommodation.

SD099/04/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Randall, seconded Cr Buttfield

That the Application for Approval to Commence Development of Ancillary Accommodation on Lot 21 Baigup Loop, Cardup be approved subject to the following conditions:

1. **Any occupier of the ancillary accommodation, while the main dwelling is being constructed, shall be a member of the family that intends to occupy the main dwelling. Upon completion of the main dwelling, the occupier of the ancillary accommodation, shall be a member of the family of the main dwelling.**
2. **A Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 1. The Section 70A Notification shall be prepared by the Shire’s solicitors to the satisfaction of the**

- Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
3. Lodgement of a bond, in the form of a bank guarantee, to the value of \$10,000 to the Shire prior to issue of a Building Licence for the Ancillary Accommodation to ensure that a Single Dwelling is constructed on the property. Such bond shall be released by the Shire back to the landowner once the construction of a Single Dwelling on the property has been substantially commenced to the satisfaction of the Director Development Services.
 4. If in the opinion of the Director Development Services, the main dwelling on the property is not substantially completed by 30 June 2010, then the Ancillary Accommodation shall be removed within 30 days of written notification by the Shire.
 5. The roof pitch of the Ancillary Accommodation is to be a 15 degree roof pitch and a 25 degree roof pitch for the verandah.
 6. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
 7. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
 8. Access to the property shall be via existing crossover only.
 9. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
 10. Vegetation screening is to be established around the building to the satisfaction of the Director Strategic Community Planning by 30 December 2009 and thereafter maintained to the satisfaction of the Shire.

Advice Notes:

1. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Approval is required from the Shire for the effluent disposal system.
2. A building licence is required for the proposed dwelling prior to installation on the property.

CARRIED 10/0

Committee Note: The Committee considered that the Ancillary Accommodation could be approved prior to the main dwelling being constructed, as it was the landowners clear intention to start construction of the main dwelling shortly. The approval is subject to conditions to ensure that the use of the Ancillary Accommodation is consistent with Council's Policy and relevant legislation.

SD092/04/09 PROPOSED SINGLE DWELLING, OVERSIZE SHED & BUILDING EXCLUSION ZONE MODIFICATION – LOT 207 AQUANITA RISE, DARLING DOWNS (P06906/02)		
Proponent:	T & G Henderson	In Brief It is recommended that the proposed single dwelling, oversize shed & building exclusion zone modification on Lot 207 Aquanita Rise, Darling Downs be conditionally approved.
Owner:	As Above	
Author:	Michael Daymond – Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 March 2009	
Previously	CGAM064/02/08; OCM027/03/08; SD044/10/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 7 January 2009
 Advertised: Yes
 Submissions: Yes
 Lot Area: 0.421 ha
 L.A Zoning: Rural Living A
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural Living A
 Date of Inspection: February 2009

Background

The applicant seeks approval for a single dwelling, oversize shed and 'Building Exclusion' zone modification on the subject property. The subject property is located within the Marri Fields Estate in Darling Downs, which was created as a result of the subdivision of Lots 66 and 100 South Western Highway. This report provides Council with the opportunity to consider the proposed development.

***A locality plan and aerial photo are with the attachments marked SD092.1/04/09.
 A copy of the site plan of the proposed dwelling & shed are with the attachments marked SD092.2/04/09.***

Sustainability Statement

Proposed Single Dwelling & Oversize Shed

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The majority of vegetation on site is located within the Building Exclusion zone at the rear of the property.
Is remnant native vegetation to be retained or removed as a result of this proposal?	The proposal will not result in the removal of any existing vegetation on site.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	The applicant proposed to plant vegetative screening around the boundaries of the lot which will help screen the development from view. A condition will be included relating to revegetation of the site.
Will the requested variation have an	It is considered that the proposed

Sustainable Element	Comment
adverse effect on streetscape or the character and amenity of the locality or an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	development will not have adverse effect on the existing streetscape as it is in keeping with other similar development in the same estate.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The applicant is proposing to install a rainwater tank at a later stage to catch the runoff from the shed.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Rural Strategy 1994
DS15 Building Envelopes – Local Variations

Policy/Work Procedure Implications:

Local Planning Policy (LPP) 17 - Residential and Incidental Development within Serpentine Jarrahdale Shire

Financial Implications:

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

Strategic Implications:

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

2. Environment

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

Strategies:

6. Value, protect and develop biodiversity.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The application was referred to two adjoining landowners for comment for a period of 21 days. One letter of no objection was received.

Comment

Policy Requirements

LPP17 Residential and Incidental Development
Proposed Single Dwelling

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks			
Primary Street	15m	15m	Complies
Rear	7.5m	48m	Complies
Side	7.5m	13.3m & 8m	Complies

Proposed Oversize Shed

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks			
Primary Street	15m	54m	Complies
Rear	7.5m	19m	Complies
Side	7.5m	7.0m	Variation of 0.5m sought - supported
Floor Area (combined total floor area of all outbuildings)	Max. 150m ²	180m ²	The applicant originally proposed a shed of 200m ² but has agreed to reduce it to 180m ² based on advice from Council staff. As per LPP17, Council staff have delegated authority to deal with sheds that are up to 180m ² in size within the Rural Living A zone subject to no objections from adjoining neighbours. No objections have been received.
Wall Height	Max. 3.5M	4.0m	Variation of 0.5m sought – supported. As per LPP17, Council staff have delegated authority to deal with sheds that have wall heights of up to 4.2m within the Rural Living A zone subject to no objections from adjoining neighbours. No objections have been received.
Roof Height	Max. 5.0m	5.0m	Complies

Building Exclusion Zone

The proposed application for the single dwelling and oversize shed could normally be dealt with under delegated authority by Council staff as the proposed shed is within the 20% variation for floor area and wall height as permitted under LPP17 and no objections have been received from surrounding landowners.

However, a referral to Council is required in this instance as the proposed dwelling and shed are located within the designated Building Exclusion zones on the property. No delegation currently exists to deal with either modifications to Building Exclusion zones or building within the Building Exclusions zones and as such, a referral to Council for determination is required. The issue surrounding lack of delegation on such matters is the subject of a separate report to Council on this agenda.

In relation to the removal of vegetation within these exclusion zones, Special Provision No.3 within the scheme for the Marri Fields Estate (RLA21) states:

“Notwithstanding special provision 2, vegetation within the areas designated as ‘Strategic Revegetation’ and/or ‘Building Exclusion’ on the endorsed Subdivision Guide Plan are not permitted to be removed. This strictly includes the 13 Marri (Eucalyptus calophylla) trees identified across the subject land as significant in the feeding cycle of the Red-Tail, Black and Baudin Cockatoos (Calyptorhynchus funereus latirotris). Lots which contain these trees, or any areas of ‘Strategic Revegetation’ and/or ‘Building Exclusion’ are to have a suitable notification placed on the certificate of title (prior to creation) advising of this requirement to the satisfaction of the Council.”

Lot 207 Aquanita Rise has three (3) main areas of the building exclusion zone on the property. These are located in the south east corner, on the eastern side and at the northern end of the property.

A copy of the proposed site plan submitted by the applicant showing the location of the existing Building Exclusion Zones is with the attachments marked SD092.3/04/09.

The South-East & Eastern Exclusion Zones

These two areas of ‘Building Exclusion’ zone were located on the property to help preserve the existing vegetation on site that was considered to be worthy of retention. The proposed single dwelling and associated driveway are shown to extend into these two areas. The reason for the encroachment into these areas is that the vegetation that was meant to be preserved by these exclusion zones is no longer on site.

The vegetation within these two areas of ‘Building Exclusion’ zone has been removed without Council approval. With regard to the removal of this vegetation, correspondence dated 1 August 2008 from the owner states that:

“Unfortunately these trees were up rooted after a storm of which damaged other trees when falling. These trees were dangerous and unsafe and therefore had to be removed. As you could see from their root systems, they were surfaced rooted and not deep rooted, the ground they had been planted into was hard clay & they had stunted proper root growth. The original owners of the land before the development said they planted the trees and they were not native to the area. Also, when removing an old leach drain on the right hand side of the block, the front end loader damaged a tree because the roots were into the leach drain which also had to be removed. We plan to revegetate the block with trees & shrubs that are native to the area.”

The matter of the unauthorised clearing of trees and vegetation on this property is currently the subject of a compliance investigation.

Any development of a single dwelling on the subject property is affected by the poultry farm buffer (from the poultry farm to the north of the site) and the required 7.5 metre side setbacks as required under LPP17. When taking these aspects into consideration, together with the location of the ‘Building Exclusion’ zones, it is acknowledged that Lot 207 is a difficult lot on which to build a residence. Although the vegetation has already been removed, the applicants are proposing to revegetate a substantial portion of the property with native species. To ensure that this revegetation is undertaken, as a means of compensating for the vegetation that was removed, the preparation of a Landscape and Vegetation Management Plan will be included as a condition of approval.

The removal of the south-east and eastern ‘Building Exclusion’ zones is supported.

Northern Exclusion Zone

The applicant proposes to construct a 180m² shed on the property that is setback 19.0 metres from the northern (rear) boundary. This shed extends 5.0 metres into the northern ‘Building Exclusion’ zone.

The northern 'Building Exclusion' zone reflects not only the existing vegetation on site, but also the revegetation that was undertaken by the developer at the time of subdivision. This northern 'Building Exclusion' zone on Lot 207, together with the northern 'Building Exclusion' zones for other lots on the northern side of Aquanita Rise, is 24 metres wide measured from the back boundary. This distance reflects the width of revegetation as undertaken by the developer.

It has been ascertained on-site that the width of planting undertaken by the developer at the time of subdivision was 17 metres and not the 22 metres as required. The reason for this discrepancy is unknown.

One adjacent property in Aquanita Rise has been granted planning approval for a reduced building exclusion zone of 19 metres. It is recommended that this distance be accepted for this application and future applications, subject to the landowners being required to fully vegetate the building exclusion zone.

The owners seek to construct the proposed shed with a 19.0 metre setback to the northern boundary. This request is supported, subject to a condition requiring revegetation of the building exclusion zone.

A copy of the revised Building Exclusion Zone plan showing the removal of the south-east & eastern zones and modification to the northern zone is with attachments marked SD092.4/04/09.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The proposed single dwelling, oversize shed and modification to the 'Building Exclusion' zone on Lot 207 Aquanita Rise, Darling Downs be approved subject to the following conditions:

1. The floor area of the shed be reduced to a maximum size of 180m².
2. The shed being setback 19 metres from the rear boundary of the property.
3. A Landscape and Vegetation Management Plan shall be submitted and approved by the Director Strategic Community Planning for the property, including Revegetation of the building exclusion zone, prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan shall be implemented in its entirety by the 30 November 2009 and maintained at all times to the satisfaction of the Shire.
4. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
5. Where a crossover from the road to the lot has already been provided by the developer or the location of a future crossover has been designated (ie mountable kerb and opening in existing fencing exists) then vehicular access to the lot is to be via this point only.
6. All stormwater to be disposed of within the property. This shall be achieved by either soak wells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
7. Street trees on the verge are not to be pruned or removed.

Advice Notes:

1. The proposed single dwelling and shed are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.

2. A building licence is to be obtained prior to commencement of development including earthworks.
3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.

Committee Recommended Resolution:

The proposed single dwelling, oversize shed and modification to the 'Building Exclusion' zone on Lot 207 Aquanita Rise, Darling Downs be approved subject to the following conditions:

1. The floor area of the shed be reduced to a maximum size of 180m².
2. The shed being setback 19 metres from the rear boundary of the property.
3. A Landscape and Vegetation Management Plan shall be submitted and approved by the Director Strategic Community Planning for the property, including revegetation of the building exclusion zone incorporating local native species and planting of Marri trees, prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan shall be implemented in its entirety by the 30 November 2009 and maintained at all times to the satisfaction of the Shire.
4. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
5. Where a crossover from the road to the lot has already been provided by the developer or the location of a future crossover has been designated (ie mountable kerb and opening in existing fencing exists) then vehicular access to the lot is to be via this point only.
6. All stormwater to be disposed of within the property. This shall be achieved by either soak wells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
7. Street trees on the verge are not to be pruned or removed.

Advice Notes:

1. The proposed single dwelling and shed are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
2. A building licence is to be obtained prior to commencement of development including earthworks.
3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.

Committee Note: The Officers Recommendation was amended by rewording Condition 3.

SD092/04/09 COUNCIL DECISION/New Motion:

Moved Cr Brown, seconded Cr Murphy

The proposed single dwelling, oversize shed and modification to the 'Building Exclusion' zone on Lot 207 Aquanita Rise, Darling Downs be approved subject to the following conditions:

1. The floor area of the shed be reduced to a maximum size of 180m².
2. The shed being setback 19 metres from the rear boundary of the property.
3. A Landscape and Vegetation Management Plan shall be submitted and approved by the Director Strategic Community Planning for the property, including revegetation of the building exclusion zone incorporating local native species

and planting of Marri trees, prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan shall be implemented in its entirety by the 30 November 2010 and maintained at all times to the satisfaction of the Shire.

4. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
5. Where a crossover from the road to the lot has already been provided by the developer or the location of a future crossover has been designated (ie mountable kerb and opening in existing fencing exists) then vehicular access to the lot is to be via this point only.
6. All stormwater to be disposed of within the property. This shall be achieved by either soak wells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
7. Street trees on the verge are not to be pruned or removed.

Advice Notes:

1. The proposed single dwelling and shed are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
2. A building licence is to be obtained prior to commencement of development including earthworks.
3. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.

CARRIED 8/2

Council Note: The Committee Recommended Resolution was changed in condition 3 by requiring that the Landscape and Vegetation Management Plan be implemented in its entirety by 30 November 2010.

During debate Cr Geurds foreshadowed that he would move the Officer Recommended Resolution if the motion under debate is defeated.

Moved Cr Price, seconded Cr Kirkpatrick that item CGAM087/04/09 be discussed out of order whilst members of the gallery are present to hear the item.

CARRIED 10/0

CGAM087/04/09		LIGHTBODY ROAD, MARDELLA (R0038)	
Proponent:	Engineering Services	In Brief This report summarizes actions taken to date in relation to Lightbody Road and the recommended action proposed by the Shire's Engineering Services.	
Owner:	Serpentine Jarrahdale Shire		
Officer:	Richard Gorbunow - Director Engineering		
Senior Officer:	Joanne Abbiss - Chief Executive Officer		
Date of Report	20 March 2009		
Previously	CGAM033/11/07 & CGAM034/10/08		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

At the Ordinary Council Meeting held on 27 October 2008 the following resolution was adopted:

“CGAM034/10/08 COUNCIL DECISION:

Moved Cr Murphy, second Cr Brown (proforma)

- 1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.*
- 2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.*
- 3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.*
- 4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire’s response and the outcomes of this meeting.*
- 5. Lightbody Road be closed to through traffic.*
- 6. The arrangements’ necessary relating to approval and advertising periods etc are to be initiated immediately.*
- 7. A workshop between elected members and engineering division staff to be convened to discuss the possibilities of a low cost barrier to through traffic being constructed.*

CARRIED 7/3

Cr Randall voted against the motion”

Following the Council Resolution the Engineering Staff proceeded in implementing the Council decision. Due to enquiries received from Lightbody Road residents, seeking clarification on the process for implementing the Council resolution in October 2008, a meeting was held on site on the 24 December 2008. The Director of Engineering provided information to the residents on the process to be initiated in accordance with Council Resolution. That information provided to residents was;

- A meeting will be held between Councillors and Shire Engineering Officers in January 2009 as per Council resolution.
- Followed by a public meeting in February 2009.
- Report to Council in April 2009.

Statutory Environment:

Local Government Act 1995, Environmental Act 1986,
Land Administration Act 1997.

Policy/Work Procedure Implications:

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

Financial Implications:

The cost of grading Lightbody Road is approximately \$25,000 per year; this does not include replacement of material in the road surface. Engineering Services evaluated the existing surface on Lightbody Road and should the Council consider upgrading the road in the financial year 2009/10, the cost to reconstruct and seal the road per kilometre is \$ 219,000 or to seal the entire length of the gravel section 4.55 kilometres would equate to \$996,450.

The corrective action report identified measures to improve safety on Lightbody road to the value of \$72,800. The major works are associated with modifying the roads super elevation of curves at an estimated cost of \$65,000. Those works are postponed for Council to consider in the 2009/10 budget deliberation.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

Community Consultation:

A public meeting was held at the Eric Senior Hall (Serpentine) on Wednesday, 25 February 2009, along with three Shire Councillors (Cr Price, Cr Twine and Cr Kirkpatrick) and three Shire Officers (Director Engineering, Manager Subdivisions, and PA to Director Engineering) and fifty three public persons were present at that meeting.

A copy of the minutes from the Lightbody Road Public Meeting held on 25 February 2009 are attached marked CGAM087.1/04/09 (E09/1407).

In accordance with the requirements of the Land Administration Act 1997 related to road closures, a period of thirty five days was allowed for public submissions on the proposal. The submission closed on 19 March 2009.

A summary of public statements and petitions submitted in writing are attached marked CGAM087.2/04/09 (E09/1521).

Evaluation of public statements revealed a large percentage of submissions want Lightbody Road to remain open and be upgraded to a seal standard.

Comment:

For some time the residents of Lightbody Road have been making appeals to the Shire for the road to be upgraded (sealed) to improve it's safety performance.

Lightbody Road in Mardella is a 5.2 kilometre long road that runs from Mundijong Road (North) to Lowlands Road (South). The two terminating ends of the road are sealed for less than 500 metres, with the remainder of the road having a gravel surface. The road has had twelve police-reported crashes during the period 1 January 2003 to 31 December 2008.

At the February 2008 Ordinary Council Meeting (OCM024/02/08), Council agreed to the establishment of a Lightbody Road Working Party to work with the residents to find solutions to the perceived safety problems along the road. The Shire's Engineering Services

department was then asked to arrange for a formal Road Safety Audit to be performed on the road.

The Road Safety Audit was conducted in May and June 2008.

A copy of the Road Safety Audit Report is with attachments marked CGAM087.3/04/09 (IN08/12321).

The Road Safety Audit Team carefully examined the entire length of road, including surface conditions, all road features, roadside objects, property boundaries, individual crossovers, drainage and signage. The Team then reviewed the crash details for all police-reported crashes. The Road Safety Audit Report makes nineteen recommendations to improve the operation and safety of Lightbody Road.

In short, the Road Safety Audit report asserts that the road is operating *relatively* safely. The road has a very low daily traffic volume (only seventy one vehicles per day), but 85% of all drivers are travelling at a speed of over 85 km/hr, which the report states is not appropriate for a gravel road surface with several horizontal curves. This is especially the case on a road which is frequented by large vehicles, many of which are slow-moving and transporting cattle or horses. The majority of the police-reported crashes on this road (ten of twelve in a five-year period) are single vehicle crashes which may be attributable to loss of control of a vehicle on a gravel surface.

A Corrective Action Report which responds to the Road Safety Audit Report and provides room for the road authority to accept or reject recommendations was also included with the Audit Report. The Shire's Leadership Team and Engineering Officers reviewed the Audit Report and completed the necessary sections of the Corrective Action Report (CAR).

The recommendation relating to the conduct of an education campaign to remind drivers to drive to conditions would be very difficult to design such that it appropriately targets the relevant parties, and would not be cost-effective and hence was not supported in the CAR. The recommendation to provide a trail for equestrian users is not felt necessary at this time as such users have not been involved in reported incidents on this road in the past and this was also not supported in the CAR.

In summary, the actions supported in the CAR to be taken in the short to medium term by the Shire's Engineering Services to address safety on Lightbody Road include the following:

1. Install roadside guide posts at frequent intervals along the full length of Lightbody Road to clearly delineate the road's edges and to give all road users advance warning of approaching curves or roadside hazards (estimated cost \$7,800).
2. Install blue coloured guide posts at locations where drainage culverts exist to highlight their location to drivers (indicating the presence of a drain and headwall).
3. Install guide posts at a horizontal separation distance of 6.2 metres to effectively reduce the width of the road and therefore reduce travel speeds.
4. Modify the road's superelevation (crossfall) to address issues related to horizontal curves (estimated cost \$ 65,000 – works to be conducted during 2009–10 financial year).
5. Install road narrows signage at the bridge near the boundary of Lots 1 and 20.
6. Write to Main Roads Western Australia, the authority for all regulatory and advisory signage, requesting:
 - a) They undertake an investigation to determine whether the curves in Lightbody Road meet the warrants for the installation of advance curve warning signs, and if so, install such signage;
 - b) The installation of a 70 km/hr speed zone (including signage) for the full length of Lightbody Road.

A reduction in the road's trafficable width is aimed at reducing the travel speed of vehicles on the road. The installation of advance warning signage and guide posts, combined with a

reduction in the road's speed limit should significantly reduce the crash incidence on Lightbody Road.

In addition to the above actions, the Engineering Department will closely monitor on an annual basis the crash figures and locations for Lightbody Road, with a view to applying for funding under State and Federal Black Spot Programs to eventually upgrade the road's surface to a two-coat seal in those locations where the crashes are occurring.

Voting Requirements:

The motion to consider rescinding does not require an Absolute Majority however the motion to rescind must have an Absolute Majority.

Committee/Officer Recommended Resolution:

That Council under Section 5.25(1)(e) of the Local Government Act Regulations 1996 consider rescinding resolution CGAM034/10/08 of Council meeting held 27 October 2008 as follows:

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.
3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the super elevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.
5. Lightbody Road be closed to through traffic.
6. The arrangements' necessary relating to approval and advertising periods etc are to be initiated immediately.
7. A workshop between elected members and engineering division staff to be convened to discuss the possibilities of low cost barrier to through traffic being constructed.

COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Randall, Cr Twine, Cr Kirkpatrick
That Council consider rescinding motion CGAM034/10/08.

CARRIED 9/1

Voting Requirements: Simple Majority

COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Randall, Cr Twine, Cr Kirkpatrick
That Council rescind the motion CGAM034/10/08.

CARRIED 8/2

Voting Requirements: ABSOLUTE MAJORITY

CGAM087/04/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Randall

1. Council accepts the Road Safety Audit Report for Lightbody Road and agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.

3. Council consider an allocation of funds in the draft 2009/10 financial year budget to reconstruct and seal a 1km section of road along Lightbody Road as determined by the Director Engineering.

CARRIED 8/2

Voting Requirements: Simple Majority

SD093/04/09 PROPOSED MODIFICATION TO DETAILED AREA PLAN NO. 6 - BYFORD CENTRAL ESTATE (S131901)		
Proponent:	Gray and Lewis Planners	In Brief Request received to modify several of the provisions of the approved Detailed Area Plan (DAP). It is recommended that the proposed modifications to the DAP be supported in part.
Owner:	Byford Central Pty Ltd	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	30 March 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 28 September 2008
L.A Zoning: Urban Development
MRS Zoning: Urban
Byford Structure Plan: Residential

Background

A number of detailed area plans (DAPs) have been approved for the Byford Central Estate. DAP 6 was approved under Delegated Authority on 3 April 2007.

A copy of the original Detailed Area Plan 6 is with the attachments marked SD093.1/04/09.

A request has been lodged to modify a number of provisions on the approved DAP, including:

- Front setback;
- Side setbacks, for corner lots;
- Corner lot truncations;
- Site coverage/Open Space;
- Storeroom requirements
- Garages; and
- Rear fencing.

This report provides Council with the opportunity to formally consider the merits of each modification. The proposed modifications are outside the scope of matters that can be considered under the notice of delegated authority.

Sustainability Statement

Effect on Environment: Allowing the site cover (roofed area) of the houses to be increased will result in more stormwater runoff from roofs and less room on site for garden beds and outdoor living areas. Having enough room to plant gardens around a dwelling has several benefits including aesthetic, effect on micro-climate around the dwelling and use of garden beds to take some stormwater run-off.

Resource Implications: Increasing floor areas of the dwellings has the potential to increase resource use including building materials and energy usage in lighting, cooling and heating.

Economic Viability: The proposed modifications are aimed at providing increased flexibility for prospective purchasers.

Social – Quality of Life: Consideration needs to be given to the achievement of safe and attractive urban environments, that provide for a diversity of housing needs and meet the expectations of both prospective purchasers and the local community. The proposed modifications are not anticipated to impact negatively on the urban environment.

Social and Environmental Responsibility: A significant matter that requires consideration is the achievement of a safe urban environment, which will be achieved in part by maximising passive surveillance of the area. This is a relevant consideration in the assessment of the proposed modifications.

Social Diversity: Cottage lots aim to provide for diversity in housing size and lot sizes.

