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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 28TH FEBRUARY 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
 M Harris
 C Buttfeld
 C Randall
 MJ Geurds
 T Hoyer
 B Brown
 A Lowry
 A Ellis
 K Petersen

OFFICERS: Ms J AbbissChief Executive Officer
 Mr B Gleeson Director Development Services
 Mr A Hart Director Corporate Services
 Mr C Portlock Acting Director Strategic Community Planning
 Mr M Vermeulen Special Projects / Asset Officer
 Ms P Kursar Minute Secretary

APOLOGIES: Mrs S van AswegenDirector Strategic Community Planning
 Mr R Gorbunow Director Engineering

Members of the public - 16
 Members of the press - 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

OCM031/02/11 & OCM032/02/11 - Jan Star, 230 Jarrahdale Road, Jarrahdale

- Q1 Given that the Shire has a Landscape Protection Policy area and a Town Planning Scheme amendment preventing the removal of native vegetation and a Townscape Policy pertaining to Jarrahdale Road, what is Council going to do regarding the Jarrahdale Road property where the new owner has been removing significant native trees, developing the land and placing a donga on a prominent site affecting visual amenity?
- A1 Director Development Services advised that Council are aware of the issues and this is currently under investigation by compliance officers.
- Q2 Is the Shire taking legal action?
- A2 Director Development Services advised that the Shire is not undertaking legal action at this point in time but compliance investigations are underway as well as assessment of retrospective planning applications.

CGAM041/02/11 - Clayton Oud, 301 Lightbody Road, Mardella

- Q1 I draw your attention to my question asked at the Council meeting of January 24, 2011. The answer provided at this council meeting is both vague and not relevant to the question asked and I therefore resubmit the question. The question was in relation to Royalties for Regions grants being project specific and whether or not the Shire believed that it could recover the grant monies expended on the construction of George Street from the landholders and what will the recovered grant monies ultimately be used for?
- A1 The question has been clearly answered. Yes, monies recovered from landowners in the George Street precinct will go toward the cost of constructing George Street (between Pitman Way and Larsen Road).
- Q2 The Shire claims not to have prior records of expenditure on Lightbody Road, yet it is recorded in Council meeting minutes in both September 2006 and June 2007 that more than \$470 000 was spent on Lightbody Road between 2001 and 2006. As this figure is recorded at least twice in Council meeting minutes as recently as 2007, we must assume that it is true. Why then are records not kept of the expenditure of such large amounts of money?
- A2 The question was very specific in terms of dollars spent relating to re-sheeting of Lightbody Road 10 years ago and the answer provided was that Shire is unable to establish records to support the statement made with regard to the expenditure of \$300,000 spent on previous gravel sheeting. However our records show that from 2001 and 2006 Council has expended in the order of \$470,000 on progressive upgrade of Lightbody Road. That upgrade included the widening of the road formation from 5 meters to 7 meters, strengthening the sub-grad, gravel sheeting, raising the road profile, significant drainage improvements and selective clearing to improve sight distances.
- Q3 As prior re-sheetings of Lightbody Road have lasted little more than 3 years, can the Shire apply for grant monies from Royalties for Regions to apply for a bitumen seal on top of the re-sheeting? This is what the Country and Local Government Fund was meant for and it will save Council the cost of re-sheeting again in 3 to 4 years time.
- A3 The guidelines for Royalties for Regions – Country Local Government Fund (CLGF) Projects must be identified in the Forward Capital Works Plans approved by Regional Development and Lands under the 2009-10 CLGF Guidelines. Lightbody Road was not identified in Serpentine Jarrahdale's Forward Capital Works Plan.

CGAM041/02/11 - Kay Spencer, 312 Lightbody Road, Mardella

- Q I draw your attention to my question at the Council meeting of August 2010 and the Shire's response "that it would endeavour to reduce the dust to our homes from within the maintenance budget." Subsequent advice from the works department is that dust suppressant will not work without re-sheeting of the road surface in front of our homes and that there was not enough money in the maintenance budget to re-sheet the section of road in front of the homes. As the Shire now has the money in the maintenance budget, can we have dust suppressant applied to the section of road in front of our homes?
- A At the Ordinary Council Meeting held on 28th February and 3rd of March of 2011, Council accepted the Road Safety Review Audit 2010 for Lightbody

Road Mardella and endorsed the actions outlined in the report. Those works are to be funded from the existing roads maintenance budget. The Shire will commence those corrective works on Lightbody Road this financial year and gravel sheeting is one of those corrective measures.

With regard to the application of the dust suppressant on Lightbody Road in front of Lot 312 Lightbody Road, that matter will be reviewed when gravel sheeting is completed.

John Kirkpatrick, 77 Mead Street, Byford

In reply to questions asked at the January OCM:

Q1 Question 3 – January 2011

About doggy bag stations and that trials have been conducted in 1999 & 2001, a lot has changed in the population since those days. It would appear that from the answer given, that the council puts money and potential theft above the welfare of the general public and children in particular. Is this correct?

A1 If there is determined to be a demand for this amenity by the greater community, consideration will be given to the installation of “doggy bag stations”. Aside from the matter as raised by you in two recent Council meetings, to date, Councils records identify only two requests for the installation of “doggy bag stations”, one request being parkland within the Serpentine National Park, the second being the sports field within the Marri Grove Primary School, where both requests were forwarded to the respective land managers. The requests were not supported by the land managers. Please note that on 16 March 2011, a brief phone survey was undertaken with eight Metropolitan Local Governments, the survey indicated that four Local Government Authorities did not provide “doggy bag stations”, one provided stations for special events only at a cost to the event organiser, three provided “doggy bag stations” only within reserves and parkland areas gazetted as “dog exercise areas”, and not within public recreation areas, where in most cases, dogs are not permitted.

Q2 Question 5 – January 2011

The answer supplied is incorrect in that the Shire has provided no bins in the parks or adjacent to them in The Glades and as such, cannot empty a non-existent bin.

A2 The subject land, being Lot 8023 Mead Street Byford, is not owned, managed or controlled by the Council. An inspection of the site will be undertaken by Council staff, and if there are no suitable refuse receptacles on site, an approach will be made to the Project Manager of the Development requesting that suitable receptacles are provided and managed within the park area on Mead Street. Parks and facilities throughout the Shire, vested to, and managed by the Council have appropriate receptacles provided and are administered within Council Waste Management processes.