Statutory Environment: Serpentine Jarrahdale Town Planning Scheme No. 2
Residential Design Codes of Western Australia (R Codes)
Byford Structure Plan 2005
Liveable Neighbourhoods

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

Financial Implications: There are no direct financial implications to Council related to this application/issue.

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

1. People and Community
Objective 1: Good quality of life for all residents
Strategies:
6. Ensure a safe and secure community.

2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
1. Increase awareness of the value of environmental requirements towards sustainability.
4. Reduce water consumption.
5. Reduce green house gas emissions.
Objective 2: Strive for sustainable use and management of natural resources
Strategies:
2. Respond to Greenhouse and Climate change.

4. Governance
Objective 3: Compliance to necessary legislation
Strategies:
1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Not required.

Comment:

A number of modifications are proposed to adopt DAP 6 in the Byford Central Estate. The following sections seek to provide the following information:

- The nature of the proposed modification;
- The original objective established under the R Codes;
- Justification provided by the application in respect of the proposed modification;
- Planning comment on the proposed modification; and
- A recommendation on the proposed modification.

A copy of the DAP adopted by Council for Stage 1 of The Glades Estate is provided for comparative purposes as attachment marked SD093.2/04/09.

Modification #1 – Front Setback

Current requirement

4 metre minimum, averaging of setback not allowed.

Proposed Modification

It is proposed that front setback be reduced to 2m minimum with an average of 3.0m.

Objective under the R Codes

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

Justification provided by the applicant

'4m is excessive and does not allow for any real articulation to the front elevation. Original intention was to allow for a front outdoor living area but the reality is that people don't like to live in their front yard. More private open space at the rear for outdoor living is preferred.'

and

'The reduced front setback from 4m to 3m average (2m minimum) provides the opportunity for some variation in the streetscape. The reduction is only by 1m on average. The 2m minimum provision is less critical as the lots are 30m deep, however, the reduction does provide for some opportunity to vary the streetscapes and the potential for a larger outdoor living space at the rear. Other examples at Brighton and Banksia Grove in the City of Wanneroo allow a reduction in the front setback at least for lots with a rear laneway to 1.5m minimum. If the 2.0m minimum setback for lots without rear laneways is a concern we could accept 3.0m minimum for those lots.'

Planning comment and recommendation

Although useful to note, the Shire is not obligated to follow the planning standards established by other local governments. Careful consideration needs to be given to the local environment and planning context. It is considered that some increased flexibility in the setback requirements would not compromise the R-Code objective of achieving an attractive and functional streetscape.

Having regard to other DAPs approved in the Byford Area, it is recommended that the requirement be modified to allow for an average of 4 metres with a minimum of 2.5 metres.

Modification #2 – Side setback requirements

Current requirement

Front setback: secondary street – minimum 1.5m setback. Side setback – nil setback for garage to side boundaries, second storey setbacks to be in accordance with the residential design codes. Notations are also on the plan require the corner dwelling to be orientated towards the secondary street.

Proposed Modification

Where there are no major wall openings, that the side setback to the secondary street be reduced from 1.5m to 1.0m

Objective under the R Codes

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

Justification provided by the applicant

'Because the lots are generally only 10m width, the 1.5 side setback to the secondary boundary considerable limits the developable site area.'

The side setback reduction to corner lots is critical, particularly where lots are only 10m wide and even more necessary for lots with a solar setback on the northern boundary. The effective building width of such lots is reduced to only 6.5m. The reduction from 1.5m to 1.0m is only proposed for walls with no major openings. There is no particular design basis for providing a 1.5m setback to the side boundary of a corner lot, and there would be no loss of amenity in allowing a reduced setback of 1.0m to walls without major openings.'

Planning comment and recommendation

The proposed modification seeks to allow a lesser setback to the secondary street, where there is not a major opening to the proposed building. If no major opening is proposed to the street, the proposed development will not achieve the current requirement of the DAP that the dwelling address the secondary street. Furthermore, where a setback of 1.0 or 1.5 metres is proposed without a major opening, there is a high likelihood that the landowner would seek to establish solid fencing along the entire length of the property. The effect of this can be seen in other areas with an initial streetscape dominated by solid fencing and minimal passive surveillance. To provide increased flexibility however, it is recommended that the setback requirement to the secondary street be reduced from 1.5 metres to 1.0 metres, however the requirement for the dwelling to address the secondary street should remain. In addition, it is recommended that side fencing be allowed up to 50% of the length of the property, providing opportunities for some screening/privacy and yet some passive surveillance of the street and the ability to achieve an attractive streetscape.

Modification #3 – Corner Lot Truncations

Current requirement

The DAP graphically depicts building envelopes with a minimum front setback requirement of 4 metres 'wrapping' around the truncation of corner lots.

Proposed Modification

To modify the building envelope so that the side setback requirements for the corner lots are applicable to the truncation.

Objective under the R Codes

The only objective established under the R-Codes on this matter is the general objective established for the achievement of attractive streetscapes. The achievement of effective truncations is a matter closer relating to the subdivision of land and as such some guidance may be taken from Liveable Neighbourhoods (WAPC, 2007)

Requirements under Liveable Neighbourhoods

“Truncations of 3m x 3m should generally be provided on corner lots, except in site-specific circumstances where increased site lines are required as a result of narrow verges, topography, street alignment or street reserve width. Truncations may be reduced or omitted where it can be demonstrated that a decrease in size or not truncation is warranted.”

“Truncations of 2m x 2m should generally provided at intersections of laneways and streets, where a footpath is located close to the property boundary.”

Justification provided by the applicant

“A full 4m setback projection from the front setback is impractical as the front of the building would taper down to only 2m. In this particular case there was an error in the drafting of the plan. The intent is only to project the side setback around the truncation instead of projecting the front 3-4m setback adjacent to the truncation. Otherwise a 3 - 4m setback to the corner truncation will result in the effective building width of just a few metres at the front setback line. The corner cadastral lot truncation 6m x 6m is still maintained.’

Planning comment and recommendation

The achievement of effective sight-lines for vehicle movements is a relevant consideration, however as corner lot truncations of 6m x 6m are still being achieved on corner lots, the proposed layout is considered to satisfy the requirements set out in Liveable Neighbourhoods.

A number of DAPs have been adopted in different estates within the Byford Area that have reflected the side setback requirements applying to the truncations on corner lots; consistency in planning decisions is a relevant consideration. On this basis, it is recommended that the proposal to modify the building envelopes to reflect the side setback requirements being applicable to the truncations on corner lots be supported.

Modification #4 – Site Coverage/Open Space

Current requirement

As per R-Codes - 45% open space as the minimum total % of site.

Proposed Modification

A reduction in the percentage of private open space from 45% to 40% on each lot. This is in line with other DAP variations in other areas. It just gives the potential for a slightly larger dwelling by up to say 15m².

Objective under the R Codes

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

Justification provided by the applicant

“With the current setback requirements, areas for garages and separate store, the floor area on a standard 300m² lot is fairly limited. By increasing the site coverage from 50% to 60%, it would enable slightly larger dwellings to be constructed on the lots and provide for a greater variety in product.”

Planning comment and recommendation

In the local context, the Shire has previously approved DAPs with open space requirements as low as 35%, 40% is not considered unreasonable and is supported. Careful consideration will need to be given by the individual landowners/builders with respect to lot connection pits for drainage and potential location of soakwells relative to building footings to ensure that adequate separation is achieved.

Modification #5 – Storeroom

Current requirement

A storeroom of 4m² floor area shall be integrated into the dwelling (ie. Under the same roof) and constructed of the same materials. This room shall only be accessible from outside of the dwelling.

Proposed Modification

A proposed notation on the DAP stating that 'in lieu of a separate enclosed store-room that a 1m extension to the side or rear of the garage be permitted'

Objective under the R Codes

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

Acceptable Development provisions under the R Codes

'An enclosed, lockable storage area, constructing in a design and material matching the dwelling where visible from the street, accessible from outside the dwelling, with a minimum internal dimension of 1.5m with an internal area of at least 4m², for each grouped or multiple dwelling.'

Justification provided by the applicant

'The separate store-room of 4m² takes up considerable space and can be difficult to fit with design – apart from the affordability issues.'

Planning comment and recommendation

The proposed modification is not supported and the existing requirement of a 4m² storeroom is retained. This is consistent with other recent DAP's approved in Byford.

Modification #6 – Garages at Rear

Current requirement

Garages shall only be developed and accessed from the adjacent rear laneways only. Garages shall be a maximum two car width only (maximum 6m external width). Each house shall have a driveway and crossover completed prior to occupation of the house. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

Proposed Modification

Garage (Enclosure) - As an option to a fully enclosed rear garage it is proposed to allow a boundary wall and garage sectional door from the laneway and brick piers to the open side if the purchaser so desires for affordability reasons.

Objective under the Residential Design Codes

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

Acceptable Development provisions under the Residential Design Codes

"Garages and carports building up to the boundary abutting a private street or right-of-way which is not the principal frontage for the dwelling, with manoeuvring space of at least 6 metres, located immediately in front of the opening to the garage or carport and permanently available."

Justification provided by the applicant

"To allow a boundary wall and garage sectional door from the laneway and brick piers to the open side if the purchaser so desires for affordability reasons. Once the rear of the lot is fenced (1.8m high), the open sided garage will not be visible from the laneway."

Planning comment and recommendation

There is nothing in the R-Codes nor the DAP to preclude the development of an open-side garage. Once the rear of the lots is fenced, an open-sided garage will not be visible from the laneway. No modification is required to the DAP to achieve the outcomes requested by the developer.

Modification #7 – Rear Fencing

Current requirement

Fencing within adjacent street frontages of lots (including rear laneways) shall be designed and constructed in accordance with Clause 3.2.5A5 of the R Codes (Open Feature Fencing)

Proposed Modification

Fencing along rear laneways to be 1.8m high colourbond.

Objective under the R Codes

'To contribution towards attractive streetscapes and security for occupants and passers-by, ensure adequate private and open space for occupants, and provide an attractive setting for buildings'

Acceptable Development provisions under the R Codes

'Walls or fences to primary or secondary streets, rights-of-way or communal streets so that adequate sight lines are provided at vehicle access points'

Justification provided by the applicant

'The DAP specifies open feature fencing along the rear laneways. Whilst the intention was to improve passive surveillance, the open fencing does not significantly reduce privacy within the rear courtyard areas and is not favoured by the owners.'

In all cases the laneways are short (60m) and open to the road at each end (no 'T' laneways) so there is good visibility and surveillance from both streets. The rear area of the cottage lots provides the outdoor living space and residents prefer a private secure area not an area open to the public gaze.

We maintain that all fencing along rear laneways should be 1.8m high colourbond'

Planning comment and recommendation

The DAP makes reference to Clause 3.2.5A5 of the R-Codes, however this clause is no longer contained within the R-Codes. The primary objective of requiring visually permeable fencing at the rear of properties would have been to achieve some degree of passive surveillance. It is difficult to achieve effective passive surveillance of right-of-way networks in areas predominantly developed with single storey dwellings. In areas where two or more storeys are common, there are opportunities to develop habitable rooms above vehicle storage areas and in turn establish some overlooking.

It is difficult to argue that common right-of-way networks provide an attractive outlook for the rear of residential dwellings and as such passive surveillance is likely to be limited, irrespective of the form of fencing. Recognising the desire of purchasers and that solid fencing has not been precluded from other lane-way product in the Byford Area, it is recommended that the requirement for visually permeable fencing on this particular DAP be deleted.

It is recommended that this clause be modified to allow solid fencing. However, it is considered that the use of colourbond fencing creates an unattractive outlook when viewed from the laneway. It is considered that masonry walls are an improvement to the visual amenity of these laneways, rather than colourbond fences. The revised clause is:

Fencing along rear laneway to be 1.8 metre high masonry fencing only.

Other Comments

DAPs are intended to operate in conjunction with the R-Codes. Where there is no specific provision in a DAP, the default provisions in the R-Codes apply. Once a DAP has been adopted, planning approval is not ordinarily required prior to the issuance of a building licence. The exception to this is where an applicant seeks further variation to the provisions of the DAP.

In reviewing the DAP, consideration was given by officers to the ability to achieve more climate responsive design with a particular focus on solar orientation. Liveable Neighbourhoods provides the following relevant guidance:

- “Portions of subdivisions with single dwelling lots with areas below 400m²...*
- New streets have a north-south and/or an east-west orientation*
 - Lots are square to rectangular in shape.”*

A series of DAPs have been adopted in the Byford Central Estate. Those DAPs which are based on a north-south and/or east-west orientation incorporate ‘solar setback’ requirements. The lots which are the subject of DAP 6 are not orientated on a north-south nor east-west orientation and in turn, the subdivision approval was based on an adopted LSP. Based on the orientation of the lots, a specific ‘solar access’ setback or similar would be largely ineffective. With an outlook towards public open space, it is envisaged that significant living areas of each dwelling will be generally addressing a northerly direction and that opportunities for maximising solar design will need to be considered by each prospective purchaser at the time of detailed design.

Conclusion

It is open to Council to consider the merits of each of the individual proposed modifications to the DAP. Officers are of the opinion that the DAP could be modified in a number of different ways without compromising the objectives established under the R-Codes. It is recommended that modifications to the DAP be supported.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A That Council, pursuant to Clause 5.18.5.4 (a) of Town Planning Scheme No. 2 adopt the following modifications to adopted Detailed Area Plan No. 6 for the Byford Central Estate:
1. That the front setback requirement is modified to a 4 metre average, with a 2.5 metre minimum;
 2. Modifying requirement 16 on the DAP, such that:
 - Fencing along rear laneway to be 1.8 metre high masonry fencing only.
 - Visually permeable fencing be provided for not less than 50% of the frontage to each secondary street;
 3. The inclusion of a new provision on the DAP, allowing for a minimum of 40% open space;
 4. A reduction in the secondary street setback from 1.5 metres to 1.0 metres, noting that the requirement on the DAP for the dwelling to address the secondary street is retained and as such dwellings without a major opening are not to be supported; and
 5. The building envelopes depicted on the DAP shall be modified to reflect the site setback requirements being extended along the truncation of each corner lot.
- B. A copy of the revised Detailed Area Plan be forwarded to the Western Australian Planning Commission.

Executive Manager Engineering left the meeting at 7.51pm.

SD093/04/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Twine, seconded Cr Randall

Item SD093/04/09 be deferred to the May Sustainable Development Committee meeting to allow further time to consider the submission from the applicant and to address Councillor concerns raised regarding the proposed changes to the Detailed Area Plan provisions.

CARRIED 10/0

Committee Note: The Committee deferred consideration on this item to allow time to consider the applicants submission regarding rear fencing on lots, adjacent to the laneway. Concerns have also been raised by Councillors on the proposed changes to the Detailed Area Plan provisions.

SD094/04/09 PROPOSED PRIVATE RECREATION (THREE HANGARS) – LOT 164 YANGEDI ROAD, HOPELAND (RS0008/07, RS0008/08, RS0008/09)		
Proponent(s):	A Tainsh, S Harding and T Sharpe	In Brief The applicants seek planning approval for development of three hangars at the Serpentine Airfield. It is recommended the applications be conditionally approved.
Owner:	Serpentine Jarrahdale Shire	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	16 March 2009	
Previously	CGAM012/08/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: January 2009
 Lot Area: 64.7421 ha.
 L.A Reservation: Public Open Space
 MRS Zoning: Rural
 Rural Strategy Policy Area: Parks and Recreation
 Bush Forever: Conservation Category Wetland & Bush Forever site 378
 Date of Inspection: 12 March 2009

Background

Three separate applications for development of hangars at the Serpentine Airfield have been lodged. The subject land is reserved as Public Open Space under Council's Town Planning Scheme No. 2 (TPS 2). The land is in the care, control and management of the Shire of Serpentine Jarrahdale for the purpose of Recreation. The site is leased to the Sports Aircraft Builders Club of WA Inc.

The Sports Builders Club of WA Inc. has leased the reserve since 1973 with the current lease expiring in 2012. The club's lease was renewed in 2002. During the time the club has leased the land it has been developed to establish a private airfield with infrastructure including 67 hangars, 3 km of runway and a clubhouse.

The proposed three hangars are proposed to be 12 metres by 12 metres in size with 4.0 metre wall height. The hangars will be located in the areas that have been approved to be cleared by the Shire and under the Department of Environment and Conservation's Clearing Permit.

The use of the land is subject to a signed Memorandum of Understanding (MOU) regarding the Reserve Management Plan for the site. The site of the proposed three hangars has already been cleared of vegetation.

A locality plan, aerial photograph, details of areas to be cleared and elevations are with the attachments marked SD094.1/04/09.

Sustainability Statement

Effect on Environment: The northern half of the property contains Bush Forever site number 378. The site also contains a Conservation Category Wetland. It is considered that the proposed development applications will have a minimal impact on the built and natural environment. A number of hangers are already in existence on the subject land and as such it is considered that the proposed hangers will fit in with the existing built development on the subject lot.

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

Economic Benefits: The proposed hangers may create some limited employment or economic benefit to the Shire.

Statutory Environment:

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

Policy Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment

TPS 2

The subject land is reserved as Public Open Space in TPS 2.

Clause 2.3 of Council's Town Planning Scheme No.2 states the following:

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

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

Clearing Permit 1531/1

In September 2006, the Shire lodged an 'Application to Clear Native Vegetation' with the DEC as required under the Environmental Protection Act 1986. This application was lodged in response to a proposal by Sports Aircraft Builders Club to clear 0.5ha of vegetation at Serpentine Airfield to allow for additional land to be provided for the construction of new aircraft hangars.

Clearing Permit 1531/1 was granted on 21 August 2008 and authorised clearing of up to 0.5 hectares of native vegetation within the area cross hatched yellow on attached plan 1531/1. It is within this area with current clearing authorisation that the proposed three hangars would be located.

Reserve Management Plan

An MOU has been jointly prepared by the Sports Aircraft Builders Club of WA Inc and the Shire for the preparation of a Reserve Management Plan. The Department of Environment and Conservation and the Department of Planning and Infrastructure have offered to assist and provide comment throughout the process of preparing the Management Plan. The draft Management Plan has prepared by Shire officers and will be presented to Council within the next few months.

MOU

In July 2008, Council considered an application to clear approximately 0.5 ha of vegetation on the Serpentine Airfield. Council's resolution was as follows:

A. That the application for clearing of vegetation on Reserve 25911 (Lot 164 Yangedi road, Hopeland) be approved subject to the following condition:

1. The area to be cleared to be in accordance with site plan attached to and forming part of this approval.

B. That the applicant enter into a Memorandum of understanding with the Shire of Serpentine Jarrahdale regarding the preparation and implementing of the reserve Management Plan prior to the commencement of clearing works.

C. That the Department of Environment and Conservation be advised of Council's resolution for the purpose of issuing Clearing Permit 1531/1

The MOU has since been created and signed.

A copy of the MOU is with the attachments marked SD094.2/04/09.

Conclusion

The proposed development is associated with the predominant use of the reserve for the Sports Aircraft Builders Club. The site being proposed for the hangars has already been cleared of vegetation. It is recommended that the application be approved.

Voting Requirements: Simple Majority

Cr Geurds left the meeting at 7.53pm.

SD094/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Murphy

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

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

Advice Notes:

- 1. Any development or use not depicted or detailed in the approved plan and proposal documentation will require further planning approval to be obtained from the Council.**
- 2. A building licence is to be obtained prior to commencement of development including earthworks.**
- 3. Applicants are required to comply with State and Federal Legislation in regards to the storage of fuels.**

CARRIED 8/1

Cr Geurds was not present and did not vote

Committee Note: The addition of Advice Note 3 was deemed as a minor change and does not change the intent of the Officer's Recommended Resolution.

SD095/04/09 FINAL ADOPTION OF SCHEME AMENDMENT NO. 163 - PORTIONS OF LOTS 9010 SOUTH WESTERN HIGHWAY AND 103 NETTLETON ROAD, BYFORD (P07543)		
Proponent:	Taylor Burrell Barnett	In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 163 to modify portions of land zoned for future primary school and public open space on Lot 9010 South Western Highway & Lot 103 Nettleton Road, Byford It is recommended that the amendment be adopted without modification.
Owner:	Aspen Group & N Sorbello	
Author:	Michael Daymond – Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 March 2009	
Previously	SD043/10/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 August 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: Lot 103 – 14.8565 hectares; Lot 9010 – 33.403 hectares
 L.A Zoning: Lot 9010: Residential R20, Public Open Space and Public and Community Purposes.
 Lot 103: Urban Development
 MRS Zoning: Urban
 Bush Forever: Bush Forever Area 271 abuts eastern boundary

Background

At the Ordinary Council Meeting held on 27 October 2008, Council resolved to initiate Amendment No. 163. Amendment 163 proposes to:

- Rezone portions of Lot 9010 South Western Highway Byford from “Public Open Space” to “Public and Community Purposes”, from “Residential R20” to “Public Open Space” and from “Public Open Space” to “Residential R20”; and
- Rezone portion of Lot 103 Nettleton Road Byford from “Urban Development” to “Public and Community Purposes”.

Amendment 163 was advertised for public comment including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report. This report provides Council with the opportunity to consider the amendment for final approval.

A locality plan is with the attachments marked SD095.1/04/09.

A plan showing the existing and proposed zoning is with the attachments marked SD095.2/04/09.

Sustainability Statement

Effect on Environment: Modification of the portion of land zoned public open space will enable better protection of identified significant archaeological Aboriginal heritage within the estate. Despite the removal of the public open space (POS) abutting the southern boundary of the school site and the reduction in the area of the zoned public open space area containing the aboriginal heritage sites the overall amount of public open space provided for the estate will exceed the 10% required for residential subdivisions. The POS provided in

currently approved stages of the estate and the future stages 6-9 is approximately 11.39 hectares or 14.6% of the site.

As the current provision of POS over Stages 7 and 8 and the entire estate well exceeds the 10% POS requirement, the Council can be confident that sufficient public open space will be provided, even if an Urban Water Management Strategy identifies greater land requirements for drainage purposes.

A plan showing the ultimate subdivision design including existing and future stages and existing and future public open space areas is with the attachments marked SD095.3/04/09.

Social – Quality of Life: Finalising the location of the school site will allow the Department of Education and Training (DET) to acquire the land for a new primary school on the eastern side of South Western Highway. This is particularly important given the only other school site (Byford Primary School) on this side of the highway is less than half the size required for school sites today (1.9 hectares), is already experiencing overcrowding and has limited options for expansion. In addition, it is important that another school site on this side of South Western Highway is able to be developed in the near future. The school within the Byford by the Scarp estate will serve children not only within the estate but also children in the residential areas north of Nettleton Road.

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations 1967
Town Planning Scheme No. 2

Policy/Work Procedure Implications: Nil

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

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Environmental Protection Authority (EPA)

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing

that the Amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986.

Community Consultation

The Amendment was advertised for public comment and referred to relevant government authorities for 42 days with the advertising period closing on 23 March 2009. Advertising was undertaken in the following manner:

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

Resulting from this, eleven (11) submissions from government referral authorities were received. No comments were received from the Department of Environment and Conservation. In addition, no public submissions were received.

A schedule of submissions is with the attachments marked SD095.4/04/09.

Comment

Proposal

The subject land comprises a portion of the Byford by the Scarp estate and a portion of the Cohunu Wildlife Park site.

Since the 1990's, a primary school site has been part of the planning in this area, on portion of the Byford by the Scarp estate and portion of Lot 103 Nettleton Road. Amendment No. 77 to Town Planning Scheme No. 2 rezoned the land comprising the Byford by the Scarp estate to enable the residential and associated development currently occurring in the estate. Under Scheme Amendment No. 77 the portion of the future primary school site on Lot 9010 was zoned 'Public and Community Purposes'. Lot 103, including the remainder of the land identified as future primary school site, was zoned Urban Development in 2001.

Amendment 163 proposes to:

1. Rezone the 2.0 hectare portion of the primary school site on Lot 103 from 'Urban Development' to 'Public and Community Purposes';
2. Provide a more regular shape to the future primary school site;
3. Rezone a portion of land at the southern end of the school site from 'Public Open Space' to 'Public and Community Purposes'; and
4. Modify an area of land zoned Public Open Space west of Military Pass to fit within the latest proposed design of subdivision of Stages 7 and 8 of Byford by the Scarp and to take into account some Aboriginal heritage sites that were impacted upon by the previously proposed subdivision design.

The proposed location of the Primary school encroaches into a portion of the Lot 103 Nettleton Road. Planning approval was granted by Council for this property to be development as a Public Amusement - Wildlife and Amusement Park. The proposed future school site only encroaches over a small portion of the proposed development, being part of an existing shed and some of the proposed walk trails. The landowner will be required to remove this shed and redesign a small portion of the park, once this portion of the land is purchased by the DET.