Q3 Question 7 – January 2011

The design of Abernethy Road has not been finalised. When it is finalised, will it be put out for comment by the ratepayers?

- A3 The design of Abernethy Road is finalised. Formal submission has been forwarded to MRWA for their approval. The Abernethy Road design will not be put out for public comment. The design is in accordance with Council approved typical road cross section for Abernethy Road.

Question for February OCM

- Q1 How many building licences for dwellings were issued for the Byford Area in the calendar years 2009 and 2010?

- A1 2009 325 Building licences for dwellings
2010 481 Building licences for dwellings

It would appear that the locality funding that is currently being distributed is being granted to the various organisations in a lump sum. Previously the Shire has purchased equipment etc to avoid paying GST. It would now appear that this is to stop the various organisations are to purchase the equipment themselves and forward the receipts to the Shire for them to then claim the GST back. This would appear to discount the funding grants by up to 10% although this is not shown in the budget figures.

- Q2 Is this correct? And what will happen to the GST money recovered?

- A2 The Goods and Services Tax from the Shire's perspective is a cashflow item. It is paid out and then later re-couped through the monthly GST returns. The expenditure that is charged to the Locality Funding Program excludes GST when tax invoices are supplied as part of the grant acquittal process.

I notice after much pleading on the safety for cyclists and pedestrians that the dual use path has been pegged out in Abernethy Road at the junction with Warrington Road. I thank the Shire engineer for his efforts in trying to address the problem even though it is to be of a temporary nature until Abernethy Road is built sometime in the future.

- Q3 My question is when will this path be constructed?

- A3 It is anticipated that the temporary path linking Warrington and Abernethy Road will be constructed this financial year.

OCM031/02/11 & OCM032/02/11 - Graham Elliott, Chair Keysbrook North Dandalup Action Group (KNAG) Inc

These questions below relate to the application for mining the Bassendean dune system between the Serpentine and North Dandalup rivers.

- Q1 Are you aware that many of the management plans for the proposal are not in final form and others have not been seen by the major stakeholders?

- A1 Yes

- Q2 Do you consider that a mining operation extracting minerals across 1400Ha of a fragile dune system in full impact of our easterly winds and operating 24/7, be considered an extractive industry? This operation was originally given EPA approval on a daylight 7.00am – 7.00pm six days per week.

- A2 Yes, it is considered to be an extractive industry.
- Q3 Do you understand that by not applying for a mining permit it has bypassed the protective umbrella of the Mine Wardens' Court?
- A3 Yes, Council is aware that the matter is not being considered under the Mining Act and as such requires a determination under the Shire's Town Planning Scheme.
- Q4a Do you understand by adopting this tactic they are exempt from payments of any State or Federal royalties on 'old title land'?
- A4a This is not a local government matter to be considered, rather a state and federal matter.
- Q4b Do you understand this will lower the export price and reduce the profitability of other companies?
- A4b This is not considered to be a relevant consideration in the determination of the applications.
- Q5 Have you read in the documentation that the company has refused payment of \$30,000 to compensate the Shire for costs involved in assessing this proposal?
- A5 Yes, Council is aware that the costs incurred have not yet been recovered to date, however this not a relevant consideration in Council determining the applications.
- Q6 How much income does the Shire expect to get from this mining operation?
- A6 If approved, fees are required to be paid each year under the Extractive Industry Local Law in accordance with Council's adopted fees and charges - presently \$4,500 to \$6,500, depending on volume of extraction.
- Q7 How much does the Shire expect that it will cost to properly monitor this mining operation over ten years?
- A7 It is unknown at this time.
- Q8 Are you aware that this company is indebted to a parent company which has massive debts and it is in turn controlled by a foreign company?
- A8 This is not considered to be a relevant consideration in the determination of the applications.
- Q9 If there are problems do you think the company would have the assets or the will to fix them?
- A9 All landowners and companies are required to comply with relevant approval conditions. It is understood that the State Government will be holding a significant performance bond.
- Q10 Are you aware that Alcoa is experiencing huge difficulties in finding enough water for its mining operations?

- A10 This is not considered to be a relevant consideration in the determination of the applications.
- Q11 Are you aware that the water extraction permit required for this mining operation to proceed would take all available water allocation in the area?
- A11 Water allocation has been considered by the Department of Water, as the regulatory authority, and it is understood that the required permit approvals have not yet been granted.
- Q12 Do you think that the hottest, driest and windiest seasons on record should be considered prior to allowing mining on a fragile dune system?
- A12 The proponent is required to establish weather monitoring systems on-site, in part due to the Shire's previous contentions to the EPA.
- Q13 Given the possibility of a serious problem associated with this mining activity why should the Shire approve the project? Why not let SAT make the decision and become responsible for its consequences?
- A13 The Shire has an obligation to determine all applications received under its Town Planning Scheme and Local Laws. If the SAT were to grant approval under the Shire's Town Planning Scheme and Local Law, responsibility for enforcement of all conditions would ultimately rest with the Shire.
- Q14 Have you wondered why a foreign owned mineral commodities trader would buy a controlling ownership of the lowest grade mineral sand mining project in Australia.
- A14 This is not considered to be a relevant consideration in the determination of the applications.
- Q15 Are you aware that unlike gold, there is no set price for titanium and zircon concentrates. They are sold on negotiated contracts. This would allow the export of a commodity at a lower price such that the Australian company would never show a profit, never pay any tax and never have any net assets that could be used to pay for the rectification of environmental disasters.
- A15 This is not considered to be a relevant consideration in the determination of the applications.
- Q16 Would you feel that the Shire was being ripped off if you knew that we were providing infrastructure to allow the subsidized export of a commodity and that they would pay no taxes or royalties.
- A16 The Shire is not proposing to provide any specific infrastructure to support this development, nor have any significant impact on existing infrastructure.
- Q17 Are you aware that it would cost approximately 2 million dollars to replace by desalination the wastage of 2 billion litres of ground water per year i.e. \$20 million worth of wasted water over ten years.
- A17 Water supply and allocation are the responsibilities of the relevant state government agencies.
- Q18 Given that this project is set to benefit only two landholders in the Shire and they are the lawful owners of this commodity, is it not fair that:

- They be asked to pay higher rates given that they are no longer using these lands for a rural enterprise.
 - They are held liable for any damage, discomfort or devaluation to the neighbouring properties if the mining company fails in their obligation.
 - Their properties be classified as “a dried out tailings dam” after mining and be quarantined from any future subdivision.
- A18 The rating of properties is regularly reviewed by Council. Matters between adjoining landowners are civil in nature. Any application for subdivision would need to be considered on its merits at that time and ultimately be determined by the Western Australian Planning Commission.
- Q19 Are you concerned that by setting a precedent for low grade mineral sandmining in the Shire, approximately 1000's hectares of low grade resource could be quarantined from development as a long term potential resource.
- A19 Every application needs to be considered on its merit. There is no current clear state planning framework for mineral sands extraction
- Q20 Has the Shire thought how it might gain any benefit and protection from this proposal. Has it considered demanding that:-
- Funding be provided to the Shire to allow for staff to be employed for continuous monitoring and compliance of the:
 1. Fencing of Remnant Vegetation and Rehabilitation
 2. Protection of Westcott Road Reserve
 3. Acid Sulphate increase
 4. Nutrient run-off
 5. Radiation Increases
 6. Noise Excess
 7. Dust Levels
 8. Rain Water Collection Pollution
 9. Safe conditions of local and internal Roads
 10. Draw-down of Water Table
 11. Traffic hazards associated with displaced wildlife
 12. Buffer zones from residents
 13. Protection of water and drainage routes (i.e. Balgobin Brook, Balgobin Brook South and Nambeelup Brook South) with permanent fencing prior to approval
 - Suitable cash payments should be made to the affected communities e.g. Alcoa makes grants of millions of dollars to the community. A minimum amount of one million dollars/shire should be paid before mining commences with ongoing payments.
 - Owners of neighbouring properties should be compensated.
 - A minimum buffer of 500 metres should be made on the mining property between mining and neighbour's boundaries.
 - Owners that sign up to mining should have their land rates adjusted to reflect the value of the resource that they claim ownership to. i.e. \$350,000 average per hectare.

- Owners that allow mining should have their property re-classified as a dried out tailings dam, totally unsuited to any future development and in need of ongoing checking for PASS and nutrient re-mobilization to the Peel waterways.

A20 The Shire's Local Planning Policy 30 requires Council to consider each application on its merits, having regard for net environmental, social and economic costs and benefits.

It is the applicant's responsibility to demonstrate compliance with conditions and report to stakeholders on performance. No funding has been requested to date from the applicant for the provision of staff resources at this, however this is considered to be beyond the scope of the application and assessment process.

The provision of funds for community purposes is a consideration in the determination of the applications. The provision of compensation to adjoining landowners is a civil matter.

Buffer requirements were considered by the EPA/Minister for Environment. There is no statutory framework for the Shire to impose additional buffers. The rating of properties is regularly reviewed by Council. Applications for development approval in the future, would need to be determined on their planning merits, against the planning framework relevant at that time.

Kathy Elliott – 556 Atkins Road, North Dandalup

Q1 Who in the Community has been consulted regarding the revised Community Consultation Framework?

A1 The Shire is not aware that the proponent has consulted with any community stakeholders in the formulation of the revised framework. The revised framework is a relevant consideration for Council in determining the applications.

Statement

This company has not had any community consultation within our community since a token newsletter was posted in February 2009. This company has not advised the local community of its name change from Olympia Resources Limited to Matilda Zircon Limited which happened in July 2009. On the company's website it states under "Community" to be updated.

Q2 Who carried out the road audit survey and how long was it monitored for?

A2 The Shire is not aware of any road audit survey completed within its municipal boundaries.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.01pm

Sue Lanceley – 8 Harris Place, Jarrahdale

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

My questions are:

- Q1 Why was he not recognised in the Presidents report?
Q2 What is the Council going to do to rectify this situation?

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

John Kirkpatrick – 77 Mead Street, Byford

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

- Q1 Any increase or decrease in their use, and if so, which way up or down?
Q2 Any increase in the amount of revenue collected for their use?

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

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

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

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

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

- Q5 What extra sporting facilities have been provided by the Shire to accommodate these extra people?
Q6 What extra footpaths and dual use paths have been constructed to encourage them to walk or cycle in Byford?

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

Clayton Oud – 301 Lightbody Road, Mardella

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

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

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

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

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

My question to Council is:

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

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

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

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

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

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

Q3 Based on this evidence, what makes Council think that a developer would even bother going through the channels of the Shire?

Q4 Why is it that Shire officers are not held into account in the processing of applications in their constant 'shifting of the goal posts' when it comes to requirements to satisfy approval of such applications?

Q5 Why is it that when applicants ask for a meeting with Shire officers to discuss issues related to an application and such a meeting is granted, Shire officers are allowed to

refuse to inform the applicant of such issues, leaving them totally frustrated and unable to subjectively find a solution?

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

Public question time ended at 7.10pm

4. PUBLIC STATEMENT TIME:

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

Good evening councillors, staff and members of the public. My statement is in regard to Item No. OCM039/03/11.

May I begin with giving a compliment to Michael Daymond for the enormous effort he has done in liaising with me and in the preparation of this report. His efforts to assist in his capacity as the author of this report has been appreciated and I wish to publicly thank him.

Yet, here we are again with a bad case of 'ground hog day' and true to form, Shire officers have not let us down with throwing in a curve ball at the 11th hour and 59th second. I trust that councillors have read the report and that Councillors have also read my email that I sent this afternoon in relation to this issue. I wish to draw everyone's attention to page 43 of the report which highlights concerns with the applicant being yet again the FMP issue. You will also note that all the other previous issues have been dealt with successfully. May I highlight that halfway down the page the paragraph starts with "this FMP was approved by the Shire..." I say again "It has been approved." It then goes onto make three points of the so called 'basis' of the approval which, I might add, are the only 'obstacles' in the way of a Shire officer recommendation to approve the application. I wish to address those briefly now.