Conclusion

The proposed scheme amendment will allow for the clear identification of the school site and enable its subdivision and disposal to the DET. Although the area of zoned public open space is being reduced the overall POS provision throughout the estate will remain well above the required 10%. It is therefore recommended that scheme amendment No. 163 be adopted without modification.

Voting Requirements: Simple Majority

Cr Geurds returned to the meeting at 7.54pm.

SD095/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Harris

- A. Council endorses the schedule of submissions in Attachment SD095.4/04/09 prepared in respect of Amendment No. 163 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.**
- B. Council, pursuant to Section 72 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

 - 1. Rezoning portions of Lot 9010 South Western Highway Byford from “Public Open Space” to “Public and Community Purposes”, from “Residential R20” to “Public Open Space”, from “Public Open Space” to “Residential R20”.**
 - 2. Rezoning portion of Lot 103 Nettleton Road Byford from “Urban Development” to “Public and Community Purposes”.**
 - 3. Amending the Scheme Map accordingly.****
- C. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning.**
- D. The submitters be advised of Council’s decision.**

CARRIED 10/0

Executive Manager Engineering returned to the meeting at 7.54pm.

SD096/04/09 STRUCTURE PLAN - LOT 9 ABERNETHY ROAD, BYFORD (P04149/01)		
Proponent:	Roberts Day Group	In Brief A Local Structure Plan has been prepared for Lot 9 Abernethy Road, Byford. The Local Structure Plan has been advertised for public comment. It is recommended that Council adopt the Local Structure Plan, subject to a number of modifications.
Owner:	Australand	
Officer:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	31 March 2009	
Previously	SD116/06/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 February 2008
 Advertised: Yes
 Lot Area: 52.69 hectares
 L.A Zoning: Urban development, Regional Road
 MRS Zoning: Urban, Urban Deferred and Regional Road

Byford Structure Plan: Residential R20, Rural Residential, Primary School, District Open Space, Local Roads, Multiple Use Corridor

Background

The subject site is located on the northern side of Abernethy Road between the Trotting Complex precinct and the Tonkin Highway reservation. The subdivision design and layout for this land needs to reconcile a multiple use corridor, a buffer/transition zone to the equestrian area and Tonkin Highway, district open space, a primary school site and connection to the abutting residential estate to the north (Redgum Brook estate). A local structure plan (LSP) is required to guide future subdivision and development.

Council at its meeting of 23 June 2008 considered a draft LSP for Lot 9 Abernethy Road, passing the following resolution.

SD116/06/08

“A. In accordance with clause 5.18.3.2(c) of Town Planning Scheme No. 2 the Council has determined that the Draft Structure Plan for Lot 9 Abernethy Road, Byford is not satisfactory for advertising for the following reasons:

- 1. The Department of Water’s Byford Townsite Drainage and Water Management Plan (Draft February 2008) has not been completed and the draft local structure plan needs to incorporate any modifications required as a result of recommendations or requirements contained in the final Department of Water plan. It is not known at this time how substantial the modifications will be that could be required to the draft structure plan as a result of the finalisation of the Department of Water’s plan...”*

In accordance with the provisions of Town Planning Scheme No 2 (TPS 2), where an applicant is aggrieved by a determination of Council, such as determining that a LSP is not satisfactory for advertising, the applicant may by notice in writing request that the matter be reviewed by the Western Australian Planning Commission (WAPC). A notice in writing was lodged with Council and the proposal was referred to the Commission for determination.

The WAPC, on receipt of the LSP, referred the matter to the Department of Water (DoW) for comment, particularly to determine the degree of consistency with the then draft Byford Townsite Drainage and Water Management Plan. The DoW subsequently advised that the LSP and associated Local Water Management Strategy (LWMS) was generally acceptable subject to a number of modifications.

The WAPC ultimately considered the advice of both the Shire and the DoW and determined the LSP was satisfactory for advertising, subject to a number of modifications (generally consistent with those recommended by the Shire).

A copy of the determination by the WAPC is provided as attachment SD096.1/04/09.

A copy of the resulting LSP, incorporating the modifications required by the WAPC, and as advertised for public comment, is provided as attachment SD096.2/04/09.

In accordance with the determination by the WAPC, the LSP was advertised for public comment. This report provides Council with the opportunity to consider whether to adopt the LSP, having regard to the submissions received during the advertising period.

Sustainability Statement

Effect on Environment: The LSP needs to address consistency with the DoW District Water Management Plan, including associated water quality and quantity objectives.

The proposed LSP incorporates a detailed flora, fauna and environmental assessment and the site layout allows for the retention of a limited amount of existing remnant vegetation used as feeding habitat by Baudin's Black Cockatoo, Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo species. The applicant is in the process of submitting an application under the Environmental Protection and Biodiversity Conservation Act regarding this matter. In relation to federal legislation and referral requirements, advice has been received that this is a parallel process to the State/Local approvals process. Planning decisions do not need approval under the Federal legislation. There is a requirement that when an action is proposed on someone's land, that the Shire's brings to the attention of the proposed action taker (eg landowner/ developer), of their obligations under Federal legislation to obtain all necessary approvals.

The LSP allows for the retention of a limited amount of existing remnant vegetation within the multiple use corridor, District and Local Public Open Space areas and through the use of building envelopes on the larger low density residential lots abutting Tonkin Highway and the Trotting Complex buffer lots. Should further controls or other requirements be identified through the subdivision process, those requirements may be implemented at that stage.

The subject land is not identified in a high risk acid sulphate soil area and large scale excavation is not proposed on site. The requirement for any specific acid sulphate soil investigations and/or monitoring will be determined through the subdivision application process.

Use of Local, Renewable or Recycled Resources: The proponent should be encouraged to use local contractors and materials wherever possible in the eventual construction phase of the development. Also, the reuse of drainage and stormwater runoff in the irrigation of public open space and the multiple use corridor will be required.

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

Economic Benefits: The draft LSP is considered to offer economic benefits through the development of an appropriately scaled urban form which generally accords with the objectives of the District Structure Plan and Liveable Neighbourhoods.

Social – Quality of Life: The draft LSP is considered to be socially responsible through a dedication to environmental sustainability and an integrated neighbourhood design which promotes social interaction. In relation to solar orientation and street block layout, approximately 70% of streets are aligned north/south and east/west allowing for good solar passive design potential. The remaining streets are on a north/north west or south west/west axis which is within the recommended alignment for effective solar orientation.

Social and Environmental Responsibility: The draft LSP has been advertised to the community in accordance with TPS2, thus enabling comment and involvement by local and interested residents and stakeholders.

Social Diversity: The draft LSP, consistent with the District Structure Plan (DSP), provides for diversity in lot sizes ranging from R5 (min. 2000m²) to R30 (300m²). This diversity in lot sizes will promote social mix in the eventual development of the area and allow integration with adjoining low density rural residential development and infrastructure.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Byford District Structure Plan

**Policy/Work Procedure
Implications:**

WAPC Operational Policy - Liveable Neighbourhoods
State Planning Policy 3 – Urban Growth and Settlement

State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
WAPC Development Control Policies - various
Local Planning Policy LPP6 Water Sensitive Design
LPP9 Multiple Use Trails Within the Shire of Serpentine – Jarrahdale
Department of Water District Water Management Plan for Byford

Financial Implications:

Planning fees have paid by the proponent.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

In accordance with the requirements of TPS 2, the draft LSP was advertised for public comment to State Government authorities, Servicing/Infrastructure authorities and adjacent land owners.

The issues raised across all of the submissions have been summarised and included in the attachments to this report. The details of those submitters who made comment on a particular issue are listed against the issue. The Officer's comments are then listed:

A summary of submissions is provided as attachment SD096.3/04/09.

Comment

Through the technical assessment of the LSP by staff and on review of the submissions received during the advertising period, a number of matters require careful consideration by Council, including:

- The proposed lot layout and residential densities;
- The location of District Open Space and the Primary School;
- The design of the north-south road network;
- The Local Water Management Strategy; and
- The interface between future development and the Byford Trotting Complex, including the provision of a bridle trail.

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

Lot layout and residential densities

The proposed LSP is consistent with the DSP requirements with respect to a low density buffer to Tonkin Hwy and the Trotting Complex and R20-25 general residential density with a reasonable proportion of medium density rear lane access lots and a single grouped housing site. Lots are laid out in a regular disconnected grid fashion with a reasonable proportion of north-south oriented lots improving solar efficiency options for dwelling design.

The proposed lot design has two elements which are not consistent with the DSP or Liveable Neighbourhoods, these are lots with direct frontage to the MUC and laneways with bends. The R30 sites with direct frontage to the MUC should be redesigned to provide a road reserve interface in accordance with the DSP. This will improve flood protection and minimise obstructions encroaching on the MUC from development retaining walls and fencing. Rear lanes with bends are not consistent with Liveable Neighbourhoods Element 3 and a minor redesign should be undertaken to resolve this issue.

The applicant by way of a submission on their own proposal has put forward a number of modifications to the LSP, as below:

- Reduction in the number of R30 laneway lots (from 107 to 83).
- Increase in the size of the R30 group housing site (from approximately 2,485sqm to approximately 3,244sqm).
- Reduction in the number of R20 lots (from 235 to 61).
- Introduction of R25 lots (218 lots).
- Provision of a frontage road to laneway lots that previously had direct frontage to public open space.

The submission improves consistency of the LSP with the objectives of the DSP and address concerns regarding laneway access and open space interface requirements.

R20 and R25 lots

The applicants seek to dramatically reduce the number of R20 lots and introduce a large number of R25 lots. In support of this submission to Council, the applicant advises:

The proposed R25 density code will provide for an additional lot product that is suitable for the Byford market. It allows for an intermediary lot type between the R20 and R30 lots. The proposed R25 lot type is suitable for houses that are commonly provided on R20 lots.

The proposed subdivision concept plan comprises the following range of lot types:

Lot Type	Proposed		
	Min. Lot Size	Ave. Lot Size	No. of Lots
R5 Min. 2000m ²	2,075m ²	3,513m ²	14
R10 Min. 875m ² , Ave. 1000m ²	1,397m ²	1,309m ²	19
R20 Min. 440m ² , Ave. 500m ²	442m ²	540m ²	61
R25 Min. 320m ² , Ave. 350m ²	389m ²	444m ²	218
R30 single house Min. 270m ² , Ave. 300m ²	270m ²	341m ²	80
R30 grouped dwelling Ave. 300m ² /dwelling	-	3,243m ²	1
Total			393

The proposed R25 lot product has a frontage of approximately 13-14m and depth of 30m, so the typical lot size is approximately 400sqm. As such, this lot type is similar in size to an R20 lot and there would be little, if any, noticeable difference between final development outcomes.

The subdivision concept plan for Lot 9 proposes R25 lots that are not significantly different than R20 lots. The R25 density code has a minimum lot size requirement of 320sqm and a minimum average lot size requirement of 350sqm, with a minimum lot frontage requirement of 8m. The R25 lots proposed for Lot 9 have a minimum lot size of 389sqm, an average lot size of 444sqm and minimum frontages of 13m.

Consistent with Liveable Neighbourhoods, the introduction of the R25 density code provides for an increased diversity of lot sizes. The Local Structure Plan provides a range of lot types that reflect current market demand and cater for a wide demographic/socio-economic profile.

The subdivision concept plan incorporates the R25 lot type within the agreed road layout for Lot 9, which has been developed in close consultation with the Shire over the past two years, avoiding the need for a significant redesign of the structure plan.

There is precedent for the use of the R25 density code in other outer metropolitan local authorities, including in Ellenbrook in the City of Swan.

Officer comment

In the R20 coded areas, there 61 lots that on average are 40m² above the average lot size permitted. This creates variety by allowing some owners to have larger lots, rather than the standard 500m² average lot size.

However, the applicants seek to introduce 218 lots at a R25 density in the LSP. These lots will be below the average lot size of 500m², that is common through the Byford area for an R20 density. The average lot size in the R25 area is 444m². This is 56m² below the average lot size of 500m², that would have occurred if the standard R20 coding was applied.

The only issue of concern is that it may be deemed that there is too much of an emphasis on R25 lots in the LSP over R20 lots. If Council, deems this to be the case, the applicant can be required to modify the LSP to reduce the number of R25 lots and increase the number of R20 lots to get a better balance. In conclusion, Planning staff support the use of the R25 lots as requested by the applicant.

A revised LSP, incorporating the abovementioned modifications is provided with the attachments marked SD096.4/04/09.

Location of District Open Space and Primary School

The proposed location of the Primary School Site and District Open Space while not identical to the indicative locations depicted on the DSP, the proposed configuration is likely to be an improvement in utility and integration of uses over the DSP. With respect to the final location of the Primary School notation number 23 on the DSP states the following:

“Detailed structure planning will be required to determine the final location of the primary school (in consultation with DET) and the corresponding location of the Rural Residential Zone.”

In this respect there are synergies between having active open space interfacing directly with the Multiple Use Corridor and the Primary School site that outweigh some minor vehicular accessibility advantages. The proposed location of the District Open Space will allow a wider range of recreational activities to be integrated with the Primary School and Multiple Use Corridor and is supported for this reason.

Future North-South road

The proposed North-South road through the LSP area has been the subject of considerable discussion between the Shire’s officers, the applicant and the WAPC. The proposed road has been depicted on the DSP as a future important linkage between Abernethy Road and Thomas Road, linking ultimately onto the Tonkin Highway. Based on the information available to date, including a traffic modelling report in 2006, it is anticipated that the north-south road will accommodate future traffic volumes in the order of 7,000 vehicles per day.

The WAPC, in determining the LSP as being satisfactory for advertising, considered the future functionality of this road and the associated road reservation width requirements. The WAPC determined that the road reservation should be 26 metres in width, provided that the applicant could demonstrate through detailed design at the time of subdivision that vehicular access and on-street parking could be provided in accordance with the requirements of Liveable Neighbourhoods.

The WAPC in its determination provided both the applicant and the Shire the opportunity to further consider the matter, in the context of any new and relevant information. No new information is available at this time and as such it is recommended that the Shire proceed with finalising the LSP on the basis of a 26 metre reservation.

The Local Water Management Strategy

In accordance with the requirements of the Byford Townsite Drainage and Water Management Plan (Department of Water, 2008), the LSP for Lot 9 has been progressed in parallel with a Local Water Management Strategy. The Shire, DoW and Water Corporation each identified matters that need to be addressed in the LWMS prior to finalisation. A revised LWMS was prepared by the applicant to address the matters raised by the various agencies.

A copy of the updated LWMS is provided with the attachments marked SD096.5/04/09.

It is recommended that the updated LWMS be adopted by Council, in parallel with the LSP and forwarded to the WAPC for approval.

Interface between future development and the Byford Trotting Complex, including the provision of a bridle trail.

The DSP identifies a transition between ‘conventional residential development’ and the Byford Trotting Complex as a relevant consideration to be addressed at the time of preparation/assessment of LSPs.

The LSP proposes the following land uses abutting existing properties within the Byford Trotting Complex:

- Residential R5 (lot sizes approx 2,000m²)
- Future Primary School
- District Open Space.

The above land uses are considered to be generally consistent with the objectives outlined in the DSP.

A number of the submissions raised questions and provided suggestions with respect to the interface between future development and the existing Byford Trotting Complex. It has also been suggested that a bridle trail be provided as part of the interface. The DSP indicatively depicts a bridle trail along the eastern boundary of Lot 9, however there is no specific guidance provided on the DSP. Local Planning Policy No. 9 (LPP 9) does provide some guidance on the matter, including an aspiration of connecting the Byford Trotting Complex with multiple use trails in the broader district, particularly to the west of the future extension of the Tonkin Highway.

There are a number of different matters that need to be considered in determining the most appropriate location for any future bridle trail, including the following:

- Providing linkages between local and district level recreational opportunities;
- Maximising passive surveillance and trying to ‘design out’ opportunities for crime;
- Achieving an efficient use of land;
- Achieving an effective transition between land uses; and
- Providing opportunities for future subdivision and development.

Two principal options were explored by the applicant, in conjunction with Shire officers. The first being to provide a bridle trail along the eastern boundary of Lot 9, between the future Residential R-5 lots and the existing lots that form part of the Byford Trotting Area. The second option (preferred by the applicant) is the provision of a bridle trail, integrated into the road reserve along the western side of the proposed Residential R-5 lots.

In support of the second option, the applicant advises:

The provision of a bridle trail within Lot 9 is considered inappropriate. The Byford Structure Plan map does not clearly identify a bridle trail within Lot 9 and the DSP text does not address bridle trails at all. Providing a bridle trail within an urban environment could result in conflict between horses and traffic and residents of Lot 9. It should be noted Lot 9 is zoned for Urban Development under the Shire’s planning scheme. Should Council consider a bridle trail is necessary, this would be best located within the road reserve of the eastern cul-de-sac road and district open space, in order to minimise potential conflicts.

The applicant is incorrect in the statement that the DSP does not clearly identify a bridle trail. The DSP does show on the eastern boundary of Lot 9 and adjacent to the Trotting Complex, an unconstructed road/ bridle trail.

An indicative cross-section has been provided with the attachments marked SD096.6/04/09, illustrating the provision of a bridle trail as part of the future road reserve adjacent to the future primary school and Residential R-5 lots.

The indicative cross section creates a number of problems as outlined below:

- Likely conflicts and safety concerns between users of the trails (horses), pedestrians and cars on the adjacent road.

- Replacement of a landscaped drainage swale on the edge of the road with a piped drainage system, to accommodate the trail.
- Horses/ trail users being introduced into dense residential area which is not considered desirable. Such users need to be on separate trails or located with public open space/ multiple use corridor areas.

It is recommended that a separate bridle trail be provided in the LSP on the eastern boundary of Lot 9, as per the DSP. Although some of the nearby trails in the area are provided as a 20 metre wide road reserve, it is recommended that in this LSP, that it be reduced down to 10 metres in width. This would minimise the land take from the adjacent R5 lots and still provide adequate width for the users in this area.

The proposed trail will need to be constructed from the northern boundary of the property (Shine Road) to Abernethy Road. The section of the trail between the multiple use corridor and Abernethy Road will be used as a pedestrian pathway only. It is not intended to be used a trail for horses due to the conflicts that will occur with horses and vehicles where the trail meets Abernethy Road.

Options

There are primarily four options available to Council in considering the proposed LSP, as follows:

- adopt the LSP (as advertised) without modification;
- adopt the LSP (as advertised) with modifications;
- defer consideration of the LSP; and
- refuse to adopt the LSP.

The second option, to adopt the LSP with modifications, is recommended to Council for consideration.

It is important that a decision be made on the LSP in a timely manner. Should an applicant be aggrieved by a determination (or lack thereof) by the Shire, the applicant may by notice in writing request the matter be determined by the Western Australian Planning Commission. Should the application be deferred or refused at this time, there is a high likelihood of an application for review being lodged.

Conclusion

The LSP has demonstrated that all relevant planning considerations either have been addressed or are capable of being addressed through detailed subdivision design. A number of modifications are recommended to address matters raised in submissions received during the advertising period.

Voting Requirements: Simple Majority

Officer Recommendation Resolution

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lot 9 Abernethy Road, Byford as advertised for public comment, subject to the following modifications:
 - (i) Provision of a frontage road to laneway lots that previously had direct frontage to public open space;
 - (ii) Reduction in the number of R30 laneway lots (from 107 to 83);

- (iii) An increase in the size of the R30 group housing site (from approx 2,485m² to approximately 3,244m²);
 - (iv) A reduction in the number of R20 lots (from 235 to 61);
 - (v) The introduction of R25 lots (218 lots) as illustrated in the revised Local Structure Plan provided as attachment SD096.4/04/09; and
 - (vi) The provision of a 10 metre wide road reserve as a bridle trail between the eastern boundary of Lot 9 and the rear boundaries of the Residential R5 lots. The road reserve is to be provided between Shine Road and Abernethy Road.
 - (vii) A notation be included stating that issues relating to the final location, size and design of the sewerage pump station including a 30 metre odour buffer will need to be resolved at the subdivision design stage in consultation with the Water Corporation and the Shire.
- C. Adopt the revised Local Water Management Strategy for Lot 9, as provided in attachment SD096.5/04/09, subject to inclusion of a diagram where the proposed location of the 9 groundwater monitoring bores will be installed.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.

New Motion

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lot 9 Abernethy Road, Byford as advertised for public comment, subject to the following modifications:
- (i) Provision of a frontage road to laneway lots that previously had direct frontage to public open space;
 - (ii) Reduction in the number of R30 laneway lots;
 - (iii) An increase in the size of the R30 group housing site (from approx 2,485m² to approximately 3,244m²);
 - (iv) The introduction of small areas of R25 lots overlooking public open space, district open space, the multiple use corridor and the primary school site to the satisfaction of the Director Development Services;
 - (v) The predominant density across the Local Structure Plan area will remain at R20;
 - (vi) The provision of a 10 metre wide road reserve as a bridle trail between the eastern boundary of Lot 9 and the rear boundaries of the Residential R5 lots. The road reserve is to be provided between Shine Road and Abernethy Road; and
 - (vii) A notation be included stating that issues relating to the final location, size and design of the sewerage pump station including a 30 metre odour buffer will need to be resolved at the subdivision design stage in consultation with the Water Corporation and the Shire.
- C. Adopt the revised Local Water Management Strategy for Lot 9, as provided in attachment SD096.5/04/09, subject to inclusion of a diagram where the proposed location of the 9 groundwater monitoring bores will be installed.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.

- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.
- G. The applicant be advised that Council's expectations are that this development will incorporate high quality streetscapes including provision of shade trees.

Cr Randall withdrew her motion with the support of the seconder without any contrary views from the Committee.

Committee Recommended Resolution

Item SD096/04/09 be deferred to the April Ordinary Council Meeting.

Committee Note: The Officer Recommended Resolution was changed to allow Council time to further consider the proposed changes to the Local Structure Plan.

SD096/04/09 COUNCIL DECISION

Moved Cr Randall, seconded Cr Twine

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.**
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lot 9 Abernethy Road, Byford as advertised for public comment, subject to the following modifications:**
 - (i) Provision of a frontage road to laneway lots that previously had direct frontage to public open space;**
 - (ii) Reduction in the number of R30 laneway lots;**
 - (iii) An increase in the size of the R30 group housing site (from approx 2,485m² to approximately 3,244m²);**
 - (iv) The introduction of small areas of R25 lots overlooking public open space, district open space, the multiple use corridor and the primary school site to the satisfaction of the Director Development Services;**
 - (v) The predominant density across the Local Structure Plan area will remain at R20;**
 - (vi) The provision of a 10 metre wide road reserve as a bridle trail between the eastern boundary of Lot 9 and the rear boundaries of the Residential R5 lots. The road reserve is to be provided between Shine Road and Abernethy Road; and**
 - (vii) A notation be included stating that issues relating to the final location, size and design of the sewerage pump station including a 30 metre odour buffer will need to be resolved at the subdivision design stage in consultation with the Water Corporation and the Shire.**
- C. Adopt the revised Local Water Management Strategy for Lot 9, as provided in attachment SD096.5/04/09, subject to inclusion of a diagram where the proposed location of the 9 groundwater monitoring bores will be installed.**
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.**
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.**
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.**
- G. The applicant be advised that Council has identified a number of expectations for the development of this site, including:**
 - a) Maintaining the character of the area through site planning that is sensitive to the existing topography and that meets the Shire's expectation of a high quality, sustainable urban environment.**

- b) The protection of mature trees and native vegetation to guide the site plan development especially roads.
- c) Creating shady/leafy green public spaces and streets that are pedestrian and “people activity friendly”, diverse in their presentation to the street and include extensive plantings and mature street trees that enhance “air conditioning” and solar access.
- d) The use of open style and alternative fences on private lots, where fencing is potentially visible from public road reserves.
- e) The creation of sustainable “waterwise” gardens on private lots.
- f) The incorporation of water sensitive urban design principles into all road, wide verges and open space areas by using permeable paving, flush kerbing, intermittent kerbing and appropriate plantings.
- g) A variety of residential densities, lot types, housing choices, heights and setbacks.
- h) Providing extensive pedestrian and movement networks that connect in a legible way with all open space areas and multiple use corridors, including footpaths on every road and narrow road pavements.
- i) Providing community facilities in accordance with the Shire’s Community Services and Facilities Plan.
- j) Providing community gardens as part of open space area provision for the site.

Council requests the proponent give due consideration to the above matters in progressing future detailed proposals for this site.

CARRIED 10/0

Council note: The Officer Recommendation Resolution was changed with the addition of part G.