1. The proposed hydrant to have sufficient pressure. This point was never, ever raised with us at both meetings we had with Council fire department staff and never, ever been raised with us to date. This is just preposterous! To make this as a point of non-approval is a joke. As requested, we added the hydrant (for just 2 more blocks mind you). The issue of pressure etc is one of design that will be sorted once approval is given. Surely it will be seen that this is not a legitimate reason for disapproval as it is far from reasonable. From the experience to date, why would we spend tens of thousands on a water design only for the goal posts to be moved again?
2. Permanent emergency access route south. It is simply not true and fallacious to state that "the owner of adjoining lot to the south has (only) indicated their support for such an arrangement." I have here in my hand a signed agreement from the neighbour allowing for an easement on their property for such an emergency access route. Be it known that Council officers also have a copy of this document as it was submitted with the application. Other than this signed agreement, how can it be reasonable to get a legally binding easement on my neighbours' title if the application has not even been approved? This has to be a joke!
3. The proposed 'Strategic Firebreak' are not able to be maintained? It states that the middle blocks will not have access through the trees to maintain their part of the fire break as being as issue. Although this is true, in a meeting we had with the fire department, it was agreed that as this was a Strategic Firebreak which enabled access for fire equipment to have access to the State Forest, it would be required to be managed by the Shire at the cost of land owners and an easement would be put

onto all properties allowing for this to be done as well as for all the land owners to have access to the rear of their properties for maintenance purposes via the fire break. To state that this maintenance cannot be achieved is simply not true.

I trust that from this you will see that the only 3 issues that stand in the way of officers approving this application have been addressed or are simply false, as indicated above. Please consider this in your deliberations. We are also aware the original agenda item that was to go to the Sustainable Development Committee Meeting of two weeks ago was for an approval. It was pulled for a so-called contradiction in the report regarding the fire issue. If these 3 issues are the content of the contradiction, they hardly hold water or nor are they reasonable.

May I please also add that I am extremely disappointed that at the meeting last week I had with Brad and Michael, I was not made aware of the above issues. Why the secrecy? Had an honest and open playing field been in place these issues would have long ago been dealt with. It's just not acceptable the way rate payers and developers are being treated with disdain by Council staff.

Tonight will be a defining moment for our family in our sense of what democracy; political jangling and community justice is all about. We have endeavoured to do our best to support this Council and all our efforts to date have been in vain and very costly. I trust that councillors will empathise with our frustration and anger at being treated the way we have in this application. As you have appealed to us in the past to 'stay with you' as opposed to going to the WAPC in this application process, our request is to appeal to all of your sense of reason and wisdom and justice to please support our application. We as a family have a life and would like to move forward and we are tired of fighting the system, however we will continue to fight for justice in this application. Thanks for listening.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

Presentation

It gives me great pleasure to present a certificate to Cr Hoyer and to Cr Randall. They have recently completed a module in the West Australian Diploma of Local Government. Please come forward councillors to receive your certificates. An additional three councillors are also participating in the Diploma. They are Cr Harris, whom I believe has completed the course, Cr Buttfeld and Cr Ellis. Last year Cr Brown and myself completed all modules in the West Australian Local Government course. You can see from this that we have a committed Council who are willing to go above and beyond for our special Shire and its residents.

Cr Buttfeld welcomed Deputy Mayor Tracey Roberts from the City of Waneroo.

Canberra

I have just returned from Canberra where I attended the National Growth Areas Alliance (NGAA) Summit. As you all know, we are one of the fastest growing shires in Australia. Mayors, Presidents and officers from 24 of these rapidly growing regions have banded together as the NGAA to remind politicians that these areas desperately need essential services and employment opportunities. We are determined to assist our new families moving into our areas, where public transport is scant, services are thin on the ground and employment is usually a long car ride away.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Lowry declared a financial interest in item SD089/03/11 as she owns land in the area and will leave the room when the item is discussed. Cr Lowry to seek further clarification on the declaration of interest as this is will keep recurring.

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

8.1 Ordinary Council Meeting – 28 February & 3 March 2011

The *attached (E11/933)* minutes of the Ordinary Council Meeting held on 28 February 2011 & 3 March 2011 be confirmed.

New Motion

8.1 Ordinary Council Meeting – 28 February & 3 March 2011

Moved Cr Harris, seconded Cr Buttfield

The *attached (E11/933)* minutes of the Ordinary Council Meeting held on 28 February 2011 & 3 March 2011 be confirmed with the following amendment: Cr Harris’s declaration of interest to read item SD083/02/11 not SD082/02/11.

CARRIED 10/0

8.2 Sustainable Development Committee Meeting – 15 February 2011

Moved Cr Harris, seconded Cr Brown

The *attached (E11/625)* minutes of the Sustainable Development Committee meeting held on 15 February 2011 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD086/03/11 AMENDED PLANS FOR OVERHEIGHT AND OVERSIZE SHED LOT 17 MAXWELL STREET, SERPENTINE (P01943/01)		
Proponent:	Coastline Sheds	In Brief Application to amend the size and orientation of previously approved oversize and over height outbuilding. Approval subject to conditions is recommended.
Owner:	KV Cochrane	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 February 2011	
Previously	SD063/12/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 February 2011
 Lot Area: 2028m²
 MRS Zoning: Urban
 TPS Zoning: Residential R10

Use Class & Permissibility: Single Residence – incidental development (P use)
Rural Strategy Policy Area: Town and Village Urban

Background

An application for an oversized and over height shed was previously approved by Council at the Ordinary Council Meeting of December 2010. The previous approval allowed a shed size of 114m² in lieu of 60m² in the residential locality of Serpentine.

The applicant has since requested a revised orientation of the shed to allow for more effective use of space on the rear of the property. The amended proposal also intends on reducing the shed size and adding a lean-to as an alternative. The lean-to does not contribute to overall floor area as it is open on more than two sides.

The amended proposal now depicts a reduced shed size of 91.5m². The proposed reduction in shed size and inclusion of a lean-to still meets the minimum setback requirements. As the original proposal was previously approved by Council, the amended proposal must be referred back to Council for a decision.

The location, site, floor and elevation plans and an aerial photo are with attachments marked [SD086.1/03/11](#).