SD097/04/09 PROPOSED LOCAL STRUCTURE PLAN – LOTS 61 & 62 THOMAS ROAD AND LOTS 59 & 60 BRIGGS ROAD, BYFORD (A1364/08)		
Proponent:	TPG Town Planning & Urban Design	In Brief
Owners:	Oyster Reef Holdings Pty Ltd & Valma Hicks	To consider whether the Local Structure Plan prepared for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford is satisfactory for advertising.
Officer:	Michael Daymond – Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson – Director Development Services	It is recommended that the Local Structure Plan be deemed satisfactory for advertising subject to modifications.
Date of Report	20 March 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 4 December 2008
 Advertised: NA at this stage
 Submissions: NA
 Lot Area: 8.78 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20 & Multiple Use Corridor
 Date of Inspection: January 2009

Background

A Local Structure Plan (LSP) has been submitted to Council for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford. The LSP is intended to provide a framework for future urban development, including approximately 196 aged or dependent persons' dwellings.

This report provides Council with the opportunity to consider whether the LSP is satisfactory for advertising pursuant to clause 15.18.3.2 of Town Planning Scheme No.2 (TPS 2).

A copy of the proposed Local Structure Plan map and statutory text is with attachments marked SD097.1/04/09.

Sustainability Statement

Effect on Environment: The proposed LSP provides for a sound environmental outcome. The LSP, if implemented, would result in the loss of some vegetation however an aged or dependent persons' dwelling development is likely to preserve more vegetation than if subdivision was proposed. Although there are no identified declared or rare flora vegetation on site, significant stands of vegetation centrally located on the site are proposed to be preserved within open space. This will positively contribute to the environmental outcomes and sense of place. The multiple-use corridor (MUC), which is part of the integrated open space network, is planned to provide opportunities for cyclist and pedestrian movements as well as passive recreation opportunities. The LSP seeks to provide a gazetted road in the southern portion of the site abutting the Multiple Use Corridor (MUC) that will provide increased levels of access to the existing public open space (POS) reserve, thus increasing the ability for the community to access and enjoy the existing POS.

Resource Implications: The LSP seeks to integrate principles of water sensitive urban design into the future development. The Local Water Management Strategy (LWMS) has been prepared in accordance with best practice and sustainability principles. It is considered that the objectives of the LWMS can be more readily achieved as the land is within single ownership and management and maintenance of the drainage systems will be coordinated. The proposed density of development also represents an efficient use of land while being in accordance with the character of the surrounding proposed urban development.

Economic Viability: The LSP seeks to retain the land in private ownership, providing opportunities for services and infrastructure to be delivered and maintained by the private sector and therefore minimising demands on the Shire.

Social – Quality of Life: The LSP seeks to provide aged or dependent persons' dwellings with communal amenities and support services which will support the quality of life for local residents. The development will allow residents to age within their community rather than being relocated to other areas. The proposal also provides a MUC to the south of the subject site which contributes to an interconnected public open space and urban water management network across the Shire. The MUC will provide pedestrian and cycle footpaths and areas within which to recreate.

Social and Environmental Responsibility: The LSP seeks to have dwellings orientated to overlook the public open space, open space and streetscape thus increasing passive surveillance and providing a built form that contributes to the urban landscape rather than working against it. Dwellings will be designed and oriented to provide for a high level of passive solar access. There are significant portions of the property being set aside for open space retaining existing vegetation thus positively contributing to a sense of place. The proposed development seeks to incorporate principles of water sensitive urban design through the sound principles of the LWMS.

Social Diversity: The LSP seeks to provide a high level of diversity of housing through providing aged or dependent persons' dwelling opportunities for seniors in the community.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain
Catchment
Local Planning Policy 22 – Water Sensitive Urban Design

Financial Implications:

The costs associated with formal advertising of the LSP are within the current budget.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation

Should Council determine that the LSP is satisfactory for advertising, in accordance with the provisions of Section 5.18 of TPS 2, Council is required to seek public comment on a structure plan for a period of not less than 21 days before making a decision to adopt the structure plan.

To ensure that stakeholders have sufficient opportunity to provide comment, it is recommended that the advertising of the Local Structure Plan include the following:

- A notice being placed in a local newspaper circulating within the district;
- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website ;
- All landowners within the Structure Plan area;
- All surrounding landowners that are considered to be affected by the proposed LSP; and
- A letter being sent to all relevant state government agencies.

Comment

An assessment of the LSP and the LWMS has been undertaken against the Byford Structure Plan, TPS 2, existing Local Planning Policies and existing state government policy documents including Liveable Neighbourhoods

A number of key issues were identified as requiring careful consideration by Council in determining the local structure plans. The following is a list of the key issues identified:

- Vegetation;
- Fire Management;
- Interface between private & public land;
- Drainage; and
- Urban form.

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

Vegetation

There is existing vegetation situation on the subject land. A survey of existing vegetation has been provided by the proponent.

A copy of the existing vegetation survey is with the attachments marked SD097.2/04/09.

Based on the information available, it is understood that there is no Declared Rare Flora or Threatened Ecological Communities on the subject land. The LSP does not propose the retention of all vegetation on-site. There are significant cut and fill requirements to prepare a site for subdivision. These requirements can be reduced when an aged or dependent persons' dwelling development is proposed.

The applicant has provided the following information in respect of this matter:

“The LSP identifies vegetation on site that at this point in the design process are potentially able to be preserved. Page 32 of the LSP indicates that there are no Dedicated Rare Flora or Threatened Ecological Communities, due to the modified nature of the site based on previous land uses. It must be noted that proposing an aged or dependent persons’ development on site will enable a greater number of trees to be preserved than what could be achieved within a subdivision application. There are significant cut and fill requirements to prepare a subject site for subdivision and these requirements are reduced when a development of this nature is proposed. For background information purposes only, a survey of the vegetation on site has been provided. It is not appropriate to include the trees that are likely to be removed on the LSP. The existing vegetation is shown in Figure 1 and SK03 of LWMS.”

The proposed form of development, in the form of an aged or dependent persons’ dwellings, is considered to afford opportunity to retain a greater number of trees to be preserved than what could otherwise be achieved with a conventional residential subdivision application. The LSP sets aside a centrally located area for open space which coincides with an area of healthy vegetation. The more degraded areas of vegetation on site have been identified as more suitable for development. This centrally located area not only preserves a significant amount of vegetation on site but will contribute to a sense of place and enhance the amenity provided to residents.

One of the objectives of the LWMS and future Landscaping Plan will be to accommodate the vegetation identified on the LSP. This will ensure an integrated approach to the preservation of vegetation. It is considered that the information provided demonstrates that the Shire’s requirements have been addressed and the preservation of the significant stands of vegetation is able to be achieved through detailed design as part of a development application.

Based on the information available to date, it is recommended that the LSP be deemed satisfactory for advertising. Further information will need to be provided as part of any future application for subdivision and/or development, including full details as to the extent of vegetation to be retained, proposed revegetation and associated management arrangements for the subject area.

It is recommended that the statutory text that forms part of the LSP be modified to ensure this matter be addressed at the time of development and/or subdivision application.

Fire Management

There has not been a fire hazard assessment undertaken for the site, as the applicant states that it was envisaged that this would be undertaken at the development application stage. The following additional comments were provided by the applicant:

“In response to preliminary fire management comments from the Shire officers, the LSP map has been revised to set the dwellings back from the lot boundary of Lot 59 to provide space for a fire break and/or other proposed fire mitigation technique that may be required as part of a future Fire Management Plan (FMP).

The public open space to the east is heavily vegetated and could create an extreme fire hazard. The proponent proposes to utilise an internal Dual Use Path (DUP) network to operate as a trafficable integrated internal emergency exit and emergency movement network. The path will integrate with the drainage and landscaping requirements for the site and will also provide an integrated movement network for pedestrians, cyclists and those residents utilising gophers”.

The proposed development does not include the land being subdivided into traditional lots or strata titled lots. The majority of the site, including private open space and communal facilities, will stay in the ownership of the owners/ managers of the aged or dependent

persons' dwelling development. Lease arrangements are then established with the future occupiers of the development. Although the dotted lines on the LSP may look like lot boundaries, they these lines indicate general areas indicative of dwellings and surrounding garden spaces.

The LSP is flexible and can accommodate the outcomes of the Fire Management Plan

Based on the information available to date, it is recommended that the LSP be deemed satisfactory for advertising. Further information will need to be provided as part of any future application for subdivision and/or development, including a full fire and emergency management plan for the subject area. It is recommended that the statutory text (that forms part of the LSP) be modified to ensure this matter is adequately addressed at the time of development and/or subdivision application.

Drainage

The amount of information that was provided with the LWMS was assessed against the Byford Townsite Drainage and Water Management Plan (DWMP). While not having concern about the general principles, Officers were of the opinion that further detail should be provided prior to the advertising of the LSP. It is suggested that the following additional information be required, as part of progressing the LSP:

- Information regarding the proposed fill material;
- Information regarding stormwater quality;
- Information regarding stormwater quantity and flood protection;

One of the objectives is to keep the pre and post-development water flows out of the site constant. The pre-development flows are relatively high as the site is relatively impermeable with little opportunities for inundation across the site. In a post-development scenario there is significant compensation proposed on site. The drainage strategy is not based on soakwells but on a combination of retention, storage and treatment that allows post development flows to be attenuated to pre-development flows. In this way the regional catchment is not affected.

It is recommended that the LSP be deemed satisfactory for advertising, subject to further information being included in the LWMS. In accordance with the framework established under the DWMP for the Byford Area, the adoption of the LWMS is intended to occur in parallel with the adoption of the LSP itself, post-advertising.

Interface between Private & Public Land

The LSP proposes a landscaped DUP interface and indicates that dwellings will be set back from the boundary within each of the indicative lots and addressing the public domain. This will ensure a suitable open space area is set aside for the management of fire and water, provide a clear visual demarcation between private and public land and ensure that the development addresses the open space. The sound principles of providing a distinct separation between private and public land will be balanced with the desire for Council to provide for a rural character in the area.

The principles set out in the LWMS and the engineering report provides guidance for the preparation of an Urban Water Management Plan, Landscaping and Revegetation Management Plan and a Fire and Emergency Management Plan. With respect to the proposed interface and urban form, the applicant has indicated that the following design elements will be incorporated:

- Dwellings will be orientated towards the public open space to provide passive surveillance of the public areas;
- There will be appropriate separation between high fire risk areas and built form to ensure the safety of residents and assets;
- Where appropriate, the existing stands of vegetation on site (as indicatively identified on the LSP) will be preserved;

- An emergency dual use path will be provided along the interface of private and public land; and
- An appropriate amount of land will be set aside to deal with urban water management.

Based on the information available to date, it is recommended that the LSP be deemed satisfactory for advertising. The issues associated with vegetation, fire management, urban water management and interface design are considered to be capable of being addressed through detailed design as part of any future application for subdivision and/or development,

It is recommended that the statutory text that forms part of the LSP be modified to ensure these matters be addressed at the time of development and/or subdivision application.

Density, Streetscape & Urban Form

The LSP proposes a base density of Residential R20. In accordance with the R-Codes, a 1/3 density bonus may be achieved for development that is for aged and dependent persons. The R-Codes state:

“Because aged or dependent persons’ dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio, the codes under acceptable development provision 6.1.3 allow the reduction of the site area by one-third of that provided for by the code applying to the site, together with reduced car parking standards”.

The proposed urban form is intended to replicate traditional residential development as far as practicable, including lots with individual frontage to Briggs Road and the proposed road abutting the multiple use corridor. It is considered that the urban form achieves a high level of permeability and passive surveillance to public open space areas.

The proposed development will incorporate a legible and highly developed urban road structure. Even though the internal roads will be dedicated private road reserves, with general reserve widths of 8-9m, the road pavements will be constructed to the requirements of the Shire.

The LSP does not contain information at this stage in terms of design guidelines for the future development of the site. The LSP provides guidance that a quality retirement care village will be developed incorporating environmentally sustainable development principles. Specific design guidelines will be required at the development stage.

Based on the information available to date, it is recommended that the LSP be deemed satisfactory for advertising. Further information will need to be provided as part of any future application for subdivision and/or development, including design guidelines in respect to the form that future development will take. It is recommended that the statutory text that forms part of the LSP be modified to ensure the matter of design guidelines is addressed at the time of development and/or subdivision application.

Development Area

The Byford development area is divided into 12 precincts with the subject site located within Development Area 3. These development areas were incorporated into the scheme under Amendment 152 which was gazetted on 15 February 2008.

A copy of the plan showing the 12 precincts and the location of Development Area 3 is with attachments marked SD097.3/04/09.

In relation to these development areas, the scheme states:

“A detailed Structure Plan is to be prepared in accordance with clause 5.18.2 of the Scheme for a precinct before Council will make recommendations to the Western Australian Planning Commission on subdivision with respect to land within that precinct. A detailed Structure Plan may be prepared in part, or for the whole of a precinct unless where specifically resolved otherwise by Council.”

The proposed LSP covers a portion of Development Area 3 and not the whole precinct. The LSP is considered to fall within a logical portion of Development Area 3 as it is bound by Thomas Road to the north, Briggs Road to the west, a multiple use corridor to the south and an area of POS to the east. The remainder of land under Development Area 3 (south of the MUC and north of Larsen Road) can be covered under a separate LSP in the future. Council is therefore requested to resolve to allow the LSP to cover a portion of Development Area 3 only.

Options

There are 3 main options available to Council with respect to the draft LSP, as outlined below:

- Option 1 - to determine that the local structure plan is satisfactory for advertising, without modification;
- Option 2 - to determine that the local structure plan is satisfactory for advertising subject to modifications; or
- Option 3 - to determine that the local structure plan is not satisfactory for advertising, providing reasons to the proponent.

In the instance that Council decides to deem the LSP as satisfactory for advertising, a further report will need to be presented to Council, post-advertising, to determine whether to adopt the LSP before forwarding the matter to the Western Australian Planning Commission for approval.

Should the applicant be aggrieved by a determination (or lack thereof) by the Council, the applicant may by notice in writing require the matter to be determined by the Western Australian Planning Commission.

Conclusion

Having regard to the matters outlined in this report, the provisions of TPS 2 and relevant local planning policies, it is recommended that the LSP be deemed satisfactory for advertising subject to a number of modifications. A number of matters will require careful consideration at the time of future development. The modifications recommended to the LSP will ensure that these matters are addressed.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

1. Resolve to allow the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford to cover a portion of Development Area 3 only.
2. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford dated 20 March 2009 is satisfactory for advertising subject to the following modifications:
 - (a) The ‘statutory text’ for the LSP to include the following:

- (i) Information clearly outlining the extent of vegetation to be retained on-site, revegetation and management arrangements;
 - (ii) A requirement that any subdivision and/or development application be accompanied by a full fire and emergency management plan; and
 - (iii) A requirement that any subdivision and/or development application be accompanied by design guidelines for the future development of the site.
 - (b) The LSP map including a clear notation outlining the purpose of the 'dotted lines'.
 - (c) The Local Water Management Strategy be amended to include the following information:
 - (i) Information regarding the proposed fill material;
 - (ii) Information regarding stormwater quality; and
 - (iii) Information regarding stormwater quantity and flood protection.
3. Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:
- A notice being placed in a local newspaper circulating within the district;
 - A notice being placed in the Shire's Administration Centre;
 - A notice being placed on the Shire's internet website ;
 - All landowners within the Structure Plan area;
 - All surrounding landowners that are considered to be affected by the proposed LSP; and
 - A letter being sent to all relevant state government agencies.
4. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.

Committee Recommended Resolution:

That Council:

1. Resolve to allow the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford to cover a portion of Development Area 3 only.
2. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford dated 20 March 2009 is satisfactory for advertising subject to the following modifications:
 - (a) The 'statutory text' for the LSP to include the following:
 - (i) Information clearly outlining the extent of vegetation to be retained on-site, revegetation and management arrangements;
 - (ii) A requirement that any subdivision and/or development application be accompanied by a full fire and emergency management plan; and
 - (iii) A requirement that any subdivision and/or development application be accompanied by design guidelines for the future development of the site.
 - (b) The LSP map including a clear notation outlining the purpose of the 'dotted lines'.
 - (c) The Local Water Management Strategy be amended to include the following information:
 - (i) Information regarding the proposed fill material;
 - (ii) Information regarding stormwater quality; and

- (iii) Information regarding stormwater quantity and flood protection.
3. Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:
- A notice being placed in a local newspaper circulating within the district;
 - A notice being placed in the Shire's Administration Centre;
 - A notice being placed on the Shire's internet website ;
 - All landowners within the Structure Plan area;
 - All surrounding landowners that are considered to be affected by the proposed LSP; and
 - A letter being sent to all relevant state government agencies.
4. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.
5. The applicant be advised that Council's expectations for this project is one of a high quality development that incorporates a variety of building heights, a range of community facilities being provided, including consideration of a high care hostel, provision of communal activities, shady streetscapes, community gardens, protection of significant vegetation including Marri trees and recognizing the significant environmental values of this site. These matters will need to be addressed prior to Council granting final approval to the Local Structure Plan.

Committee Note: The Officers Recommended Resolution was changed by adding Part 5.

SD097/04/09 COUNCIL DECISION/New Motion:

Moved Cr Price, seconded Cr Murphy

That Council:

- 1. Resolve to allow the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford to cover a portion of Development Area 3 only.**
- 2. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford dated 20 March 2009 is satisfactory for advertising subject to the following modifications:**

(a) The 'statutory text' for the LSP to include the following:

- (i) Information clearly outlining the extent of vegetation to be retained on-site, revegetation and management arrangements;**
- (ii) A requirement that any subdivision and/or development application be accompanied by a full fire and emergency management plan; and**
- (iii) A requirement that any subdivision and/or development application be accompanied by design guidelines for the future development of the site.**

(b) The LSP map including a clear notation outlining the purpose of the 'dotted lines'.

(c) The Local Water Management Strategy be amended to include the following information:

- (i) Information regarding the proposed fill material;**
- (ii) Information regarding stormwater quality; and**
- (iii) Information regarding stormwater quantity and flood protection.**

- 3. Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:**
- A notice being placed in a local newspaper circulating within the district;**

- A notice being placed in the Shire’s Administration Centre;
 - A notice being placed on the Shire’s internet website ;
 - All landowners within the Structure Plan area;
 - All surrounding landowners that are considered to be affected by the proposed LSP; and
 - A letter being sent to all relevant state government agencies.
4. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.
5. The applicant be advised that Council has identified a number of expectations for the development of this site, including:
- a) Maintaining the character of the area through site planning that is sensitive to the existing topography and that meets the Shire’s expectation of a high quality, sustainable urban environment.
 - b) The protection of mature trees and native vegetation to guide the site plan development especially roads.
 - c) Creating shady/leafy green public spaces and streets that are pedestrian and “people activity friendly”, diverse in their presentation to the street and include extensive plantings and mature street trees that enhance “air conditioning” and solar access.
 - d) The use of open style and alternative fences on private lots, where fencing is potentially visible from public road reserves.
 - e) The creation of sustainable “waterwise” gardens on private lots.
 - f) The incorporation of water sensitive urban design principles into all road, wide verges and open space areas by using permeable paving, flush kerbing, intermittent kerbing and appropriate plantings.
 - g) A variety of residential densities, lot types, housing choices, heights and setbacks.
 - h) Providing extensive pedestrian and movement networks that connect in a legible way with all open space areas and multiple use corridors, including footpaths on every road and narrow road pavements.
 - i) Providing community facilities in accordance with the Shire’s Community Services and Facilities Plan.
 - j) Providing community gardens as part of open space area provision for the site.
 - k) A range of community facilities being provided ie heated swimming pool, clubroom, library, commercial grade kitchen and dining room, hall with stage and dance floor, library, bowling green, vegetable gardens and a men’s shed and the consideration of a high care hostel, provision of communal activities, shady streetscapes, protection of significant vegetation including Marri trees and recognising the significant environmental values of this site.
 - l) The question of security for elderly residents is of primary importance, other examples of modern retirement villages provide a security fence with controlled access gates enclosing the village with entrance restricted to residents, especially after dark, the Shire expects a similar arrangement in this case.
 - m) The lots facing Briggs Road and the unnamed public road on the south side of the development cannot be enclosed by a safety fence and gates and are considered by the Shire to be not part of the retirement village and therefore subject to an application for a subdivision, the density code is R20 without a special elderly care bonus and will need to conform to the usual requirements of the Shire pertaining to subdivisions in this locality.

Council requests the proponent give due consideration to the above matters in progressing future detailed proposals for this site.

Alternatively, should the developers prefer to include the lots facing the public streets into the village, then the internal street arrangement should be rearranged so that a security fence could be built on all boundaries of the development. The main entrance gate should be resident/staff controlled and one only other entrance/exit be provided which will be located and controlled as specified in the fire and emergency management plan. No other access to a public road is to be permitted.

CARRIED 10/0

Council Note: The Committee Recommended Resolution was changed with the addition of a revised part 5.

SD098/04/09		PROPOSED SHOWROOM, INDUSTRY SERVICE, OFFICE, MEDICAL CENTRE, PRODUCE STORE AND SHOP – LOTS 10, 11 & 12 SOUTH WESTERN HIGHWAY AND LOT 104 LARSEN ROAD, BYFORD (P00090/05)
Proponent:	Greg Rowe & Associates	In Brief The applicant seeks approval for a proposed showroom, industry service, office, medical centre, produce store and shop on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford. It is recommended that the application be conditionally approved.
Owner:	Byford River Pty Ltd	
Author:	Michael Daymond - Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 February 2009	
Previously	SD0004/07/06; SD063/12/06; SCM013/03/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 14 July 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: 3.52 ha
 L.A Zoning: Showroom/Warehouse
 MRS Zoning: Urban
 Byford Structure Plan: Highway Commercial
 Date of Inspection: September 2008 & 16 March 2009

Background

At the Special Council Meeting held on 3 March 2009, Council considered an application for a proposed Showroom, Industry Service and Commercial Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford. At this meeting, Council resolved as follows:

SCM013/03/09 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Buttfield

That the application for approval to commence development for a Showroom, Industry Service & Commercial Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford be deferred to enable the applicant to meet with the Shire's officers to discuss the outstanding matters that have been identified in the report presented to Council.

CARRIED 10/0

Council Note: The Officer Recommended Resolution was changed to allow for the application to be deferred to enable the applicant to meet with the Shire's officers to discuss the outstanding matters identified in the report".

The outstanding matters that were identified in the report were reflected in the officer's recommended resolution to refuse the application. The recommended reasons for refusal were as follows:

1. *The proposed development is not consistent with the purpose and intent of the Showroom/Warehouse Zone, as set out in clause 5.7.1 of the Shire of Serpentine Jarrahdale's Town Planning Scheme No. 2, as the development does not have low traffic generating characteristics and will not predominantly provide for a range of commercially oriented uses that deal in goods of a bulky nature.*
2. *The proposed development is not consistent with the purpose and intent of the Highway Commercial zone as defined in the Byford Structure Plan, which recommended the exclusion of retail uses.*
3. *The proposed development has the potential to undermine the planned hierarchy of centres identified in the Byford Structure Plan. This could result in a deterioration in the level of service to the local community or undermine public investments in infrastructure and services.*
4. *The proposed development does not provide sufficient on-site parking to satisfy the requirements of Town Planning Scheme No. 2*
5. *The proposed development does not demonstrate compliance with the Byford Townsite Detailed Area Plan. In particular, the proposed development:*
 - a) *Does not adequately address the frontages to the South Western Highway and George Street;*
 - b) *Does not incorporate centrally located 'through parking areas' linking George Street and South Western Highway;*
 - c) *Does not provide a sufficient number of parking bays on-site to satisfy the requirements of Town Planning Scheme No.2;*
 - d) *Incorporates storage and service areas exposed to George Street;*
 - e) *Does not afford adequate retention of existing vegetation on-site; and*
 - f) *Does not incorporate the required 15% of on-site landscaping.*
6. *The application fails to demonstrate how the water quality and quantity design objectives established in the Department of Water's Byford Townsite Drainage and Water Management Plan will be achieved.*
7. *The proposed development does not adequately demonstrate how pedestrian and traffic movement impacts will be managed.*

Since the Special Council Meeting, Shire staff have been liaising with the applicant to progress the proposal in order to provide a positive recommendation to Council. The steps that have been taken to address these issues and the officer's recommendation for the development will be discussed later in the report.

Sustainability Statement

Effect on Environment: There are a number of existing native trees on the property, particular in the north-eastern corner of Lot 104. There are also several existing trees located on the South Western Highway verge. The proposed development would result in the removal of a significant number of existing trees in the north east corner as a result of the construction of building No.5 and the associated car park. A few trees are shown to be retained within landscaping areas along the South Western Highway frontage and within proposed yard areas however a majority of vegetation through the middle of the site will be removed for either building or car park construction. It is considered that not as much vegetation is being retained as is practicable.

There are a number of options that can be considered by Council in order to preserve as much of the existing vegetation, specifically in the north east corner of the site, as practicable. These options will be discussed later in the report.

In relation to federal legislation and referral requirements, advice has been received that this is a parallel process to the State/ Local approvals process. Planning decisions do not need approval under the Federal legislation. There is a requirement that when an action is proposed on someone's land, that the Shire's brings to the attention of the proposed action taker (eg landowner/ developer), of their obligations under Federal legislation to obtain all necessary approvals.

The proposal achieves some solar orientation by orientating buildings to directly face, north, south and east with a few facing west to address George Street. The retail tenancies and showrooms face east with large areas of shop front glazing to display their products. Shade is provided by extensive walkway canopies across shop fronts to minimise direct sun but still allows natural light to the tenancies to reduce the need for artificial lighting.

Resource Implications: The development has been designed to allow for penetration of natural light in order to minimise the use of artificial lighting.

Economic Benefits: Council officers are of the opinion that any inclusion of significant retail activities within the proposed development will have an adverse impact on the viability of land uses within the Town Centre which is designated in the Byford Structure Plan to be the District Centre for Byford. Sites within the Highway Commercial zone should be developed for purposes that complement the retail and other services provided in the Town Centre and not for purposes that would compete with the uses existing and intended to be developed in the Town Centre. Therefore, consideration needs to be given to the types of uses that are approved within this development.

Social – Quality of Life: The development will propose an extended range commercial facilities in close proximity to new and existing residential areas in Byford.

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

Policy/Work Procedure Implications: Local Planning Policy 19 (LPP19)

Financial Implications: Possible financial implications to Council related to this application if the application is refused and the applicants seek a review of the determination by the SAT.

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The application was referred to affected landowners and relevant State Government agencies for comment prior to being presented to the Special Council Meeting. No further consultation has been undertaken.

Comment

Site

The subject site is located in Byford and is bounded by the South Western Highway to the east, Larsen Road to the north, George Street to the west and Evans Way to the south. All of the roads are sealed and gazetted roads, with the exception of George Street and Evans Way, both of which are only partially constructed.

The site has a total land area of approximately 3.52 hectares, with frontages of approximately 60 metres to Larsen Road, 351 metres to South Western Highway, 309 metres to George Street and 58 metres to Evans Way. The site currently contains a dwelling, former service station building and several outbuildings. The service station building and an outbuilding are currently occupied by two showrooms and a motor vehicle repair premise. These existing buildings will be removed if this application is approved.

Original Proposal

The original proposal previously considered by Council comprised of five separate building complexes with the composition of each building being detailed by the applicant as follows:

“Building 1 is located on the south side of the subject land and will include the development of a Professional Centre. This development complex comprises three (3) single storey office buildings with a combined floor area of 1,575m². The buildings address all the abutting street frontages.

'Building 2' comprises four (4) Service Industry units with a total floor area of 560m² fronting onto George Street and three (3) Showroom units with a total floor area of 1,056m² fronting onto South Western Highway.

'Building 3' comprises six (6) Service Industry units fronting onto George Street with a total 915m² floor area and a Growers Mart' development fronting onto South West Highway comprising ancillary retail units with a total floor area of 1,750m².

'Building 4' is the largest complex comprising of a mixture of Service Industry units and showrooms with outdoor display yards. Unit 1 comprises of 'City Farmers' with a total floor area of 1,600m², unit 2 includes a hardware store with a total floor area of 1,400m², unit 3 includes an equestrian showroom with a total floor area of 1400m² and unit 4 comprises a stock feed showroom with a covered floor area of 1250m².

'Building 5' is located on the north side of the subject land and comprises a second Professional Centre with a total floor area of 1,410m². This complex comprises three (3) single storey office buildings.

A copy of the locality, original site plans, floor and elevation plans previously considered by Council are with attachments marked SD098.1/04/09.

Revised Proposal

Since the application was previously considered by Council, two alternative concept plans have been submitted by the applicant to help address the concerns that were raised. Both concept plans are identical, except for the location of proposed building 5 and associated car parking. The location of this building on each plan is different as to present options for consideration with respect to preservation of existing vegetation on site. The composition of the buildings under the revised proposals is as follows:

Building 1 'Building 1' has not changed under the revised proposal.

Building 2 'Building 2' has not changed under the revised proposal.

Building 3 The total floor area for 'Building 3' has not changed under the revised proposals although the section of the building previously referred to as 'Growers Mart' has been reclassified as 'Market'.

Building 4 The total floor area for 'Building 4' has not changed under the revised proposals although the sections of the building previously referred to as 'City Farmers' and 'Hardware' have both been reclassified as 'Showroom'.

Building 5 The total floor area for 'Building 5' has not changed under the revised proposal. The revised site plan shows 'Building 5' and associated car parking in a distinctly different area to indicate the possibility for trying to minimise impacts on existing vegetation. However, a significant portion of vegetation in the north east corner of the site is still shown as being removed and therefore a further redesign of this building is needed. This will be discussed later in this report.

A copy of the revised site plan is with attachments marked SD098.2/04/09.

As previously mentioned, this revised site plan has been submitted to Council to help address the concerns that were raised with the original application. Specific changes regarding impacts on vegetation, permissibility of proposed uses and car parking requirements will be discussed later in this report.

TPS 2

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

"5.7.1 The purpose and intent of the Showroom Warehouse Zone is to provide for a range of commercially oriented uses with low traffic generating characteristics and dealing in goods of a bulky nature."

The proposed development being a Commercial Development (as stated by the applicant in the report accompanying the application) will by its very nature predominantly have low traffic generating characteristics and will essentially deal in goods of a bulky nature. The proposal does however incorporate approximately 600m² of retail component within proposed 'Building 3'.

The proposed development, as indicated on the revised site plan, is deemed to incorporate a number of different use classes as identified under the scheme. These include the following:

- Office;
- Medical Centre;
- Shop;
- Showroom;
- Industry Service;
- Produce Store;
- Restaurant; and
- Market.

The definitions of each of these use classes are as follows:

Office means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

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

Shop means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.

Industry Service means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Produce Store means land and buildings wherein fodders, fertilisers and grain are displayed and offered for sale.

Restaurant means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Market means land and buildings used for a fair, a farmers' or producers' market, or a swap-meet in which the business or selling carried on or

the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

There has been some discussion on the past with respect to the intent of the proposed 'Market'; within proposed Building 3'. Original concern was raised regarding the use of this 'Market' as a pseudo retail area, thus detracting from the intent of the Byford Town Centre. In subsequent correspondence, the applicant has indicated that the proposed use of the 'Market' is as follows:

"It is intended that the "Market" use will operate as fresh food market only including ancillary tenants such as fish, meat, bakery stalls and will not operate as a shop or supermarket. In accordance with the definition, it is expected that the "Market" would operate as a farmers' or producers' market providing a service point for the surrounding rural activities, this use would also compliment the rural character of the area".

The applicant has confirmed that the 'Market' tenancy will be in accordance with the definition of the Scheme and have anticipated that this would be a condition of approval.

Concern is expressed that approval for the use of a portion of building 3 as a "Market", may result in the use actually becoming a shop or supermarket. It is noted that similar issues have occurred in other local government areas where the shops/ supermarket type uses have occurred on land that was grant planning approved for another use under the operative Town Planning Scheme that applied in that area. If such a situation was to occur, then it would become a compliance and legal issue under the TPS 2.

After careful consideration of all the issues, it is considered that a "Market" use within a portion of Building 3, is not appropriate in this development. The proposed use of "Market" is not supported. Approval is granted for use of this portion of Building 3 as a showroom only.

Byford Structure Plan (BSP)

The BSP was adopted by the Council in accordance with the provisions of clause 5.18.3.15 of TPS 2 on 22 August 2005 to provide a framework for the development of the Byford urban area. Subsequently, a review of the BSP was undertaken in 2006/07 with the revised plan endorsed by the WAPC in November 2007.

Under the adopted BSP the development site is located within the Highway Commercial zone. With regard to the Highway Commercial zone the BSP states as follows:

"7.11 Highway Commercial

An area of Highway Commercial uses is proposed both north and south of the Town Centre on the western side of the Highway. This is in recognition of the existing uses together with the commercial potential of this strip of land. It is however, considered that this area is less intensive than the town centre and, as such, retail uses will be excluded.

The area is, therefore, mostly suited to showrooms, bulky goods, offices, medical centres, consulting rooms and the like. The main issue for this area is access and, therefore, any proposals will need to recognise the recommendations of the Townscape Study and incorporate shared parking and access."

The proposed development is predominantly consistent with the intent of the adopted BSP as it generally caters for bulky goods, offices and the like. Although 'building 3' incorporates 600m² of retail floor space, this is considered to be a small proportion of the overall development. The retail component represents only 4.1% of the total floor area of the development and therefore is unlikely to detract from the retail function of the Byford Town Centre.

LPP19

LPP19 was established to provide guidance on the permissibility of land uses within the BSP area and to compliment the operation of the BSP. Structure Plans adopted under TPS 2 can provide designations and zones that have statutory effect as if they directly formed part of TPS 2. There are a number of use class permissibility conflicts between TPS 2, LPP19 and the BSP. As a basic principle, where there is a conflict between a TPS and a Planning Policy/Structure Plan, the TPS shall prevail.

Council at its meeting in April 2006 resolved to grant final approval to Amendment 148. The purpose of the amendment is to insert provisions into TPS 2 regarding the permissibility of land uses within the Byford Structure Plan Area. Council Officers are currently seeking advice from the Department for Planning and Infrastructure as to the options that are available to Council to finalise the amendment. A report on this matter will be presented to Council in the next few months.

Use Class Permissibility

With respect to the subject site, the following is a summary table of the different permissibility of uses under the scheme and as identified within LPP19:

Use Class	Permissibility	
	TPS 2 (Showroom/Warehouse)	LPP19 (Highway Commercial)
Office	AA	P
Medical Centre	X	P
Shop	AA	X
Showroom	P	P
Industry Service	P	AA
Produce Store	P	Use Not Listed
Restaurant	X	AA
Market	AA	AA

The conflicts between TPS 2, LPP19 and the BSP are currently being investigated by Council staff in the context of a review of the BSP. It is anticipated that a report will be presented to Council in the coming months, providing a number of options including progressing a modification to the BSP to the effect of creating a 'statutory text' for the BSP that clearly outlines how the BSP is intended to operate and be interpreted.

As mentioned above, where there is a conflict between a TPS and a Planning Policy/Structure Plan, the TPS shall prevail. As such, the proposed development needs to be assessed against the use class permissibility under the scheme.

Under the scheme, the use classes of 'Medical Centre' and 'Restaurant' are not permitted. The proposed development would need to be amended, if considered for approval by Council, to remove these uses from the site plan. In recent correspondence from the applicant regarding this issue, the following advice has been provided:

"The professional centres will comprise of "Office" use only and the restaurant use will be replaced by a "Shop" use".

In light of the above, and in accordance with the advice from the applicant, it is recommended that buildings 1 and 5 be approved as 'Office' only, with the proposed Cafe (Restaurant) within building 3 being approved as 'Shop'. These required changes to the land uses are recommended as conditions of approval.

Gross Leasable Floor Area (GLFA)

The original application was considered as including six (6) main use classes that could be defined under the scheme. The revised proposals are considered to incorporate seven (7) use classes. The total development includes a total of 14,644m² of GLFA. A breakdown of each proposed use class with its associated GLFA, for both the original and revised proposal, is detailed in the below table.

Use Class	Original Proposal Total GLA (m ²)	Revised Proposal Total GLA (m ²)
Office/Medical Centre ⁽¹⁾	2 985	2 985
Industry Service	2 195	2 195
Showroom	4 864	6 464
Produce Store ⁽²⁾	1 250	1 250
Shop ⁽³⁾	3 200	600
Restaurant ⁽⁴⁾	150	NA
Market ⁽⁵⁾	NA	1 150
Total	14 644	14 644

1. Refers to the 2 x Professional Centres
2. Refers to Stock Feed
3. Shop originally included the Growers Mart (inc fish, meat, bakery) & the City Farmers. Shop now only includes the 3 x retail and the Café in building 3 (which will be approved as 'Shop'). The previous Growers Mart is now a Market and the City Farmers is now a Showroom.
4. Restaurant is the Café in building 3 which has now been agreed with the applicant to convert to 'Shop'
5. Market was 'NA' under the previous application as the Growers Mart was deemed to be a 'Shop'.

The above table indicates that the retail component of the development, indicated as the use class 'Shop' which is a discretionary use under the scheme, occupies only 600m² or 4.1% of the total gross leasable area of the total development. This retail component is supported, as it is unlikely to impact on the economic viability of existing, approved and planned land uses within the Town Centre under the BSP.

Parking Requirements

The previous report to Council highlighted that there was a shortfall of between 25 and 88 car bays on site to cater for the proposed development. The main reason for this shortfall was that the applicant had included City Farmers under 'Showroom' which has a much lower parking requirement. The previous calculation presented to Council incorporated this use under 'Shop'.

The revised proposal indicates that the proposed 'City Farmers' has been removed all together from the site plan and replaced with 'Showroom'. In addition, the proposed 'Café' has now been included as a 'Shop' as agreed to by the applicant. As such, the parking requirements under the scheme for the revised proposal are detailed in the below table.

Use Class	Total GLA (m ²)	Ratio (TPS 2)	Car Bays (required)
Office/Medical Centre ⁽¹⁾	2 985	1 per 40m ² GLA (with min. of 2 per office unit)	75
Industry Service	2 195	1 per 50m ² GLA	44
Showroom	6 464	1 per 60m ² GLA	108
Produce Store ⁽²⁾	1 250	1 per 60m ² GLA	21
Shop	600	1 per 15m ² GLA	40
Market ⁽³⁾	1 150	1 per 15m ² GLA	77

Use Class	Total GLA (m ²)	Ratio (TPS 2)	Car Bays (required)
Total	14 644		365
<i>Bays Provided on plan</i>			<i>429 (90 in road reserve)</i>

1. *Ratio based on 'Office' as 'Medical Centre' is not listed in Table V of the scheme (parking requirements)*
2. *Ratio based on 'Showroom' as 'Produce Store' is not listed in Table V of the scheme (parking requirements). As a 'Produce Store' deals with goods of a bulky nature (fertilizers, grain, feed etc) and incorporates a significant service yard, 'Showroom' is the nearest appropriate fit.*
3. *Ratio based on 'Shop' as 'Market' is not listed in Table V of the scheme (parking requirements)*

The above table indicates that the development provides a surplus of 64 car bays as is required under the scheme.

Byford Townsite Detailed Area Plan (BDAP)

The adopted BDAP provides a general framework and principles for the development of the subject site. The land is situated within Character Area H – Highway Commercial which, as per the BSP, is proposed to accommodate showrooms, bulky goods, offices, medical centres, consulting rooms and the like. The applicant has prepared an assessment table for the proposed development, outlining the various requirements of the BDAP and the extent to which the development adheres or does not adhere to these requirements.

An assessment table for the proposed development prepared by the applicant, against the requirements of the BDAP is with attachments marked SD098.3/04/09.

The proposed development proposes an alternative form of development to that envisaged by the BDAP. Most notably, the proposed form of development:

- Does not provide adequate centrally located 'through' parking areas linking George Street and South Western Highway. A total of 178 bays are provided internally, however 161 car parking bays still front South Western Highway;
- Does not locate all of the service areas out of sight of public roads and footpaths;
- Does not indicate 15% of the site area being landscaped; and
- Does not retain or preserve enough significant vegetation, especially in the north eastern corner of the site.

These non-compliances with the BDAP, together with the steps that can be taken to meet these requirements, will be discussed in depth later in this report.

Traffic Management

In the previous report to Council, a number of issues were raised in respect of the Traffic Impact Assessment Report that was submitted as part of the original proposal. In response to these issues, the applicant has provided the following comment:

"Transcore Traffic Consultants have reviewed the comments made by the Shire's Technical Officers regarding the traffic report and provide the following information in response.

Daily traffic information has been provided within section 2.1 of the traffic report in addition to peak hour traffic volumes. Peak hour traffic volumes were considered and assessed in order to fully assess the potential traffic impact.

In response to the comments made regarding the method of calculating vehicle movements, the traffic generation of developments are ultimately limited by the number of parking bays provided and it is considered more accurate to calculate traffic generation using parking

bays than floor areas. In any case, the calculations of the report are comparable to using the relevant RTA traffic generation based on the use and floor area method.

In relation to pedestrian movements, the existing central median on South Western Highway entails a pedestrian crossing facility. Any additional facilities can be implemented as conditions of development approval.

The crossover located on Evans Way has been provided in accordance with Australian Standards, additionally Main Roads raised no objections to the proximity of this crossover to South Western Highway.

It is expected that modifications requested in relation to the detailed design including a left turn pocket, modifications to median islands and road widening can be confirmed prior to construction in consultation with Main Roads and the Shire as necessary”.

A traffic management plan has been submitted to the Shire and reviewed by Shire officers. There are some technical matters than need to be resolved to allow the traffic management plan to be signed off. A planning condition will be included to allow these matters to finalised.

Stormwater Management

Previous advice from Council staff indicated that the proposed Stormwater Management Plan for the development is inconsistent with the Byford Townsite Drainage and Water Management Strategy as it fails to demonstrate that stormwater will be appropriately managed.

Since the proposed development was last considered by Council, Shire staff have been liaising with the applicant in order for a revised Stormwater Management Plan that satisfies the Shire’s and Department of Water’s requirements to be prepared. This revised plan has not yet been submitted.

Advice from Council staff has indicated that the stormwater from the development can be adequately catered for on site, it is just a question on the exact methods that are employed to achieve this. It is therefore considered that the requirement for the preparation of a Stormwater Management Plan to the satisfaction of the Shire can be incorporated as a condition of approval.

Key Issues

Consistent with the information provided thus far in this report, there are five key issues that are considered to be of particular relevance to this application, namely:

1. The location and provision of parking;
2. The screening of service areas;
3. The provision of Landscaping;
4. The retention of Vegetation; and
5. The Inclusion of Retail Floor Space.

Design Issues & Non Compliance with DAP Provisions

The proposed development does not conform with the DAP in five main areas. These relate to location of parking, screening of service areas, provision of landscaping and retention of vegetation.

1. *Location of Parking*

DAP Provision: “Centrally located ‘through’ parking areas linking George Street and South Western Highway”

The purpose of this provision is to ensure that by locating large parking areas central to the site, car parking will be predominantly screened from view whilst allowing the built form to be built to the lot boundary to address the street frontage.

Under the revised proposal, 161 of the proposed 429 car bays are located between the proposed built form and the South Western Highway road frontage indicating that this DAP provision has not been satisfied. The applicant acknowledges that a variation to this DAP provision is being sought and has thus provided the following justification for this variation:

“The Byford Detailed Area Plan (DAP) states the following in relation to building and car park placement:

“...new development shall be setback from the kerb of the Highway carriageway a minimum of 15 metres.

Car parking may be considered in this setback area within a landscaped setting and connected to neighbouring car parks or allowance for future car parks. Shade trees shall form an important part of the landscape treatment. However, preference is for centrally located car parks.

All car parking is to be provided at the rear (western side) of premises with existing vegetation incorporated within car parking areas.”

It is noted that the DAP recommends a preference for car parking to be located centrally and to the rear (meaning George Street). In this regard, 123 (calculation by Shire staff results in 130) of the parking bays have been located centrally between the building and creating “through” parking areas with several links between George Street and the South Western Highway frontage. However, parking to the George Street frontage has been limited, comprising mainly of on-street parking, a variation to this DAP requirement is sought based on the following justification.

Car parking has been limited within the George Street frontage, as it is our understanding that Council wish to promote George Street as a ‘main street’. In accordance with ‘main street’ principles, the buildings have been located towards the George Street boundary and thereby limiting car parking within the frontage to enable an active streetscape. Service areas have also been located centrally and it is expected that the ‘yard’ areas to the rear of the Showrooms on Building No.4 can also contribute to the streetscape with display areas.

Instead, car parking has been partially provided within the South Western Highway setback. Car parking is provided on the South Western Highway frontage in order to promote exposure to the Highway and also to provide convenience and facilitate access. On-street parking and a main street focus on South Western Highway are not considered suitable within this location due to the high volume traffic. In accordance with the DAP, the plans have been modified to include landscaping strips within the car parks to accommodate shade trees and also to maximise the opportunity for tree retention throughout the site”.

It is considered that the applicant has provided valid justification regarding the variation to the DAP provision. On a development of this nature and scale, it is not considered possible to locate all the required parking bays (being 365 under the scheme) in a central location on site. The location of the car parking in between proposed buildings has an effect of breaking the development up and avoids a development that is wall to wall from boundary to boundary. Although some parking is proposed along the South Western Highway frontage, the use of shade trees within the car park and additional revegetation within the road reserve will help ensure that the development is aesthetically pleasing from this road frontage.

The location of the proposed car parking as shown on the revised site plan is therefore supported.

2. *Screening of Service Areas*

DAP Provision: “Service areas located out of sight of public roads and foot paths”

Although the portion of George Street abutting the subject site is not yet constructed, the intent under the BSP is for this road to be constructed from Abernethy Road all the way to Thomas Road. As such, the visual impacts of the development on George Street are just as relevant as the views from South Western Highway.

The proposed Building 4, indicates that the service yards and associated service drive will be located at the rear of the building, along the George Street frontage. As this road will become a major thoroughfare once constructed, development needs to address George Street as effectively as any other road frontage. Therefore, if the location of service areas and driveways along George Street is supported, then conditions will need to be included in the approval to effectively screen these areas from view.

3. *Provision of Landscaping*

DAP Provision: “15% of site to be landscaped – includes any area on a secondary street frontage”

Within the DAP assessment table, the applicant states:

“A total of 4,265m² (12%) of the site area is proposed to be landscaped. An additional area of 4,135m² will be treated with brick paving to provide a footpath network. Trees will be established throughout areas of the footpath network. The proposed reduction of on site landscaping will be offset with the provision of verge landscaping”.

The applicant is proposing to meet the shortfall (approximately 1020m²) in on site landscaping with off site (verge) planting. This is not supported. The inclusion of only 10% of landscaping on site will result in a development that is dominated by car parking and built form. As the proposed development provides 64 car bays above what is required under the scheme, some of this car parking can be removed to cater for additional landscaping. Therefore, the applicant should be required to modify the site plan to show a minimum of 15% as required under the DAP.

4. *Retention of Vegetation*

DAP Provision: “Existing trees to be maintained wherever possible”

Many of the significant trees along the South Western Highway frontage (and to some extent the Evans Way frontage) are shown to be retained on the proposed site plan. A number of large important trees are also located within service yards and hence shown as being retained. The applicant has also modified the car park slightly to allow for the planting of shade trees within the development to help increase the amount of vegetation planted on site. The proposed site plan however indicates that a majority of the vegetation in the north eastern corner of the site will be removed to allow for the construction of Building 5 and the associated car park.

Council’s Environmental Services Department have indicated that this vegetation is not only of aesthetic quality but also has some regional significance by way of the species of trees and plants that are located within this area together with the presence of Threatened Ecological Communities (TEC). The removal of this vegetation is likely to require a clearing permit which will trigger both State and Federal referrals due to the TEC being protected under both State and Federal Legislation (Marri and Kingia). As this vegetation is of both regional and local significance, the developable potential of this portion of the site needs to be carefully examined. It is ordinarily the responsibility of the landowner/applicant to demonstrate compliance with relevant environmental legislation.

Council staff are of the opinion that every attempt should be made to preserve as much of this vegetation as possible. This could either be achieved through land swaps (with the adjoining reserve which in comparison has limited environmental value) or through a redesign of the proposal. These options are detailed below:

Option 1

Exclude Building 5 whilst progressing a redesign of the northern portion of the site

- This may allow for a significant portion of the vegetation to be retained.
- Proposed Building 5 and car park would need to be modified in order to preserve vegetation.
- Remainder of site can still be developed whilst negotiations, and the possible clearing permit process, take place regarding building 5.

Option 2

Exclude Building 5 due to vegetation issues whilst investigating possible land swap arrangements

- This would allow for the entire north-east vegetated area of the site to be preserved.
- Reduces commercial frontage to South Western Highway but increases frontage along George Street.
- Proposed Building 5 and car park would not need to be modified dramatically or reduced in size. Therefore GLA remains the same.
- Land swap may take years to finalise, therefore Building 5 will be put on hold pending this swap. It is acknowledged that this is not ideal from a commercial perspective.
- Remainder of site can still be developed whilst negotiations take place regarding Building 5.