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The property does not contain any protected or native species.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No remnant or native vegetation will be removed, only exotic (pest) species which have self seeded in parts of the backyard
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Unlikely. The proposed outbuilding will be appropriately located to the rear of the lot.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will be consistent with nearby properties.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No the outbuilding would be suitably placed in the rear corner of the residential property.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The outbuilding is consistent with residential and incidental development and would not require unique water detention.

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

Policy/Work Procedure Implications: LPP17 Residential and Incidental Development

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
	BUILT ENVIRONMENT	Land Use Planning	1	Rural Villages
13			Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
14				Encourage built form that positively contributes to streetscape amenity.
15				Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.

Options:

There are primarily two options available to Council in considering the proposal:

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

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

Conclusion

The amended outbuilding proposal is reduced in size and provides an alternative and more effective orientation for the landowner. The application is supported.

Voting Requirements: Simple Majority

SD086/03/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Buttfield

That the application for approval to commence development for an oversized outbuilding on Lot 17 Maxwell Street, Serpentine be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

Advice Note

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

CARRIED 10/0

COUNCIL DECISION

Moved Cr Randall, seconded Cr Geurds

That Item OCM039/03/11 be discussed out of order whilst members of the gallery are present to hear the items.

CARRIED 10/0

OCM039/03/11 PROPOSED AMENDMENT TO SUBDIVISION GUIDE PLAN - LOT 24 BEENYUP ROAD, BYFORD (P02131)		
Proponent:	Vanguard Planning	In Brief Request for Council to support an amendment to the Subdivision Guide Plan for Lot 24 Beenyup Road, Byford. The purpose of the amendment is to increase the number of lots permitted from 3 to 5. It is recommended that the proposed amended Subdivision Guide Plan not be supported.
Owner:	J & P Wieske	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	7 February 2011	
Previously	SD021/08/09 SD040/10/08 SD063/11/05	
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	

Date of Receipt: 11 October 2010
 Advertised: Yes
 Submissions: Yes
 Lot Area: 6.3359 hectares
 L.A Zoning: Special Use – Landscape Protection
 MRS Zoning: Rural

Rural Strategy Policy Area: Conservation - Private
Rural Strategy Overlay: Landscape Protection
Bush Forever: Abuts the Darling Range Regional Park

Background

Amendment 137

At the Ordinary Council Meeting held on 28 November 2005, Council resolved to grant final approval to Amendment 137 to rezone the subject land from Rural to Special Use Zone – Landscape Protection. The Minister for Planning and Infrastructure granted final approval for the amendment on 22 May 2006.

The Council approved the amendment on the proviso that the number of lots shown on the Subdivision Guide Plan (SGP) be reduced from six to three. One of the reasons for the required reduction in the number of lots was due to the gradient and levels on the site as it would not be possible for the existing Water Corporation reticulated water supply to service the six proposed lots. A continuous water supply could not be guaranteed unless the existing water supply system was upgraded.

A number of special provisions were inserted into Appendix 2 of Council's Town Planning Scheme No.2 (TPS2). The provisions relate to the development and use of the land.

A copy of the Special Provisions for Lot 24 Beenyup Road are with attachments marked [OCM039.1/03/11](#).

The SGP endorsed by Council on 28 November 2005, progressed in parallel with Amendment 137. It is this SGP that is proposed to be modified.

A location plan and copy of the adopted SGP is with attachments marked [OCM039.2/03/11](#).

Proposed Modified SGP – October 2008

At the Ordinary Council Meeting held on 27 October 2008, Council considered a modified SGP for Lot 24 Beenyup Road which proposed to increase the number of lots permitted from 3 to 7. The officer recommendation to Council was that the revised plan not be supported for the following reasons:

The modified SGP for Lot 24 should not be adopted for the following reasons:

- 1. Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the three lot proposal contained in the adopted SGP.*
- 2. The amended Subdivision Guide Plan shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan.*
- 3. The 7 battleaxe legs, combined driveway to the seven lots will reduce the ability for screening vegetation along the western boundary to be retained and enhanced.*
- 4. The increased loss of remnant native vegetation is contrary to the objectives of the Landscape Protection Policy contained in Town Planning Scheme No. 2 (TPS 2).*
- 5. The Water Corporation cannot guarantee a reticulated water supply can be provided or maintained to Lots 4-7.*
- 6. The applicant has not provided adequate justification for allowing Lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply.*

7. *Increased development including more buildings/dwellings will significantly increase the fire risk to the area. The area already has a high risk rating for fires and this proposal is contrary to good orderly planning.*

At the Ordinary Council Meeting, the applicant requested that the item be deferred to enable the submission of additional information to support their proposal. The applicant believed that some of the information in the report to Council was inaccurate and therefore requested an opportunity to address these issues prior to a determination being made by Council. The request to defer the item was supported with the following resolution being passed:

“SD040/10/08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Harris, seconded Cr Brown

That item SD040/10/08 be deferred until a future Committee meeting to allow for additional information to be provided by Officers as a result of a request from the proponent.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to defer the item to allow for additional information to be provided to Officers for presentation to Council.”

Proposed Modified SGP – August 2009

In accordance with the October 2008 resolution, a further revised SGP was lodged with the Shire and considered by Council in August 2009. This further modified SGP attempted to address Council’s concerns. The number of lots had been reduced from 7 to 6, which was an increase in 3 lots from the original SGP.

With respect to this modified SGP, Council passed the following resolution:

“Moved Cr Harris, seconded Cr Price

A. *The proposal to amend the adopted Subdivision Guide Plan for Lot 24 Beenyup Road, Byford be refused for the following reasons:*

1. *The applicant has not demonstrated that the proposal complies with the objectives of Council’s Local Planning Policy No.8 Landscape Protection in relation to protection of existing vegetation.*
2. *The applicant has not demonstrated that the proposal complies with the fire management requirements under the ‘Planning for Bush Fire Protection’ document.*
3. *The proposal is considered detrimental to the amenity of the occupiers of adjacent properties, by reason of visual amenity impacts, noise and nuisance arising from the proposed increase in the number of lots.*

B. *The submitters (including Government Agencies) being advised of the Council’s decision.*

Advice Note:

1. *The applicant is advised that any further proposed modifications to the Subdivision Guide Plan for Lot 24 Beenyup Road, Byford will require the submission of a new application to Council together with the payment of applicable fees.*

CARRIED 8/2”

A copy of the modified SGP considered by Council in August 2009 is with attachments marked [OCM039.3/03/11](#).