Option 3

Progress entire development at this time

- This includes examining the revised site plan recently submitted by the applicant.
- Limited vegetation can be preserved through this option as trees could only be retained in the car park. Proposed Building 5 will be built over the top of most of the vegetation.
- It is likely that removal of vegetation in this portion of the site will require a clearing permit from the Department of Environment and Conservation. As such, Council should be mindful of considering approving the development subject to a clearing permit being obtained.

Recommendation

It is the opinion of Council staff that Option 1 is the best outcome for both Council and the developer in order to progress this application. Although Building 5, and the associated car park, would be excluded from the approval, the first 4 buildings can still be constructed.

In correspondence from the applicant dated 25 March 2009, the following information is provided regarding the exclusion of building 5:

“Whilst it is acknowledged that Building No.5 will be excluded from the current application, we will be pursuing further discussions with Council Officers in order to progress an approval for this development at a later stage.

We understand that Council Officers have concerns with the removal of vegetation within the north east corner of the site. In response to this, we are in the process of exploring an alternative design option that maximises tree retention through building placement whilst also allowing a functional development layout”.

Council staff and the applicant have agreed to exclude proposed Building 5 from the development pending discussion regarding the existing vegetation on site and a design of Building 5 to cater for this vegetation. If Building 5 and its associated car parking are excluded, then the car parking calculations need to be revisited to ensure that enough parking is provided for the first 4 buildings. If Building 5 is excluded, then the revised car parking calculations are as follows:

Use Class	Total GLA (m ²)	Ratio (TPS 2)	Car Bays (required)
Office/Medical Centre ⁽¹⁾	1 575	1 per 40m ² GLA (with min. of 2 per office unit)	40
Industry Service	2 195	1 per 50m ² GLA	44
Showroom	6 464	1 per 60m ² GLA	108
Produce Store ⁽²⁾	1 250	1 per 60m ² GLA	21
Shop	600	1 per 15m ² GLA	40
Showroom (in lieu of the Market)	1 150	1 per 60m ² GLA	19
Total	14 644		272
<i>Bays Provided on plan</i>			<i>392 (90 in road reserve)</i>

1. Only includes 'building 1' as 'building 5' will be excluded from the approval.

The above table indicates that even through the removal of Building 5 from the approval, and the removal of the Market use, the development still provides a surplus of 120 car bays as required under the scheme.

Access from Larsen Road

In accordance with Main Roads' requirements, the crossovers closest to the intersection of South West Highway and Larsen Road have been removed. Although Building 5 and associated car parking is recommended to be excluded from the development approval, the construction of the second access way from Larsen Road to the site is still an issue at this point in time.

The area around Building 5 may be affected by Federal legislation relating to the significant vegetation that occurs on this portion of the site. Until this issue is resolved, then construction of this second crossover to Larsen Road and accessway through the site is not supported at this time. The matter can be revised again as part of any consideration of plans for a building in this location in the future.

It is noted that with no access to the site directly from Larsen Road, it will impact on traffic circulation. At this time, traffic travelling north along the South Western Highway, will enter the site via:

- Evans Way;
- One single crossover directly from South Western Highway, as approved by Main Roads WA; and
- Larsen Road, into George Street and then access the site from one of the many crossovers to George Street.

Traffic heading south along South Western Highway, will access the site via Larsen Road or from Pitman Way and up George Street (once constructed).

A copy of the revised site plan recommended for approval, indicating the exclusion of building 5 and associated car parking and access way is with attachments SD098.4/04/09.

Conclusion

In the previous report to Council with respect to this development, a number of issues were raised regarding car parking, vegetation and non compliance with the DAP. A decision on the application was ultimately deferred to allow for further investigation of these issues to be undertaken.

Of most significance was the impact that the proposed development would have on the existing vegetation in the north eastern corner of the site. This vegetation has been determined as having a regional significance by way of the species of trees and plants that are located within this area together with the presence of Threatened Ecological Communities (TEC). As such, the applicant has agreed to exclude Building 5 and associated car parking from the development in order that the remaining development can proceed whilst these vegetation issues are being explored. This exclusion of Building 5 is supported by Council staff.

With respect to the other issues that were raised previously, strong justification has been provided by the applicant to support the proposal. Many of these issues, if not addressed already, can be addressed through appropriate conditions of approval.

It is therefore recommended that the application be conditionally approved.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for approval to commence development for a Showroom, Industry Service, Office, Medical Centre, Produce Store and Shop Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford be approved subject to the following conditions:

PLANNING

1. The provision of a revised site plan that incorporates the removal of building 5, the access way from Larsen Road, provides a minimum of 272 car parking bays and 15% of the site as landscaping.

AMENITY

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

LOADING BAY

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

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

9. A traffic management being submitted and approved by the Director Engineering, prior to the issue of a building licence.
10. 272 Car parking bays (including Disabled parking spaces) to be provided in accordance with the plans attached to and forming part of this approval.
11. Eight (8) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
12. Car parking bays are to comply with AS 2890 1993.
13. George Street and Evans Way shall be upgraded at the expense of the developer to incorporate landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
14. The George Street and Evans Way car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
15. Car parking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 104 or the southern boundary of Lot 12.
16. Car parking constructed within the Evans Way road reserve by the developer to support this development is not to extend past the eastern and western boundaries of Lot 12.
17. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
18. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
19. Where a parking bay abuts an obstruction such as a wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
20. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage.
21. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
22. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering and maintained at all times .

EXTERNAL LIGHTING

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

STORMWATER

25. A Stormwater Management Plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence. 26. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Townsite Drainage and Water Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.
27. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

BIN STORAGE AND PICK-UP

28. The development is to be provided with suitably screened enclosures for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999* prior to the occupation of the development. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services and Director Engineering.
29. The design of the bin enclosures for the development is to incorporate the following elements:
 - a) walls are to be masonry, finished to the same standard as the showroom/commercial buildings and have a minimum height of 2.1 metres;
 - b) be roofed with a gable roof style of the same pitch as any gables on the showroom/commercial building;
 - c) be closed in by doors rather than gates;
30. The storage yards are to be screened from public view to the satisfaction of Director Development Services.

SIGNAGE

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

LANDSCAPING

33. A landscape plan must be submitted (in duplicate) to Council's Planning Services and approved prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
34. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.

FENCING

35. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

USE OF PREMISES

36. The uses shall be restricted to Office, Medical Centre, Produce Store, Shop, Showroom and Industry – Service, in accordance with the approved plans.

Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. A Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
4. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
6. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted. The plans should include details of:
 - a) the structural finishes of the floors, walls and ceilings;
 - b) the position and type and construction of the fixtures, fittings and equipment;
 - c) all sanitary conveniences and change rooms;
 - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
 - e) drains, garbage room, grease traps and provision for waste disposal.
7. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
8. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
9. A "suitable enclosure" referred to in Condition 27 means an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.

Committee Recommended Resolution:

That consideration of item SD098/04/09 be deferred to the April Ordinary Council.

Committee Note: The Committee deferred a decision on this matter to allow Planning staff to consider a number of issues regarding this development, including the proposed Market use within the development.

During debate Cr Geurds foreshadowed that he would move the Officers Recommended Resolution with additional Advice Notes if the motion under debate is defeated.

SUPPLEMENTARY REPORT

At the Sustainable Development Committee Meeting held on 21 April 2009, a resolution was passed to defer a decision on this application until the April Ordinary Council meeting. This was to allow Planning staff to consider a number of issues including the proposed 'Market' use, water sensitive urban design, landscaping, street furniture, the proposed Café and clarification over the ownership of the adjoining reserve.

Proposed Market

Concern has been raised that the proposed 'Market' as shown within building no.3 may result in the use actually becoming a shop or supermarket. Legal advice has been received to ensure that planning controls can be maintained over the proposed use of a portion of the land as a "Market" as outlined in new condition 38. It is recommended that the proposed Market be approved and condition 37 be modified.

Drainage, Car Parking and Access

Discussion was held regarding the requirement for the car parking areas to comply with water sensitive urban design (WSUD) principles with respect to drainage. It is considered that conditions 25 and 26 adequately address this issue.

As there is only one crossover to the site off South Western Highway, it was mentioned that a slip lane should be provided along South Western Highway into the development to cater for vehicles travelling north. In the advice received from Main Roads WA, a left turn pocket at the crossover has been recommended. This advice will be considered by Council staff through the assessment of the Traffic Management Plan that is required under condition 9 of the original Officer Recommended Resolution.

If the 'Market' is approved, the number of car bays required to cater for the entire development, exclusive of building 5, is now 329 bays. Conditions 1 and 10 on the original officer recommended resolution have been amended accordingly.

Landscaping

Due to the large car parking areas within the development, the requirement for the provision of shade trees is considered relevant. To ensure that shade trees are provided within the car park areas, as is already required under TPS 2, it is recommended that a revised condition is included (condition 33).

Street Furniture

It is considered appropriate to include a requirement for some type of street furniture (benches, tables, shade structure and bins) to be provided within the development to provide an area that can be utilised by both employees within the development and customers. It is considered that this furniture would only be required on the eastern side of proposed building no.3 (outside of the market) as this building includes the retail and market uses, which will generate pedestrian activity. A new condition 35 is included.

Proposed Café

As detailed in the officer report, the proposed Café falls under the use class definition of 'Restaurant' which is a non permitted use within this zone. In order to allow a Café to be developed within this zone, an amendment to TPS 2 would be required. As such, the

proposed Café area will be approved as a 'Shop' as per the original officer recommended resolution.

Adjoining Reserve

The land on the corner of Larsen Road and George Street contains two reserves. The larger land parcel is a reserve for community purposes, under the care, control and management of the Shire. The smaller parcel of land is a crown reserve, containing a building, possibly used for pumping.

Proposed Medical Centre/Office Buildings

Through a detailed assessment of the recommended conditions of approval, it was discovered that the original condition 36 in the original officer recommended resolution conflicted with the Council report in respect to the permissibility of 'Medical Centre'. The use 'Medical Centre' is not permitted within this zone and therefore the applicant has agreed to modify the professional centres (building no.1 and 5) so that they incorporate an 'Office' use only. New condition 37 has been modified to remove 'Medical Centre' as a permitted use.

Alternative Officer Recommended Resolution:

The application for approval to commence development for a Showroom, Industry Service, Office, Produce Store, Market and Shop Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford be approved subject to the following conditions:

PLANNING

1. A revised site plan being submitted for approval by the Director Development Services, to remove building number 5 and the accessway from Larsen Road, include a minimum of 329 car parking bays and provide 15% of the site as landscaping.

AMENITY

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

LOADING BAY

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

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

9. A traffic management plan being submitted and approved by the Director Engineering, prior to the issue of a building licence.

10. 329 Car parking bays (including Disabled parking spaces) to be provided in accordance with the plans attached to and forming part of this approval.
11. Eight (8) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
12. Car parking bays are to comply with Australian Standard 2890 1993.
13. George Street and Evans Way shall be upgraded at the expense of the developer to incorporate landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
14. The George Street and Evans Way car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
15. Car parking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 104 or the southern boundary of Lot 12.
16. Car parking constructed within the Evans Way road reserve by the developer to support this development is not to extend past the eastern and western boundaries of Lot 12.
17. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
18. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
19. Where a parking bay abuts an obstruction such as a wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
20. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage.
21. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
22. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering and maintained at all times.

EXTERNAL LIGHTING

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

STORMWATER

25. A Stormwater Management Plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
26. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Townsite Drainage and Water Management Strategy. The water quality and quantity outcomes are

contained within the strategy and are to be met to ensure water sensitive design principles are achieved.

27. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

BIN STORAGE AND PICK-UP

28. The development is to be provided with suitably screened enclosures for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999* prior to the occupation of the development. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services and Director Engineering.
29. The design of the bin enclosures for the development is to incorporate the following elements:
- a) walls are to be masonry, finished to the same standard as the showroom/commercial buildings and have a minimum height of 2.1 metres;
 - b) be roofed with a gable roof style of the same pitch as any gables on the showroom/commercial building;
 - c) be closed in by doors rather than gates;
30. The storage yards are to be screened from public view to the satisfaction of Director Development Services.

SIGNAGE

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

LANDSCAPING

33. A landscape plan for the entire development site, including all car parking areas, must be submitted (in duplicate) to Council's Planning Services and approved prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
- a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
34. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
35. The provision of street furniture (fixed seating, tables, shade structures and bins) is required within the development on the eastern side of proposed building No.3 to the satisfaction of the Director Development Services.

FENCING

36. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

USE OF PREMISES

37. The uses shall be restricted to "Office", "Market", "Produce Store", "Shop", "Showroom" and "Industry – Service", in accordance with the approved plans.

38. The following requirements apply to the “Market” component of the development:
- (a) Staff of the “Market” are to have access to the area marked “Back of House”, and patrons are permitted to have access to the toilets in that area.
 - (b) Any variation to the locations or floor space areas of the separately designated “Fish”, “Meat”, “Bakery” shops and the balance of the Market area (“the separate stalls”) is required to be approved in writing by the Shire. Each separate stall is to be operated by a business or person independent from the operator of each other separate stall.
 - (c) There is to be a business or person operating and managing the market facility as a whole, including the “Back of House” area (“the Market Facility Manager”), but that business or person is to be independent of the businesses operating the separate stalls.
 - (d) If there is a lease from the registered proprietor to a lessee specific to the Market and “Back of House” floor space, or for the whole of the development site, then the lessee under that lease is deemed to be the Market Facility Manager. If there is no such lease, then the registered proprietor is deemed to be the Market Facility Manager.
 - (e) The Market Facility Manager is responsible to ensure that the Market is used at all times only as a “Market” as defined in the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Without prejudice to the full terms of the definition, and without prejudice to the other conditions of this approval, the “Market” shall only be used for a fair, a farmers’ or producers’ market, or a swap-meet.
 - (f) The Market Facility Manager is responsible to ensure the coordination for the separate stalls of facilities and services such as toilets, vermin eradication and prevention, lighting, power, cleaning and maintenance (other than specialised forms of lighting, power, cleaning etc specific to the business of the separate stall).
 - (g) The Market Facility Manager shall ensure that documented agreements exist at all times with each operator of a separate stall, which reflects the requirements of conditions (a), (b), (e) and (f). The Market Facility Manager shall produce copies of such documented agreements within two business days of being required to do so by the Shire.

Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. A Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
4. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
6. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire’s Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted. The plans should include details of:
 - a) the structural finishes of the floors, walls and ceilings;
 - b) the position and type and construction of the fixtures, fittings and equipment;
 - c) all sanitary conveniences and change rooms;
 - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and

- e) drains, garbage room, grease traps and provision for waste disposal.
7. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
8. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
9. A “suitable enclosure” referred to in Condition 27 means an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.

New Motion:

Moved Cr Geurds, seconded Cr Price

The application for approval to commence development for a Showroom, Industry Service, Office, Produce Store, Market and Shop Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford be approved subject to the following conditions:

PLANNING

1. **A revised site plan being submitted for approval by the Director Development Services, to remove building number 5 and the accessway from Larsen Road, include a minimum of 329 car parking bays and provide 15% of the site as landscaping.**

AMENITY

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

LOADING BAY

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

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

9. A traffic management plan being submitted and approved by the Director Engineering, prior to the issue of a building licence.
10. 329 Car parking bays (including Disabled parking spaces) to be provided in accordance with the plans attached to and forming part of this approval.
11. Eight (8) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
12. Car parking bays are to comply with Australian Standard 2890 1993.
13. George Street and Evans Way shall be upgraded at the expense of the developer to incorporate landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
14. The George Street and Evans Way car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
15. Car parking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 104 or the southern boundary of Lot 12.
16. Car parking constructed within the Evans Way road reserve by the developer to support this development is not to extend past the eastern and western boundaries of Lot 12.
17. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
18. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
19. Where a parking bay abuts an obstruction such as a wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
20. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage.
21. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
22. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering and maintained at all times.

EXTERNAL LIGHTING

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

STORMWATER

25. A Stormwater Management Plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
26. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Townsite Drainage and Water Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.
27. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

BIN STORAGE AND PICK-UP

28. The development is to be provided with suitably screened enclosures for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999* prior to the occupation of the development. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services and Director Engineering.
29. The design of the bin enclosures for the development is to incorporate the following elements:
 - a) walls are to be masonry, finished to the same standard as the showroom/commercial buildings and have a minimum height of 2.1 metres;
 - b) be roofed with a gable roof style of the same pitch as any gables on the showroom/commercial building;
 - c) be closed in by doors rather than gates;
30. The storage yards are to be screened from public view to the satisfaction of Director Development Services.

SIGNAGE

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

LANDSCAPING

33. A landscape plan for the entire development site, including all car parking areas, must be submitted (in duplicate) to Council's Planning Services and approved prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
34. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
35. The provision of street furniture (fixed seating, tables, shade structures and bins) is required within the development on the eastern side of proposed building No.3 to the satisfaction of the Director Development Services.

FENCING

36. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

USE OF PREMISES

37. The uses shall be restricted to “Office”, “Market”, “Produce Store”, “Shop”, “Showroom” and “Industry – Service”, in accordance with the approved plans.
38. The following requirements apply to the “Market” component of the development:
- (h) Staff of the “Market” are to have access to the area marked “Back of House”, and patrons are permitted to have access to the toilets in that area.
 - (i) Any variation to the locations or floor space areas of the separately designated “Fish”, “Meat”, “Bakery” shops and the balance of the Market area (“the separate stalls”) is required to be approved in writing by the Shire. Each separate stall is to be operated by a business or person independent from the operator of each other separate stall.
 - (j) There is to be a business or person operating and managing the market facility as a whole, including the “Back of House” area (“the Market Facility Manager”), but that business or person is to be independent of the businesses operating the separate stalls.
 - (k) If there is a lease from the registered proprietor to a lessee specific to the Market and “Back of House” floor space, or for the whole of the development site, then the lessee under that lease is deemed to be the Market Facility Manager. If there is no such lease, then the registered proprietor is deemed to be the Market Facility Manager.
 - (l) The Market Facility Manager is responsible to ensure that the Market is used at all times only as a “Market” as defined in the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Without prejudice to the full terms of the definition, and without prejudice to the other conditions of this approval, the “Market” shall only be used for a fair, a farmers’ or producers’ market, or a swap-meet.
 - (m) The Market Facility Manager is responsible to ensure the coordination for the separate stalls of facilities and services such as toilets, vermin eradication and prevention, lighting, power, cleaning and maintenance (other than specialised forms of lighting, power, cleaning etc specific to the business of the separate stall).
 - (n) The Market Facility Manager shall ensure that documented agreements exist at all times with each operator of a separate stall, which reflects the requirements of conditions (a), (b), (e) and (f). The Market Facility Manager shall produce copies of such documented agreements within two business days of being required to do so by the Shire.

Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. A Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

4. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
6. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted. The plans should include details of:
 - a) the structural finishes of the floors, walls and ceilings;
 - b) the position and type and construction of the fixtures, fittings and equipment;
 - c) all sanitary conveniences and change rooms;
 - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
 - e) drains, garbage room, grease traps and provision for waste disposal.
7. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
8. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
9. A "suitable enclosure" referred to in Condition 27 means an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.
10. A slip road on the South Western Highway running south to north be incorporated into the front development rather than have a turn in from the highway.
11. The Shire recommends that on site catering is desirable.

Amendment

Moved Cr Kirkpatrick, seconded Cr Twine

Advice note 12 be added to read 'The applicant is advised that the Landscape and Revegetation Management Plan must include the provision of semi mature trees to ensure that shade in the carpark and landscaping amenity is provided in a reasonable period of time.'

CARRIED 10/0

Amendment

Moved Cr Twine, seconded Cr Harris

Condition 1 be amended to read 'A revised site plan being submitted for approval by the Director Development Services, to remove building number 5 and the accessway from Larsen Road, include a minimum of 329 car parking bays and provide 15% of the

site as landscaping and a redesign adjacent to building no. 3 in order to retain the existing trees.’

CARRIED 10/0

The Presiding Member put the amended motion:

SD098/04/09 COUNCIL DECISION:

Moved Cr Geurds, seconded Cr Price

The application for approval to commence development for a Showroom, Industry Service, Office, Produce Store, Market and Shop Development on Lots 10, 11 & 12 South Western Highway and Lot 104 Larsen Road, Byford be approved subject to the following conditions:

PLANNING

1. A revised site plan being submitted for approval by the Director Development Services, to remove building number 5 and the accessway from Larsen Road, include a minimum of 329 car parking bays and provide 15% of the site as landscaping and a redesign adjacent to building no. 3 in order to retain the existing trees.

AMENITY

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

LOADING BAY

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

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

9. A traffic management plan being submitted and approved by the Director Engineering, prior to the issue of a building licence.
10. 329 Car parking bays (including Disabled parking spaces) to be provided in accordance with the plans attached to and forming part of this approval.
11. Eight (8) disabled parking bays are to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
12. Car parking bays are to comply with Australian Standard 2890 1993.
13. George Street and Evans Way shall be upgraded at the expense of the developer to incorporate landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction

- of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
14. The George Street and Evans Way car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
 15. Car parking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 104 or the southern boundary of Lot 12.
 16. Car parking constructed within the Evans Way road reserve by the developer to support this development is not to extend past the eastern and western boundaries of Lot 12.
 17. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
 18. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
 19. Where a parking bay abuts an obstruction such as a wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
 20. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage.
 21. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
 22. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering and maintained at all times.

EXTERNAL LIGHTING

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

STORMWATER

25. A Stormwater Management Plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
26. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Townsite Drainage and Water Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.
27. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

BIN STORAGE AND PICK-UP

28. The development is to be provided with suitably screened enclosures for the storage and cleaning of rubbish receptacles in accordance with the *Shire of*

Serpentine-Jarrahdale Health Local Laws 1999 prior to the occupation of the development. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services and Director Engineering.

29. The design of the bin enclosures for the development is to incorporate the following elements:
- a) walls are to be masonry, finished to the same standard as the showroom/commercial buildings and have a minimum height of 2.1 metres;
 - b) be roofed with a gable roof style of the same pitch as any gables on the showroom/commercial building;
 - c) be closed in by doors rather than gates;
30. The storage yards are to be screened from public view to the satisfaction of Director Development Services.

SIGNAGE

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

LANDSCAPING

33. A landscape plan for the entire development site, including all car parking areas, must be submitted (in duplicate) to Council's Planning Services and approved prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
- a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
34. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
35. The provision of street furniture (fixed seating, tables, shade structures and bins) is required within the development on the eastern side of proposed building No.3 to the satisfaction of the Director Development Services.

FENCING

36. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

USE OF PREMISES

37. The uses shall be restricted to "Office", "Market", "Produce Store", "Shop", "Showroom" and "Industry – Service", in accordance with the approved plans.
38. The following requirements apply to the "Market" component of the development:
- (o) Staff of the "Market" are to have access to the area marked "Back of House", and patrons are permitted to have access to the toilets in that area.

- (p) Any variation to the locations or floor space areas of the separately designated “Fish”, “Meat”, “Bakery” shops and the balance of the Market area (“the separate stalls”) is required to be approved in writing by the Shire. Each separate stall is to be operated by a business or person independent from the operator of each other separate stall.
- (q) There is to be a business or person operating and managing the market facility as a whole, including the “Back of House” area (“the Market Facility Manager”), but that business or person is to be independent of the businesses operating the separate stalls.
- (r) If there is a lease from the registered proprietor to a lessee specific to the Market and “Back of House” floor space, or for the whole of the development site, then the lessee under that lease is deemed to be the Market Facility Manager. If there is no such lease, then the registered proprietor is deemed to be the Market Facility Manager.
- (s) The Market Facility Manager is responsible to ensure that the Market is used at all times only as a “Market” as defined in the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Without prejudice to the full terms of the definition, and without prejudice to the other conditions of this approval, the “Market” shall only be used for a fair, a farmers’ or producers’ market, or a swap-meet.
- (t) The Market Facility Manager is responsible to ensure the coordination for the separate stalls of facilities and services such as toilets, vermin eradication and prevention, lighting, power, cleaning and maintenance (other than specialised forms of lighting, power, cleaning etc specific to the business of the separate stall).
- (u) The Market Facility Manager shall ensure that documented agreements exist at all times with each operator of a separate stall, which reflects the requirements of conditions (a), (b), (e) and (f). The Market Facility Manager shall produce copies of such documented agreements within two business days of being required to do so by the Shire.

Advice Notes:

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. A Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
4. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.
6. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire’s Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted. The plans should include details of:
 - a) the structural finishes of the floors, walls and ceilings;
 - b) the position and type and construction of the fixtures, fittings and equipment;
 - c) all sanitary conveniences and change rooms;
 - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
 - e) drains, garbage room, grease traps and provision for waste disposal.

7. **Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.**
8. **The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.**
9. **A “suitable enclosure” referred to in Condition 27 means an enclosure:**
 - a) **of sufficient size for the number of receptacles to be used;**
 - b) **constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;**
 - c) **fitted with a tap connected to an adequate supply of water;**
 - d) **having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;**
 - e) **containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;**
 - f) **which is easily accessible to allow for the removal of the receptacles.**
10. **A slip road on the South Western Highway running south to north be incorporated into the front development rather than have a turn in from the highway.**
11. **The Shire recommends that on site catering is desirable.**
12. **The applicant is advised that the Landscape and Revegetation Management Plan must include the provision of semi mature trees to ensure that shade in the carpark and landscaping amenity is provided in a reasonable period of time.**

CARRIED 10/0

Council note: The Alternative Officer Recommended Resolution was changed with the re-wording of condition 1 and the addition of Advice Notes 10, 11 and 12.

SD101/04/09 MODIFICATION TO DEVELOPMENT SERVICES DELEGATED AUTHORITY (A1047)		
Proponent:	Shire of Serpentine - Jarrahdale	In Brief Modification to existing Delegation of Authority DS15 – Building Envelope – Local Variations, to include reference to building exclusion zones.
Owner:	Not applicable	
Author:	Michael Daymond - Acting Co-ordinator Planning Services	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	22 March 2009	
Previously	CGAM064/02/08; OCM027/03/08; SD044/10/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

DS15 BUILDING ENVELOPES – LOCAL VARIATIONS

At its Ordinary Council meeting of 25 February 2008, it was resolved to adopt a review of delegations made by the Council in accordance with section 5.46(2) of the Local Government Act 1995. At the Ordinary meeting of the Council held on 25 March 2008, a number of minor amendments were made to the adopted delegations to bring the delegations into line with current practice. At the Ordinary Council Meeting held on 27 October 2008, a number of Development Services delegations were amended to incorporate the newly created position of Executive Manager Planning into these delegations.

This report provides Council with the ability to consider further refining DS15, to provide improved clarity in statutory operation. It is now proposed to modify existing delegation DS15 *Building Envelopes – Local Variations*, to make reference to 'Building Exclusion Zones'.

A copy of the current delegation DS15 Building Envelopes – Local Variations is with attachments marked SD101.1/04/09.

Sustainability Statement

Economic Benefits: The delegation will allow for planning applications to be processed in a more timely manner.

Statutory Environment:

Planning and Development Act 2005
Serpentine Jarrahdale Town Planning Scheme No. 2 provides a power to delegate.

Policy/Work Procedure Implications:

Local Planning Policy 17 - Residential and Incidental Development within Serpentine Jarrahdale Shire

The Delegation of Authority are an integral part of the Shire's governance framework. They are supported by and conditioned by policies adopted by Council.

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

DS15 BUILDING ENVELOPES – LOCAL VARIATIONS

Community consultation is not required for the proposed variation to DS15.

Comment:

DS15 BUILDING ENVELOPES – LOCAL VARIATIONS

The current Development Services delegation DS15, relating to building envelopes, currently gives Shire staff delegated authority to deal with modifications to existing building envelopes or proposed development outside of building envelopes, subject to no objections being received from surrounding landowners. In light of the above application for Lot 207 Aquanita Rise and to help staff deal with other similar applications in a timely manner, DS15 is proposed to be amended to include modifications to 'Building Exclusion' zones and proposed development within 'Building Exclusion' zones.

A copy of the revised delegation DS15 Building Envelopes & Building Exclusion Zones – Local Variation is with attachments marked SD101.2/04/09.

A shift was made to move towards 'Building Exclusion' zones on new properties, as opposed to building envelopes. The requirement for 'Building Exclusion' zones were not only replicated within conditions of subdivision approval but have also been included as special provisions within the scheme for certain development areas. These areas relate to the Marri Fields Estate, Orton Estate and Byford by the Brook. As Shire staff were experiencing a great number of applications for development outside of envelopes, it was considered beneficial to make a shift to include 'Building Exclusion' zones which identify where development cannot be constructed rather than imposing an envelope within which development has to be built. By identifying which areas on site are to be protected from development, whether it is in relation to existing vegetation, revegetation, creek lines or any other significant issue, landowners are given more flexibility to develop their property around these 'Building Exclusion' zones.

It is recommended that existing delegation *DS15 Building Envelopes – Local Variations* be amended to give Shire staff the delegated authority to deal with modifications to 'Building Exclusion' zones and development within 'Building Exclusion' zones.

Voting Requirements: Simple Majority

SD101/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Geurds

That having reviewed the delegations made by the Council in accordance with section 5.46(2) of the *Local Government Act 1995*, Council authorises an amendment to existing delegation DS15 Building Envelopes – Local Variations and grants the delegations of authority, powers and duties as follows:

DS15 – Building Envelopes & Building Exclusion Zones – Local Variations

Pursuant to clause 8.2 of Town Planning Scheme 2 the Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the Director Development Services, Executive Manager Planning, Co-ordinator Planning Services or Senior Planner to:

- 1. Determine applications for the relocation or modification of building envelopes or building outside the building envelope subject to comments from adjoining property owners, where it is considered by the Assessing Officer that they may be affected by any change in the location of a building envelope, are to be sought and considered prior to making a decision on a building envelope**

relocation request. If any objections are received, the proposal is to be referred to Council; and

2. Determine applications for the relocation or modification of building exclusion zones or building within the building exclusion zone subject to comments from adjoining property owners, where it is considered by the Assessing Officer that they may be affected by any change in the location of a building exclusion zone, are to be sought and considered prior to making a decision on a building exclusion zone relocation request. If any objections are received, the proposal is to be referred to Council.

CARRIED 9/1

CGAM088/04/09		PERMIT VEHICLE USE ON JARRAHDAL ROAD, JARRAHDAL (A1401/02)
Proponent:	Palcon Group	In Brief A renewal application has been made by Palcon Group for Council consent to use Class 3 vehicles to cart harvested timber product via Jarrahdale Road (from Albany Highway to Frollet Road), it is recommended that this is not granted.
Owner:	Not Applicable	
Officer:	Richard Gorbunow – Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	12 March 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

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

Palcon Group has provided a list of the trucks and trailers to be used including registration numbers.

In order to reduce large truck movements and to contain the amount of fuel used in the transport processes, Palcon Group has requested permission to operate Class 3 vehicles (road train) up to 27.5 metres in length for this haulage operation. Due to the mass and length of the truck and trailer combinations, Palcon Group requires a permit to operate these vehicles on Jarrahdale Road.

A copy of the renewal application is attached marked CGAM088.1/04/09 (IN09/2257).

Sustainability Statement

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

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

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

Statutory Environment:

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

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation is required.

Comment:

Palcon Group requires permission to utilise the above road for Class 3 vehicles. The original application was made in January 2008 and was approved by the Acting Chief Executive Officer.

The use of the road by articulated trucks is an alternative transportation. It will result in additional traffic movements; however the damage to the road's surface can be limited and better controlled. Using combination vehicles has the potential to cause additional damage to road surfaces including verges, especially where there are horizontal curves along the road. The proposed route was inspected by the Director Engineering and the intersection of Jarrahdale Road and Frollet Road does not meet the road train criteria.

It is recommended that approval is not granted. Under current Policy all applications for Multi-Combination Vehicle must be submitted to Council for consideration. This requires the Palcon Group to submit applications for Multi-Combination Vehicles allowing officers to make a recommendation to Council based on the road audit.

Voting Requirements: Simple Majority

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

Moved Cr Kirkpatrick, seconded Cr Harris

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

CARRIED 10/0

CGAM089/04/09		REVIEW OF INVESTMENT POLICY (A1048)
Proponent:	Shire of Serpentine Jarrahdale	In Brief
Owner:	Not Applicable	
Officer:	Bonnie Robertson - Finance Services Coordinator	The Department of Local Government and Regional Development have issued new operational guidelines in relation to investment policies adopted by Local Governments. This report recommends amendments to Council Policy CSP27 to bring the policy in-line with the new operational guidelines.
Senior Officer:	Casey Mihovilovich - Manager of Finance	
Date of Report	19 March 2009	
Previously	CGMAM017/08/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

In 1999 Council adopted an Investment Policy to provide direction for officers when investing surplus municipal and reserve funds on behalf of the Shire. The Investment Policy was last reviewed in 2005. The Policy allows the Chief Executive Officer to place and withdraw investments and also make investment decisions (within limits) involving funds less than \$500,000.00.

Due to the increase of funds managed by the Shire, it is necessary to amend the Investment Policy CSP 27 to ensure that the process of investing funds is relevant to the modern

environment including increasing the amount of single investments and introducing new aspects of the policy to include a clause in relation to ethics and conflicts of interests in relation to investing public funds and prohibits investments that may be considered high risk investments.

A copy of the Current Investment Policy is included with the attachments and marked CGAM089.1/04/09 (E09/1747).

A copy of the Proposed Investment Policy is included with the attachments and marked CGAM089.2/04/09 (E09/1744).

Statutory Environment:

Local Government Act 1995, Local Government (Financial Management) Regulations 1996, and Trustees Act 1962

Policy/Work Procedure Implications:

Investment Policy - CSP27

Financial Implications:

There are no direct financial implications to Council related to this issue. The proposed changes in Council Policy will allow the Shire to achieve the possibility of higher returns through “purchasing power” by having larger value investments.

Strategic Implications:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation is required.

Comment:

To comply with the Local Government Operational Guidelines issued by the Department of Local Government and Regional Development in relation to investment policies, Council

needs amend the Shire's investment policy by adding the following sections to Investment Policy - CSP27:

“Ethics and Conflicts – *Officers shall refrain from personal activities that would conflict with the proper execution and management of council’s investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.*

Prohibited Investments – *This investment policy prohibits any investment carried out for speculative purposes including:*

- *Derivative based instruments;*
- *Principal only investments or securities that provide potentially nil or negative cash flow; and*
- *Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind. This policy also prohibits the use of leveraging (borrowing to invest) of an investment.”*

To incorporate the above with into the Policy, it is recommended that the following changes are made;

1. Amend the maximum amount of funds that the Chief Executive Officer can invest in a single investment from \$500,000 to \$2,000,000.
2. Add a new Section 9 - Ethics and Conflicts – Officers shall refrain from personal activities that would conflict with the proper execution and management of council’s investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.
3. Add a new Section 13 - Prohibited Investments – This investment policy prohibits any investment carried out for speculative purposes including;
 - Derivative based instruments:
 - Principal only investments or securities that provide potentially nil or negative cash flow; and
 - Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind. This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Voting Requirements: ABSOLUTE MAJORITY

CGAM089/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Price
That Council amend Council Policy CSP27 Investment Policy as per *Attachment CGAM089.2/04/09.*
CARRIED 10/0**

CGAM090/04/09 PROPOSED SUB LEASE SERPENTINE JARRAHDAL SHIRE AND OPTUS MOBILE PTY LTD (A0840-05/03)		
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to consider a sublease with Optus Mobile Pty Ltd for space on the Communications Tower in Jarrahdale to install a mobile phone transmitter. It is recommended that Council commence the advertising process in accordance with Section 3.58 of the Local Government Act (1995).
Owner:	Not Applicable	
Officer:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	30 March 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Optus Mobile Pty Ltd have approached the Shire with a request to lease space on the communications tower in Jarrahdale to install equipment to enhance their mobile phone network in the area.

A copy of the draft Lease Agreement is with CONFIDENTIAL attachment marked CGAM090.1/04/09 (IN09/3629).

Sustainability Statement

Effect on Environment: The proposed sublease will have no effect on either the built or natural environment. The communications equipment will be housed in an existing structure and will be located on the existing tower. The location of the facility is such that it is not easily visible by the surrounding community and any additional equipment installed on the tower will not change the appearance of the communications tower.

Biodiversity: As the equipment will be installed on existing infrastructure, there will be no disturbance of existing vegetation on the site.

Economic Viability: The proposed sublease will result in an additional income stream for the Shire.

Economic Benefits: The proposed sublease will assist Optus Mobile Pty Ltd in providing a higher quality mobile phone network in the general locality.

Social and Environmental Responsibility: Mobile phone use is becoming the preferred method of communication within Australia. New technologies are emerging where data communications via the mobile phone networks are becoming the preferred method of communications and it is becoming more critical for Mobile Phone providers that they have the infrastructure in place to be able to offer the high quality service their customers demand. This sublease will enable this and provide a level of service to the Jarrahdale community and surrounds that is not being met by this service provider.

Statutory Environment: Section 3.54 of the Local Government Act 1995 applies.

Section 3.58 – Disposal of Property by way of selling, leasing or otherwise applies and Council is required to advertise the proposed disposition in accordance with the

provisions of this section of the Act. In addition, Council must consider all submissions made during the advertising period prior to Council disposing of the property.

Policy/Work Procedure

Implications:

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

Financial Implications:

There is an annual lease fee payable by the lessee for the use of the property. All costs in relation to the preparation of the lease will be paid by the lessee.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
6. Ensure a safe and secure community.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Community Consultation:

In accordance with the Local Government Act (1995), there will be a 2 week public consultation period where members of the public can make submissions to Council regarding this proposed sub-lease. The Council must consider all submissions made before disposing of the property.

Comment:

The proposed sub-lease is a standard document used by Optus Mobile for leasing communications sites throughout Australia. The document has been checked by Council's solicitors and all changes that the solicitor has recommended to protect the Shire's interest has been agreed to and incorporated into this document.

Optus are keen to have this agreement endorsed by Council as quickly as possible, all preliminary work associated with installing their equipment onto the Tower has been completed and subject to this sub lease being endorsed by Council all statutory approvals are waiting to be lodged.

The site on which the communications tower sits is owned by the Department of Environment and Conservation and they have advised the Shire they have no objections to the installation of the communication equipment on this site.

An independent valuation to obtain a rental figure has been obtained and it is recommended that an annual rent be set at \$10,000.00 (excluding GST). The proposed lease is subject to annual increments of 4% per annum.

The term of the proposed lease is for 5 months, commencing on the 1 May 2009 and then a 5 year renewal option is being offered. The reason for the lease being structured in this way

is so that it is aligned with the head lease between the Department of Environment and Conservation and the Serpentine Jarrahdale Shire.

It is therefore recommended that Council endorse the lease and approve administration to commence the advertising process in accordance with the Local Government Act (1995).

Voting Requirements: Simple Majority

CGAM090/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Twine

- 1. That Council advertise the disposition of property in accordance with Section 3.58 of the Local Government Act (1995).**
- 2. Council endorse the terms and conditions of the proposed lease agreement between Shire of Serpentine Jarrahdale and Optus Mobile Pty Ltd, for the use of part reserve 16634, Kingsbury Drive, Jarrahdale for the purpose of installing communications equipment on the communications tower for a period of 5 months commencing on 1 May 2009 with a further 5 year option to renew.**
- 3. The proposed lease fee be set at \$10,000.00 per annum (excluding GST) and be subject to annual increases of 4% per annum.**

CARRIED 10/0

CGAM091/04/09		AMENDMENT TO COUNCIL POLICY G907 – RECOGNITION OF ASSETS (A1048)
Proponent:	Shire of Serpentine Jarrahdale	In Brief Changes in the Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB) 1051, requires land under roads be included as an asset in the Shires Asset Register. It is recommended that the Shire resolve to not recognise the land under roads in accordance with AASB 1051, acquired before 1 July 2008.
Owner:	Not applicable	
Officer:	Casey Milhovilovich - Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	30 March 2009	
Previously	CGAM050/12/08 15/12/2008	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Changes in the Australian Accounting Standards issued by the Australian Accounting Standards Board, AASB 1051, requires land under roads be included as an asset in the Shires asset register.

In accordance with this standard, Local Governments can elect to either recognise or not recognise land under roads acquired before the end of the first reporting period ending on or after 31 December 2007. The Shires first reporting period in accordance with the standard is the financial year ended 30 June 2008.

A copy of the current Council Policy G907 - Recognition of Assets and Depreciation Procedure is with attachments marked CGAM091.1/04/09 (E09/1988).

A copy of the proposed Council Policy G907 - Recognition of Assets and Depreciation Procedure is with attachments marked CGAM091.2/04/09 (E09/2324).

Statutory Environment:

According to AASB 1051 Local Governments are required to elect to recognise or not to recognise land under roads, acquired before the end of the first reporting period ending on or after 31 December 2007.

Policy/Work Procedure Implications:

The policy implications relate to Council Policy G907 - Recognition of Assets. Land under roads will only be recognised when the criteria set in AASB 116 is satisfied

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation is required.

Comment:

Any land under roads after 1 July 2008 is to be recognised and measured per AASB 116 Property, Plant and Equipment. The recognition and measurement criteria under AASB 116 are;

1. It is probable that future economic benefits associated with the item will flow to the entity;
2. The cost or other value of the item can be measured reliably; and
3. The amount is material.

There is an option under AASB 1051 for the Shire to elect not to recognise land under roads for roads acquired prior to 30 June 2008. The reason for this exemption is that for many local governments, this land has never been valued and there is little or no precedence to base any valuation for this infrastructure, therefore, it is encouraged that Local Government's Australia wide do not recognise land under roads acquired before 1 July 2008.

All land under roads acquired after this date that meet the criteria under AASB 116 are required to be valued and included as a Shire Asset.

According to AASB 1051, Land under roads is defined to include;

1. Land under roadways
2. Land under road reserves
3. Land under footpaths
4. Land under nature and median strips

To comply with AASB 1051, Council needs to amend Policy G907 - Recognition of Assets and Depreciation Procedure to include the following statement;

“Council has elected not to recognise land under roads prior to 1 July 2008. Land under roads will only be recognised when the criteria set in AASB 116 is satisfied.”

It is therefore recommended that Council Policy G907 - Recognition of Assets and Depreciation Procedure, be amended to include this statement.

Voting Requirements: ABSOLUTE MAJORITY

CGAM091/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Harris
That Council amend Council Policy G907 - Recognition of Assets and Depreciation Procedure (as per attachment CGAM091.2/04/09 (E09/1988).
CARRIED 10/0**

CGAM092/04/09		WRITE OFF OF SUNDRY DEBTORS (A0877)
Proponent:	Shire of Serpentine-Jarrahdale	In Brief Each year, administration reviews Councils sundry debtors and reviews the ‘collectability’ of the debts. The outcome of the review is to recommend to Council to write off debts that are considered uncollectable.
Owner:	Not Applicable	
Officer:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Casey Mihovilovich - Manager Finance Services	
Date of Report	31 March 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

As part of the normal business activity of the Shire, debtor invoices are issued to individuals/corporations where in the opinion of the Shire a debt is owed to the Shire.

It is prudent financial management that the Shire review monies owed and if the debt is considered uncollectable, the amount be written off by Council as a bad debt.

Statutory Environment: Section 6.12(1)(c) of the Local Government Act 1995 Power to Defer, Grant Discounts, Waive or Write Off Debts states:
A Local Government may write off any amount of money, which is owed to the Local Government.

Policy/Work Procedure Implications: CSP24 – Rates Collection and Debtor Policy

Previous Year Write-Offs

1. The Chief Executive Officer be given delegated authority to approve previous year write-offs;
 - up to \$150
 - where they occur due to error or oversight by Officers and a summary of these actions be presented to Council in a simplified schedule providing a brief description.
- 2. In all other situations a separate report is to be submitted to Council.

Financial Implications:

The financial implications to Council will result in a write off of \$3065.48. The Shire has an annual budget allocation of \$5,000.

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation is required.

Comment:

The following debtors outlined in the table below have been identified as bad debts. The individual reasons for recommending write off are detailed against each debtor.

The review assessed the likely hood that these funds being collected. If it is considered unlikely that collection will occur, the recommendation for write off occurs. This will ensure that the final accounts of the Shire reflect a true and correct financial position at the end of the financial year.

This review of potential bad debts has not been performed for approximately nine years. The table below represents outstanding debts considered uncollectable by the Shire and the reasons are listed against each debtor/invoice.

Debtor Code	Invoice Number	Date of Invoice	Amount (GST exclusive)	Reason
115	4063	23/04/2007	\$3.86	Invoice was raised for \$74.25 and amount paid was \$70.00, leaving a balance of \$4.25
151	4164	19/07/2007	\$0.01	Invoice was raised for \$23,862.68 and amount paid was \$23,862.67
266	4373	26/03/2008	\$280.00	Invoice was requested for Eating House

Debtor Code	Invoice Number	Date of Invoice	Amount (GST exclusive)	Reason
				registration, however for the period 1 January to 31 December 2008, the restaurant was closed for renovations
28	2411	16/11/2005	\$721.82	Invoice was to recover costs for an accident on Stanley Street Mundijong. Debt was sent to Dun & Bradstreet who were not able to locate debtor and suggested account be written off
356	3450	23/05/2005	\$170.00	Invoice for piggery licence. From 2005 the property ceased to operate as a piggery.
41	3680	17/02/2006	\$0.30	Invoice was raised for \$2,669.97 and amount paid was \$2,669.67, leaving a balance of \$0.30
435	4105	18/06/2007	\$31.75	Invoice was for two months of rubbish collection for the 2006/07 financial year. This community group is now being invoiced via rates notices for rubbish collection
455	3772	03/07/2006	\$456.37	Invoice was reimbursement of legal costs for renewal of lease
474	4380	26/03/2008	\$280.00	Invoice for eating house registration. Restaurant is no longer operating. Property is on the market.
50	4251	09/11/2007	\$0.01	Invoice was raised for \$3,208.01 and amount paid was \$3,208.00, leaving a balance of \$0.01
689	3231 2982 2983	18/08/2004 17/12/2003 17/12/2003	\$732.36	Invoices are for reimbursement of electricity charges. Companies lease on premises was terminated by Council in 2004
75	3948	29/01/2007	\$130.00	Invoice for dog impound fees. Dogs have not been reregistered since 2006
765	3411	10/03/2005	\$150.00	Invoice for firebreak fine. Part payment of \$100 was paid.
SUN042 64	4185	10/08/2007	\$109.00	Invoice for rates direct debit after the property was sold and direct debit dishonour fee was charged to Council. Unable to locate previous owners
TOTAL			\$3065.48	

To ensure that this situation does not occur again, processes will be put into place to annually review outstanding debtors and write off debts that are considered uncollectable.

It is recommended that the debtors are considered as bad debts and written off.

Voting Requirements: Simple Majority

CGAM092/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Brown
That Council write off the following debts:

Debtor Code	Invoice Number	Date of Invoice	Amount
115	4063	23/04/2007	\$3.86
151	4164	19/07/2007	\$0.01
266	4373	26/03/2008	\$280.00
28	2411	16/11/2005	\$721.82
356	3450	23/05/2005	\$170.00
41	3680	17/02/2006	\$0.30
435	4105	18/06/2007	\$31.75
455	3772	03/07/2006	\$456.37
474	4380	26/03/2008	\$280.00
50	4251	09/11/2007	\$0.01
689	3231 2982 2983	18/08/2004 17/12/2003 17/12/2003	\$732.36
75	3948	29/01/2007	\$130.00
765	3411	10/03/2005	\$150.00
SUN04264	4185	10/08/2007	\$109.00
TOTAL			\$3065.48

CARRIED 10/0

Cr Needham declared a financial interest in item CGA093/04/09 and left the meeting at 8.43pm.

Cr Price assumed the role of Presiding Member.

CGAM093/04/09		REVIEW OF FARMLAND RATE CATEGORY CRITERIA (A1075)
Proponent:	Shire of Serpentine Jarrahdale	In Brief For Council to review the farmland rate category to ensure the intent of the rate category is aligned with Councils strategic goals. It is recommended that the rate category be altered to allow discretion by Council in circumstances that do not fit the eligibility criteria.
Owner:	Not Applicable	
Officer:	Casey Mihovilovich - Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	9 April 2009	
Previously	C128/05/02 CGAM074/03/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council Meeting held on 23 March 2009 the following resolution was adopted:

“CGAM074/03/09 COUNCIL DECISION/New Motion:

Moved Cr Geurds, seconded Cr Kirkpatrick

Item CGAM074/03/09 Review of Farmland Rate Category Criteria be deferred to the April Corporate Governance and Asset Management Committee meeting.

CARRIED 9/0

Cr Needham was not present and did not vote

Council Note: The Committee/Officer Recommended Resolution was changed by deferring the item for one month to allow further discussion.”

The item was referred back to administration to further clarify the policy to enable discretion by Council to vary the policy, if circumstances arise, where Council deem it necessary.