Proposed Revised Modified SGP – October 2010

A further revised modified SGP was lodged with Council with accompanying documentation, including a Fire Management Plan (FMP), to help address Council's concerns. Under this revised modified SGP, the number of lots has been reduced from 6 to 5, which is an increase in 2 lots from the original SGP. Other changes under this revised modified SGP relate to:

- Lot layout;
- The location of building envelopes;
- Access arrangements; and
- Delineation of the Priority Conservation Area.

Each of these issues will be addressed in this report. Accordingly, the revised modified SGP is now presented to Council for determination.

A copy of the proposed modified SGP (October 2010) is with attachments marked [OCM039.4/03/11](#).

Sustainability Statement

Effect on Environment: It is considered that the increase in the number of lots from 3 to 5 may result in the removal of additional vegetation, given that a 100 metre hazard separation zone is required for fire management purposes. Lot 3 is heavily vegetated and thus the removal of vegetation will mainly be confined to this lot. This loss of vegetation may be compensated by the revegetation requirements under special provision 12 of TPS 2. The building envelopes on the proposed lots have been located to avoid as much vegetation on site as possible. Some vegetation may also need to be removed from the proposed shared driveway. However, as the 6.0 metre wide shared driveway is narrower than the 16.0 metre wide adjoining battleaxe legs under the previous plans, less vegetation along the access way will be required to be removed.

Resource Implications: The Water Corporation's reticulated water supply system extends to Lot 24 however due to the topography of the site a guaranteed water supply will only be available to lots 1 to 3. Lots 4 and 5 will have to rely on tank or bore water.

Social – Quality of Life: The proposed increase in lots will increase the number of vehicle movements along the access way off Beenyup Road. This may impact on surrounding properties, especially those that directly back onto the subject property. However, it is considered that this may be addressed through the installation of a clay bund along the western property boundary by the proponent to the satisfaction of Council.

Statutory Environment: TPS 2
Rural Strategy 1994

Policy/Work Procedure Implications: Local Planning Policy 8 (LPP 8) – Landscape Protection
WAPC Policy DC 3.4 Subdivision of Rural Land
SPP2.5 Agricultural and Rural Land Use Planning
Planning for Bush Fire Protection (May 2010 Edition 2)

Financial Implications: The application fee has been paid by the proponent.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
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Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		23	Planning and Design	Enforce the adoption of “better urban water management”.
BUILT ENVIRONMENT				
	Land Use Planning	9	Rural Land	Ensure the built form complements and enhances the rural environment.
	Infrastructure	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
PEOPLE AND COMMUNITY				
	Places	36		Plan and develop safe communities and places.
OUR COUNCIL AT WORK				
	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

External Government Agency Comments

Environmental Protection Authority (EPA)

During the original Scheme Amendment Process, the Amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA provided the following advice with regard to the scheme amendment which is relevant to the proposed amendment to the SGP:

“Remnant Vegetation

It is noted that the building envelopes as shown on the Subdivision Guide Plan (Figure 3) are suitably located away from areas of remnant vegetation designated as the “Priority Conservation Area” abutting the Parks and Recreation Reserve to the east. While the proposed scheme provisions relating to the retention of remnant vegetation in the “Priority Conservation Area” are supported, it should be noted that all other native vegetation should be preserved so far as practicable after clearing for site works and services to accommodate the proposed rural-residential development.

No vegetation should be cleared within any allotment except for the purposes of:

- *compliance with the requirements of the Bush Fires Act 1954 (as amended)*
- *clearing within the agreed building envelope for a reasonable area of the construction of an approved dwelling or outbuilding;*
- *to construct a vehicular access as approved by the Council; and*
- *for any other reason where specific written approval has first been obtained from the Council.*

Accordingly, it is recommended that a scheme provision be incorporated into the amendment documentation advising that the clearing of native vegetation is prohibited, unless the clearing is authorized by a clearing permit obtained from the Department of Environment, or is of a kind that is exempt in accordance with Schedule 6 or regulation 5 (Clearing of Native Vegetation Regulations) of the Environmental Protection Act 1986.”

Government Agency Comments

The proposed revised modified SGP was referred to the following agencies for comment:

- Department of Water (DoW);
- Water Corporation;
- Department of Environment & Conservation (DEC);
- Telstra;
- Western Power;
- Westnet Energy;
- Fire and Emergency Services Authority (FESA); and
- Department of Planning (DoP).

These agencies were also consulted in respect to the October 2008 revised SGP. With respect to the current proposal, the following comments were provided:

DoW

- *Drainage systems shall be designed and constructed consistent with the Stormwater Management Manual for Western Australia.*
- *No development is to occur within 30m of the Oakland's Creek.*
- *The proponent is advised to refer to the DoWs Water Quality Protection Note: Wastewater Treatment - Onsite Domestic Systems for information regarding on-site effluent disposal systems.*

The DoW also provided some general advice in respect to groundwater abstraction.

Officer Comment

Under the revised modified SGP, drainage infrastructure (eg basins) have not been depicted as its location and size would be determined when a Local Water Management Strategy is prepared for the whole of Lot 24 Beenyup Road at the time of subdivision.

Water Corporation

- *The advice in the Corporation's letter dated 9 September 2008 is still relevant.*
- *The subject land is currently not included in the Corporation's water scheme planning. The existing 100mm water main that terminates at the eastern end of Beenyup Road is not able to serve the entire subdivision area because the elevation over parts of the site will result in inadequate water pressure.*

- *It appears from an inspection of the contours and the location of the proposed building envelopes that water services could be provided to lots 1-3. Lots 4 and 5 will not be able to be provided with standard water services.*

The additional comments that were provided from the Water Corporation in September 2008 included general advice relating to wastewater and drainage.

Officer Comment

The issue regarding the provision of water will be discussed later in this report.

FESA

- *Local Government is the Hazard Management Agency regarding fire protection matters in this instance and would be expected to apply a condition requiring compliance with the Fire and Emergency Services Authority of Western Australia (FESA) and the Western Australian Planning Commission (WAPC) in accordance with clause 6 of State Planning Policy 3.4 Natural Hazards and Disasters (SPP 3.4).*

Officer Comment

The issue regarding fire and hazard management is discussed later in this report.

Other Agencies

Telstra and Western power both advised that they have no comment to make in respect to the proposal. No comment was received from the DEC, Westnet Energy or the DoP.

Community Consultation

The revised modified SGP was referred to twelve (12) surrounding properties for comment. As a result of the advertising, one (1) letter of objection and two (2) letters of concern were received.

As the submissions cover similar issues, these are summarised below. The applicant's response to each issue is also provided together with relevant officer comments.

Visual Amenity & Impacts

- The proposed clay bund will be an eyesore to the view of the hills and would not improve the beautification of the area.
- The building envelopes would be best suited for privacy to be further back on the block.

Applicant's Response

- As the land is on an upward gradient the visual 'eyesore' will be very limited and it will certainly not impinge on their view of the bushland.
- We also requested the building envelopes to be further back on Lot 24, however, this was not allowed due to the FMP and for conservation reasons.

Officer Comment

- The proposed clay bund is unlikely to have any negative impacts on the aesthetic value of the area.
- In order to achieve an adequate 'Hazard Separation Zone' to the priority conservation area, it is not possible to move the envelopes any further east.

Fire Risk

- The revegetating plans to the top of each block would only bring a higher fire risk closer to our properties, as the vacant land serves as a fire break between the conservation bush land and the Old Brickworks Road blocks.
- Again the latest submission appears contradictory, in the sense that there will be certain zones that will have vegetation removed, then significantly more vegetation planted.
- The proposal without doubt increases the risk of fire, and the management of it, so to protect our own property's adjoining lot owners will have to formulate and build their own fire protection systems, at our own cost. As a mitigation measure for Fire management, it could be proposed that adjoining lot owners should be included on the reciprocal access agreement should they choose.

Applicant's Response

- The applicant advises that they 'do not believe it is necessary, wise or expedient to revegetate the conservation area as the rate of natural revegetation is prolific.'

Officer Comment

- The subject land is located within an extreme bush fire risk area. This issue is discussed later in this report.

Dust

- The clay bund is being proposed to create a privacy barrier between the subdivision and the occupants of Old Brickworks Road. The clay bund is likely to become a dust problem especially during the summer months when the vegetation dies off and the easterly winds will carry the dust through all the properties affected by the subdivision.
- With the possibility of increased traffic along the shared driveway consideration should be given to minimizing potential vehicular dust should the access way remain unsealed.

Applicant's Response

- The bund was proposed to satisfy the neighbours' previous concerns with privacy from cars driving past. The bund was the only option left for us to consider. It either has to be left with open fencing the way it currently is or the bund needs to be installed. We as the proponent as not fussy either way, however, the bund will help us to use up the earth that has to be dug up from the storm water basin.
- The driveway will be sealed.

Officer Comment

- It is considered that the proposed bund will help to alleviate some of the issues associated with an increase in vehicular movements along the proposed driveway.

Traffic & Access

- The privacy earth bund, is a good idea and is supported in theory, however it lacks suitable detail. It will also cut off any access potential from the rear of the properties along Old Brickworks Roads, hence the request to have access to the proposed driveway. The increase in traffic is quoted at 40 per day. Where this figure comes from is questionable, what data supports this? It would almost be impossible to predict exactly how much traffic each dwelling will have.
- During construction and development of the subdivision assurances must be given to ensure that we maintain full access/egress to our home via the driveway off Beenyup Rd. We would like assurances from the developer that this will occur as it seems likely with

the limited access to the subdivision that larger trucks are likely to park in the Beenyup Rd cul-de-sac.

Applicant's Response

- Lot 24 is not their land and they have no legal right of access from the battleaxe driveway.

Officer Comment

- The neighbouring properties have no legal right to use the private driveway off Beenyup Road into Lot 24. Adjoining lots to the west of Lot 24 have access to Old Brickworks Road.

COMMENT

Proposed Modified SGP

At the August 2009 Ordinary Council Meeting, Council resolved not to support a revised SGP which sought to increase the number of lots from 3 to 6. The concerns, and subsequent reasons for refusal, related to the following issues:

- 1) Impacts on existing vegetation;
- 2) The delineation of the Priority Conservation Area;
- 3) Fire Management; and
- 4) Impacts on surrounding properties (visual amenity, noise & nuisance).

The applicant has attempted to address these issues in the current proposed new SGP. Each of the issues raised previously by Council staff will be detailed below.

The first section summarises the subject issue. The second section provides the associated response from the applicant as to how this issue has been addressed under the revised modified SGP. The third section then provides comment as to whether the revised modified SGP has satisfactorily resolved the issue.

1) Impacts on Existing Vegetation & Scenic Values

Officer Comment – August 2009 SGP

- The amount of vegetation located within the building envelopes on Lots 1, 2, 4, 5 and 6 is considered to be relatively minimal. The majority of the vegetation that will be impacted upon by the building envelope is located on Lot 3. This loss of vegetation can be compensated by the revegetation requirements under special provision 12 of TPS 2.
- Although the building envelopes shown on the revised SGP are uniform (30m x 30m), the envelopes can be any shape. Therefore, the envelopes on lots 1, 4 and 5 can be modified to avoid all vegetation on site. This change to the building envelopes would be addressed during the subdivision stage as stated within special provision 6 for this lot, as the envelopes shown on the SGP should be indicative only.
- The fire management requirement that a low fuel zone is to be established around all development may result in the removal of additional vegetation outside of the building envelopes. However, the establishment of a low fuel zone is also required under the current 3 lot SGP which may also result in the removal of additional vegetation.
- However, under the requirements within the 'Planning for Bush Fire Protection' document, a hazard separation zone of 100 metres for buildings is required. The requirements for this separation zone may also result in the removal of additional vegetation across all 6 lots.