The current farmland rate category provides for a 31% reduction on the rural rate in the dollar if the following criteria are met;

1. The property must be zoned rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
2. Minimum property size greater than 10 acres or 4.047 hectares;
3. The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;
4. The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture (food producing), fruit growing, or crop growing;
5. The applicant ordinarily resides on the property or is farming it in association with a home property; and
6. Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1-4 of the criteria).

The above criteria were adopted by Council on the 27 May 2002 and effective from 1 July 2002.

In April 2008, a review was undertaken of all properties that met the first two criteria and who were rated on either the farmland or rural rate category. Properties were assessed according to the criteria, resulting in some farmland rated properties no longer being eligible for the rate reduction for various reasons.

A copy of the Farmland Concession Application for 2008/09 is with attachments marked CGAM093.1/04/09 (E08/900).

A copy of an objection letter sent to Councillors from a land owner in relation to the ordinarily reside criteria is with attachments marked CGAM093.2/04/09 (IN09/2375).

Sustainability Statement

Economic Viability: There may be a reduction in the revenue base of the Shire as a result of this proposed amendment to the concession. The quantum of the change will not be known until Council considers the applications to vary the concession criteria. If there is no change to service levels, all other rate category codes will need to increase their rate in the dollar (that is, an increase in rates) to fund the additional properties that fall into the farmland rate category code as a result of the variations approved by Council.

Social – Quality of Life: The officers recommended resolution will retain equity in terms of rates as it will allow Council discretion to apply the urban farmland concession to those ratepayers that would ordinarily not be entitled to the concession for various reasons.

Statutory Environment:

Section 6.33 – Differential general rates, of the Local Government Act 1995 states that;

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

Policy/Work Procedure Implications:

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

Financial Implications:

There are financial implications for the 2009/10 financial year if Council modified the criteria and increased the number of ratepayers eligible for the concession. The exact implications on the budget are not known until Council considers applications as ratepayers apply for the concession. In addition, there will be some human resource implications to manage the proposed change in policy. At this stage the cost of this is not known. An assessment will be made, with an estimate of the number of properties affected and this will be included in the draft 2009/10 budget.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

- 1. Attract and facilitate appropriate industries, commercial activities and employment.
- 2. Identify value-adding opportunities for primary production.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

No consultation is required.

Comment

Below is a summary of the results of the review conducted in April 2008;

FARMLAND RATE CATEGORY SUMMARY

# of properties on Farmland rating category before review	281
# of properties failed to meet 'ordinarily reside on property' criteria	16
# of properties who did not respond**	53
# of properties who failed to meet criteria other than 'ordinarily reside' criteria	11
Total properties on the farmland rate category that remain eligible	201

# of properties who were rated rural and were moved to the Farmland rate category after meeting all criteria	55
# of properties who were rated rural responded, however did not satisfy all conditions	11
# of properties who were sent application forms as they met the first 2 criteria's, however did not respond	611
Total properties on the farmland rate category as at 1 July 2008	256

***** It is assumed that of the properties that did not respond, they did not meet one of the criteria and therefore did not submit an application. Shire officers cannot make an assumption on what criteria they did not meet***

Whilst conducting the review, feedback was received from property owners who did not meet the criteria of;

The applicant ordinarily resides on the property or is farming it in association with a home property.

Based on the information from the Australian Taxation Office (ATO) Serpentine Jarrahdale Shire defines "ordinarily resides" as being your ordinary place of residence. The Shorter Oxford Dictionary defines reside as: '...to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live in a particular place...'

Officers accepted applications if rate records showed the postal address as matching the property on which the application is being made. The following proof of residence was also accepted;

- Where it states home address on your tax return
- Copy of utility expense where your mailing address is the respective property
- Confirmation from the Australian Electoral Commission
- Letter from your Accountant, stating you ordinarily reside at the respective property (the property address must be mentioned)
- If in the case, a company owns the property, a director must reside at the property

The general intention of the concession was to maintain genuine farming interests in the district and to provide a rate relief to those property owners who live off their land. This rate category maintains the rural character of the area in line with Council's strategic goals and vision.

As a result of the review, feedback was received from one property owner requesting to add Silviculture to criteria 4, which outlines the types of rural pursuits that are eligible for this rate category. According to the Institute of Foresters of Australia Silviculture is the "art and science of controlling the establishment, growth, composition and quality, health, protection and utilization of stands of trees or forests to meet the diverse needs and values of forest

owners and society on a sustainable basis. Silvicultural practice embodies a range of treatments to maintain and enhance the utility of the forest for any defined management purpose”.

This review of the criteria will allow officers to implement the decision made by Council in the 2009/2010 financial year.

Conclusion

It is recommended that Council resolve to leave the criteria substantially unchanged, with the following minor amendments to the criteria;

1. Criteria 4, to include silviculture in the types of rural pursuits eligible for the farmland rate category.
2. Criteria 5, to add “within the Serpentine Jarrahdale Shire” after “home property”.

In addition, include a statement which allows Council to consider varying part 5 where there is a clear demonstrated history of the family farming the property for at least 30 years.

Voting Requirements: Simple Majority

CGAM093/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Twine

Council adopts the Farmland rate category, being 31 percent less than the rural rate in the dollar, will apply to properties that meet ALL of the following criteria;

1. **The property must be zoned Rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);**
2. **Minimum property size greater than 10 acres or 4.047 hectares;**
3. **The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;**
4. **The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture (food producing), silviculture, fruit growing, or crop growing;**
5. **The applicant ordinarily resides on the property or is farming it in association with a home property within the Serpentine Jarrahdale Shire*;** and
6. **Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1- 4 of the criteria).**

***Council may consider a variation to part 5 where there is a clear demonstrated history of the family farming the property for at least 30 years.**

CARRIED 9/0

Cr Needham was not present and did not vote

Cr Needham returned to the meeting at 8.45pm.

AC003/04/09 FINANCIAL MANAGEMENT REVIEW REPORT (A0001)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the Financial Management Review Report for the financial year ended 30 June 2009.
Owner:	Not applicable	
Officer:	Casey Mihovilovich Manager Finance Services	
Senior Officer:	Alan Hart Director Corporate Services	
Date of Report	7 April 2009	
Previously	SD071/03/08, SD087/03/07, SD101/03/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Pursuant to Sections 7.2 and 7.9 of the Local Government Act 1995, local governments are required each year, to have the accounts and the annual financial report of the Council audited by an auditor appointed by the local government. The auditors attend Council premises and conduct an interim audit around March of each financial year, which assists them in completing the end of financial year audit. Whilst UHY Haines Norton conducted the interim audit in March 2009, they also completed the Financial Management review.

Council's Auditor, UHY Haines Norton, conducted the Financial Management review, pursuant to section 5(2)(c) of the Local Government (Financial Management) Regulations 1996. The review is designed to examine the effectiveness of the financial management systems and procedures, and report to Council the results of this review once in every four financial years. The last review was performed and reported to Council in March 2005.

A copy of the March 2009 Financial Management Review Report is with the attachments marked AC003.1/04/09 (IN09/4365).

Statutory Environment:

Section 7.2 of the Local Government Act 1995 states that *"the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government."*

Section 7.9 (1) of the Act states *"An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) *The Mayor or President,*
- b) *The CEO of the local government, and*
- c) *The Minister."*

Section 5(2)(c) of the Local Government (Financial Management) Regulations 1996 states that *"the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not*

less than once in ever 4 financial years) and report to the local government the results of those reviews.”

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required.

Comments

Below are the findings from the Financial Management Review with the actions that Shire Officers will implement to improve the financial management systems and procedures identified;

1. Wages & Salaries

- i) The gross salary and wages posted to the general ledger be reconciled to the payroll summary report. Reconciliations to be independently reviewed by a senior staff member and evidenced accordingly.
Action by Shire staff: *This additional procedure has been implemented in the payroll function. The payroll officer manually shows (in writing) that the payroll summary report reconciles to the general ledger.*
- ii) The payroll system's audit trail report capturing all changes to employees' details be independently reviewed by a senior staff member and evidenced accordingly.
Action by Shire staff: *This has been implemented, and an audit trail report is produced every pay fortnight for the senior staff member to check all changes that have been made in the system and compare this to the changes provided in the payroll paperwork for checking.*
- iii) Banking details as per the electronic file uploaded into banking system should be checked before authorising the electronic funds transfer.
Action by Shire staff: *Finance officers are the only employees who have access to files in the banking system. The risk has been minimised since restrictions are on these files. The new additional process that will be implemented is that the banking details in the confirmation report from our bank which confirms the*

deposits made to staff, match the payroll report banking summary to ensure no changes have been made during the process of uploading into the banking system.

2. Minutes and Meetings

- i) Members' interests in matters to be discussed at meetings should be brought to the attention of the persons present by the person presiding at the meeting immediately before the matter is discussed.

Action by Shire staff: *Meeting processes will be reviewed to ensure that the person presiding announces the member's interests.*

3. Plan for the Future of the District

- i) The plan for the future of the district to be reviewed every 2 years.

Action by Shire staff: *A letter was sent to the Department of Local Government and Regional Development explaining that the Shire will not meet their statutory obligations due to the Strategic Plan review and the intentions of the Shire to incorporate the Plan for the Future as part of the extensive review. The Plan for the Future is currently being reviewed.*

4. Registers

- i) Annual returns to be lodged by 31 August of each year.

Action by Shire staff: *New processes will be implemented to ensure that all individuals that are required to lodge annual returns are given a reminder of a couple of days prior to the closing date.*

- ii) All returns to be correctly dated.

Action by Shire staff: *New processes will be implemented to ensure that all individuals that are required to lodge annual returns are notified of the period to which the return applies.*

- iii) All sections of returns should be completed.

Action by Shire staff: *New processes will be implemented to ensure that all individuals that are required to lodge annual returns either cross out or write non applicable rather than leave a blank.*

5. Delegations

- i) The register is due for review by June 2009.

Action by Shire staff: *The delegations review will be presented to Council in May or June 2009.*

6. Other Matters

- i) Council needs to elect not to recognise land under roads acquired before 30 June 2008 by 30 June 2009.

Action by Shire staff: *The agenda item for Council to elect not to recognise land under roads acquired before 30 June 2008 is presented to the Corporate Governance and Asset Management Committee on 21st April 2009.*

Conclusion

It is recommended that the Audit Committee receive the Financial Management Review Report from UHY Haines Norton for the financial year ended 30 June 2009.

Voting Requirements: ABSOLUTE MAJORITY

AC003/04/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Murphy
The Audit Committee receives the Financial Management Review Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2009.
CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM023/04/09 SHIRE TO BE DECLARED GM-FREE ZONE (A0966)		
Proponent:	Councillor Harris	In Brief On 16 April 2009 Councillor Harris requested that the following Notice of Motion be put forward seeking Council endorsement to correspond with the Minister for Agriculture to use the State Government's power to declare the Shire a GM-Free Zone (a policy principle made under Section 21 of the Commonwealth Gene Technology Act 2000 gives all states these powers), and to also declare the Shire a GM-Free Zone by public declaration in the local media, web site and notice boards.
Owner:	N/A	
Officer:	Tony Turner - Manager Health and Ranger Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 April 2009	
Previously	SD089/03/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

With the State Government lifting the ban on trials of Genetically Modified (GM) crops in Western Australia, a number of applications have been made to trial herbicide resistant GM canola in wheat belt areas. Genetically Modified (GM Foods) means plants or animals that have been given specific traits through genetic engineering.

At the March Sustainability Committee Meeting, Council resolved to write to the Minister for Agriculture to state its opposition to the proposed trials of GM Canola crops in Western Australia and request a public review of the proposed trials. The correspondence to the Minister was sent on 19 March 2009 but as yet no response has been received from the Minister's Office.

“SD089/03/09 Committee Decision/Officer Recommended Resolution

Moved Cr Randall seconded Cr Kirkpatrick

That Council supports the Chief Executive Officer to write to the Minister for Agriculture stating that Serpentine Jarrahdale Shire is:

- 1. Opposed to the proposed trials of genetically modified canola in Western Australia.*
- 2. Requests a public review of the proposed trial comparing the economic advantages and disadvantages to the states food industry*

CARRIED 7/0”

Following on from this resolution and the discussion that ensued at the March meeting regarding this matter, a Notice of Motion has been presented by Councillor Harris with the following recommended resolution:

Councillor Recommended Resolution

1. That Council supports the CEO in forwarding correspondence to the Minister for Agriculture requesting that the State Government use its power under Section 21 of the Commonwealth Gene Technology Act 2000 to create GM-free areas and declare the Shire of Serpentine Jarrahdale a GM-Free Zone.
2. That the Council declare the Shire a GM-Free Zone and publicise the declaration in the local media, website and notice boards.

Officer Comment

Local governments provide a range of services to their local communities and have a responsibility to safeguard public and environmental health. In light of the State Government's new position in relation to trialing GM Canola in Western Australia, a number of metropolitan, regional and wheat belt Councils in the Southwest have declared their locality a GM-Free Cropping Zone. Councils have the power to make such a resolution and the State Government also has powers under section 21 of the Commonwealth Gene Technology Act 2000 to declare an area a GM-Free Zone. If the Council moves to declare the Shire a GM-Free Zone, the declaration has no legal standing but is a reflection of the strong concern the Council has for the long term safety aspect of GMO's.

However, there are implications in declaring the Shire a 'GM-Free Zone'. Firstly it is important to understand how broadly gene technology impacts on our general life, in medicines and foods. GM ingredients can be found in a range of processed foods. Foods from GM crops have been in the Australian marketplace since 1996. For example, imported GM soy may be present in soy beverages, tofu, soy oil, soy flour and lecithin and more refined products such as breads and pastries, and since 2001, foods containing GM content have been required to be labeled. There are also wider equity, economic and logistical issues that council need to consider before declaring the Shire a GM-Free Zone and/or banning such products from supermarkets or council-operated facilities within their jurisdictions. (Agrifood Awareness Australia, 2009. GM canola: *Local Government and Choice*. Information Paper 13).

References:

http://www.afaa.com.au/pdf/13_GM_canola_local_government_and_choice.pdf

<http://bridgetown.yourguide.com.au/news/local/news/general/gmfree-push/1483303.aspx>

<http://www.green.net.au/gefreetasmania/councilpack.html#anchor268560>

The earlier bans imposed at state level effectively allowed councils to step back from the GM issue, but the recent move by the State Government to allow the commercial production of GM has concerned individuals, a number of non government organisations and Councils. A review of GM-Free Zones and Local Government's positions has shown that there are at least 12 Councils which have made a GM-Free declaration.

(Nannup, Fremantle, Manjimup, Boyup Brook, Wagin, Wandering, Toodyay, Woodanilling, Goomalling, Williams, Plantagenet, Carnamah, Tammin. [Brookton – Bridgetown Mail]

<http://bridgetown.yourguide.com.au/news/local/news/general/gmfree-push/1483303.aspx>

(Cited, 17 April, 2009)]

However, if the Shire of Serpentine Jarrahdale is to act on behalf of residents and ask the State Government to make a declaration under the Gene Technology Act and/or make its own resolution, then the wider issues should be considered and it should be clear about what is being declared.

Conclusion

Based on the details of the review and the fact that Council has not been petitioned by the community to make a declaration, it is recommended that the Councillor Recommended Resolution be amended as follows:

OCM023/04/09 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Harris, seconded Cr Price

- 1. Council supports the Chief Executive Officer in forwarding correspondence to the Minister for Agriculture requesting that the State Government use its power under Section 21 of the Commonwealth Gene Technology Act 2000 to create GM-free areas and declare the Shire of Serpentine Jarrahdale a GM-Crop Free Zone.**
- 2. Council declares the Shire a GM-Crop Free Zone and publicises the declaration on the Shire’s website, noticeboards and in local newspapers.**

CARRIED 9/1

OCM024/04/09		TENDER NUMBER 003-2008 – PROVISION OF THE SUPPLY OF MECHANICAL SERVICES (A1514)	
Proponent:	Serpentine Jarrahdale Shire	In Brief This report requests that Council not exercise the extension of the contract for the Provision of Mechanical Services by Stonepark Pty Ltd.	
Owner:	Serpentine Jarrahdale Shire		
Officer:	Uwe Striepe - Executive Manager Engineering		
Senior Officer:	Richard Gorbunow - Director Engineering		
Date of Report	22 April 2009		
Previously	CGAM078/05/08		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

At the Ordinary Council Meeting held 26 May 2008, Council accepted the Tender submitted by Stonepark Pty Ltd, for the Provision of the Supply of Mechanical Services in accordance with Tender Number 003/2008 for the contract period up to 30 June 2009 with a possible extension up to the 30 June 2011.

A copy of the CONFIDENTIAL tender document is with attachments marked OCM024.1/04/09 (E09/2443).

The option exists for the Shire not to extend the contract with Stonepark Pty Ltd and provide mechanical services in house.

A copy of the CONFIDENTIAL financial details of the business proposal is with the attachments marked OCM024.2/04/09 (E09/2440).

An estimate of savings in providing mechanical services for the Shire in house is as follows:

YEAR 1	\$ 31,505
YEAR 2	\$ 69,752
YEAR 3	\$105,012

Sustainability Statement

Effect on Environment: Environmental damage will be minimised as the Engineering Department would have more direct control of the maintenance of Shire’s fleet.

Resource Implications: The Engineering Department would have direct control over the staff maintaining the Shire's fleet and can therefore ensure that wastage is minimised.

Use of Local, renewable or recycled Resources: As the Engineering Department would be in direct control of purchasing vehicle parts and consumables, it will be able to ensure that required items will be purchased locally whenever possible. It will also be able to ensure that recycling is maximised.

Economic Viability: The Shire would save on the overall cost of its fleet maintenance.

Social – Quality of Life: The Engineering Department will have direct control over maintenance of its fleet and this will ensure that the Shire's equipment can be utilised to provide quality roads, water sensitive urban design, pedestrian footpaths and trails for residents of the Shire.

Financial Implications: To be competitive this proposal should be treated as if it were a Business Unit. An alternative financial arrangement can be made to minimise the financial impact on a single financial year budget by utilising a Loan fund. Page 2 of **attachment OCM024.2/04/09** illustrates how the loan fund would be redeemed.

Strategic Implications: The proposal incorporates the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation is required.

Comment:

The current contractor was advised that a report will go to the Council meeting in April for Council to consider extension of the contract.

Other local councils in the area have been consulted. These councils have reported that they all make use of permanently appointed mechanics to maintain their fleet and in some instances this is supplemented with services from outside contractors.

Voting Requirements: Simple Majority

OCM024/04/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Kirkpatrick
Council does not extend the agreement with Stonepark Pty Ltd as allowed for in
Tender No. 003/2008.
CARRIED 10/0**

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM025/04/09		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	22 April 2009	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM025.1/04/09 COMMON SEAL REGISTER REPORT – MARCH 2009

The Common Seal Register Report for the month of March 2009 as per Council Policy CSP30 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM025.1/04/09.**

OCM025.2/04/09 POLICY FORUM – 7 APRIL 2009

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

Topic / Subject
Presentations
Café on the Dam Progress
Serpentine Jarrahdale Tourism Association
Communications Plan
Community Safety and Crime Prevention proposed Three Year Plan
Conference attended by Communications Officer - 2009 National Local Government Public Relations and Communications Conference held in Melbourne (February 2009)

Topic / Subject
Policy
Review of Farmland Rate Category Criteria (further to resolution CGAM074/03/09)
Strategic Planning
Update on Strategic Plan
Current Issues / Clearing House & Report on Progress
Ward Update
Report on progress of Council and Committee resolutions
Report on Councillor correspondence
Community Infrastructure update
Townscape Funding Program
NGAA response to Inquiry into the Impacts of the Global Financial Crisis on Regional Australia
Report on presentation by Eric Lumsden on Planning Reform

OCM025.3/04/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SOUTH EAST METROPOLITAN ZONE MINUTES – 25 MARCH 2009
(A1164)

In the attachments marked OCM025.3/04/09 (IN09/3820) is the minutes of the South East Metropolitan Zone Meeting held on 25 March 2009.

OCM025.4/04/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL MINUTES – 1 APRIL 2009 (A1164)

In the attachments marked OCM025.4/04/09 (IN09/4207) is the minutes of the State Council Meeting held on 1 April 2009. Attachments marked OCM025.4a/04/09 contain the composite resolutions to this meeting.

The composite resolutions contain the State Council agenda recommendations including resolutions from the Country and Metropolitan Zone minutes in order to provide a whole of local government representation for State Councillor determination.

OCM025/04/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Brown
The Information Report to 24 April 2009 is received.
CARRIED 10/0**

10. URGENT BUSINESS:

Nil

Executive Manager Engineering left the meeting at 8.48pm.

Cr Kirkpatrick complimented Council officers and Emergency Services on the Anzac Day Service held at Jarrahdale. The war memorial was very well presented and all staff should be congratulated for their efforts.

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 8.49pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 25 May 2009.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD090/04/09 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	4 March 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD090/04/09 Committee Decision/Officer Recommended Resolution

**That Council accepts the February 2009 Building Information Report.
CARRIED 7/0**

SD091/04/09 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	26 March 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD091/04/09 Committee Decision/Officer Recommended Resolution

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

SD100/04/09 PROPOSED USE NOT LISTED (HOME BUSINESS) – LOT 32 BERRINGAR ELBOW, CARDUP (P06799/03)		
Proponent:	J E Dowsett	In Brief The applicant seeks approval to conduct a Family Day Care business from L32 Berringar Elbow, Cardup. It is recommended that the application be approved
Owner:	As Above	
Officer:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	16 March 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD100/04/09 Committee Decision/Officer Recommended Resolution:

The application for approval to commence development for a Home Business – Family Day Care on Lot 32 Berringar Elbow, Cardup be approved subject to the following conditions:

1. The applicant is to obtain a licence to operate a “Family Day Care Centre” from L32 Berringar Elbow, Cardup as required under the Community Services Child Care Regulations 1988.
2. A licence to operate as a Family Day Care Centre under the Community Services Child Care Regulations 1988 is to be maintained at all times during the operation of the family day care centre.
3. Operating hours to be restricted to a drop off time of no earlier than 7.00am and a pick up time of no later than 6.30pm Tuesday to Friday.
4. Premises to be subject to occasional inspection by Council’s Environmental Health Services department.
5. Advertising signage for the land use is prohibited.
6. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
7. Compliance with Health (Food Hygiene) Regulations 1993.
8. Compliance with Australian New Zealand Food Standards Code.
9. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
10. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.

CARRIED 7/0

SD102/04/09 PLANNING INFORMATION REPORT		
Officer:	Simon Wilkes - Executive Manager Planning	In Brief Information report
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	2 April 2009	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD102/04/09 Committee Decision/Officer Recommended Resolution

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

CGAM083/04/09 MONTHLY FINANCIAL REPORT – FEBRUARY 2009 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 28 February 2009.
Owner:	Not Applicable	
Officer:	Casey Mihovilovich - Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	17 March 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM083/04/09 Committee Decision / Officer Recommended Resolution:

**Council receives the Monthly Financial Report, as at 28 February 2009, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM084/04/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	
Proponent:	Alan Hart - Director Corporate Services
Owner:	Not Applicable
Author:	Joanne Egitto – Finance Officer
Senior Officer:	Casey Mihovilovich - Manager Finance Services
Date of Report	20 March 2009
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Committee in accordance with resolution CGAM064/02/08

In Brief
To confirm the creditor payments made during the period of 23 February 2009 to 20 March 2009.

CGAM084/04/09 Committee Decision / Officer Recommended Resolution:

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for period of 23 February 2009 to 20 March 2009, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

CGAM085/04/09 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)	
Proponent:	Alan Hart - Director Corporate Services
Owner:	Not Applicable
Author:	Melissa Armitage - Finance Officer (Debtors)
Senior Officer:	Alan Hart - Director Corporate Services
Date of Report	23 March 2009
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Committee in accordance with resolution CGAM064/02/08

In Brief
To receive the sundry debtor balances as at 23 March 2009.

CGAM085/04/09 Committee Decision / Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 23 March 2009.
CARRIED 7/0

CGAM086/04/09		RATE DEBTORS REPORT (A0917)	
Proponent:	Alan Hart - Director Corporate Services	In Brief To receive the rates report as at 23 March 2009.	
Owner:	Not Applicable		
Author:	Melissa Armitage - Finance Officer		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	23 March 2009		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM086/04/09 Committee Decision / Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 23 March 2009.
CARRIED 7/0**

CGAM094/04/09		INFORMATION REPORT	
Proponent:	Alan Hart - Director Corporate Services	In Brief To receive the information report to 26 March 2009.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	26 March 2009		
Previously	CGAM068/02/09		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM094/04/09 Committee Decision / Officer Recommended Resolution:

**That the Information Report to 26 March 2009 be received.
CARRIED 7/0**

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