Applicant's response

The amended Subdivision Guide Plan complies with the objectives of Council's Local Planning Policy No.8 - Landscape Protection in relation to protection of existing vegetation:

- *All new building envelopes are located on the lower portion of the site, which reduces the visual intrusiveness of development within the 'seen area';*
- *The landscape values of the area are retained and improved: the most heavily treed area is retained and to be rehabilitated within a landscape protection zone that is located across the highest and most visually prominent portion of the site.*
- *Appendix No. 3 of Town Planning Scheme No. 2 requires significant replanting within appropriate locations: that is to be done to the satisfaction of the Council, prior to the transfer of a subdivided lot to a new owner;*
- *All structures are required to have low visual impact; and*
- *The finish, colours and materials of any structure shall comply with the provisions of the Landscape Protection Policy: this shall be assessed and enforced when individual planning applications are lodged for development on the lots.*

These requirements, and particularly the revegetation, will ensure that scenic values are not diminished, but are improved as a result of the subdivision.

Officer Comment - October 2010 SGP

- The amount of vegetation located within the building envelopes on Lots 1, 2, 4 and 5 is considered to be relatively minimal. The majority of the vegetation that will be impacted upon by the building envelope is still located on Lot 3. The subdivider is required to revegetate this lot.
- Some vegetation will also be removed from the proposed shared driveway. However, as the 6.0 metre wide shared driveway is narrower than the 16.0 metre wide adjoining battleaxe legs under the previous plans, less vegetation along the access way will be required to be removed.
- The protection of vegetation under the revised modified SGP may be addressed in two ways. Firstly, the indicative building envelopes shown on the SGP will enable Council staff to place the envelopes in the most appropriate position during the subdivision clearance stage to minimise impacts on vegetation. Secondly, as this land is zoned 'Special Use', all development requires planning approval from Council. The most appropriate placement of development will also be addressed during the development application stage.

Outcome: The clearing of vegetation is compensated by revegetation on the land.

2) Delineation of the Priority Conservation Area

Officer Comment – August 2009 SGP

- SGP has been modified correctly to accurately show the location of the Priority Conservation Area.

Applicant's response

The amended Subdivision Guide Plan shows a Priority Conservation Area over the highest portion of the site, which is also the most heavily vegetated area. The unauthorised clearing of vegetation will not be permitted within this area. The area of the Priority Conservation Area has been determined by reference to two things:

- *The location of the vegetation to be protected; and*
- *The requirements of the Fire Management Plan.*

The plan clearly shows both the Priority Conservation Area from the original 3 lot proposal, and a modified Priority Conservation Area. The amendment reflects the requirements of the Fire Management Plan, in terms of the identification of building envelopes and building protection zones.

The amount of vegetation that would be removed in order to implement the building envelopes and building protection zones is not significant: the existing Fire Management Plan has determined that isolated trees and shrubs may be retained, and for the next 15 metres (i.e. from 5 - 20 metres surrounding any buildings) the spacing of trees should be 15 metres apart, to provide for a separation between crowns.

Revegetation requirements will more than make up for any existing vegetation that is removed, and that revegetation shall be located in appropriate locations. It is important to note that the location of the Priority Conservation Area is not fixed. There was no fire management plan in place when the Priority Conservation Area was placed on the original 3 lot proposal, and the identification of building envelopes and building protection zones on that plan would also have necessitated the modification of the Priority Conservation Area.

Officer Comment - October 2010 SGP

- The revised modified SGP proposes to amend the location of the Priority Conservation Area as identified on the current approved SGP.
- The original Amendment 137 document did not provide any clear justification as to how the boundary of the Priority Conservation Area was determined. All it states is that the design of the current approved SGP “*identifies a 65m wide margin along the eastern elevated part of the land as a ‘Priority Conservation Area. Within this area development, fencing and internal firebreaks will be prohibited’*”.
- It is therefore considered that the proposed amendment to the boundary of the Priority Conservation Area is able to be supported by Council provided that the landscape characteristics of the site are not unduly compromised.

Outcome: Addressed under this revised SGP.

3) Fire Management

Officer Comment – August 2009 SGP

- If the criteria of the ‘Planning for Bush Fire Protection’ document are to be strictly followed, then no development should be allowed on this site as the proposed area is in an extreme fire risk area and should not be approved.
- It is impossible to provide the minimum 100 metre separation zone for buildings from the extreme fire hazard (the State Forest and Priority Conservation Zone) without the wholesale removal of Priority Conservation bush both on this site and in the State Forest.
- The building envelopes and in places the Priority Conservation Zone do not provide sufficient distance from adjoining properties to allow for the required Building Protection/Hazard Separation zones.
- The main access to the battle axe lots is in excess of the recommended length and less than the minimum width required to meet safe access egress.
- There is no minimum 21m turning circle at the cul-de-sac head.
- The current depiction of the Strategic Firebreak is not feasible due to it exceeding engineering standards of a trafficable slope.
- Water supply to the site is outside of the recommended maximum unless the hydrant system is extended to the southern end of the site.
- The site slope is such that building envelopes would have between 5 to 10 metre inclines over the 30m x 30m envelope which further increases the rate of spread of a fire in the order of between 100 – 200%.

- If a fire was to be driven by easterly winds the propensity for the only avenue for escape to be cut off is extremely high.
- Traversing the site is very problematic under normal conditions because of slope, soil types, granite outcrops and vegetation. The protection of 6 lots under fire storm conditions is therefore extremely difficult.
- The proposal to add a 5 metre buffer of vegetation along the western property boundary simply adds to the overall fire threat to both this site and its immediate neighbours.
- All building construction would need to meet AS3959 and have self-contained/powering/supplied water reticulation protection systems.

The Fire and Emergency Services Department also stated that if the amended plan were to be approved, then all of the above issues would need to be engineered out. This would include:

- The inclusion of additional strategic firebreaks;
- Alternative access being provided to the site for emergency vehicles;
- Modifications to the proposed access road into the site;
- The extension of the existing mains water supply and installation of an additional hydrant;
- Modifications to the proposed building envelopes; and
- An assessment of the impacts on vegetation against the requirement for the 100 metre hazards separation zone.

Applicant's response

A Fire Management Plan has been prepared for this 5 lot proposal, using the same principles as the Fire Management Plan which the Shire has endorsed for the original 3 lot proposal.

Officer Comment - October 2010 SGP

- A revised FMP was submitted to the Shire concurrently with the request to amend the SGP. The purpose of the FMP was to demonstrate to the Shire that the previous concerns raised in relation to the August 2009 SGP have subsequently been addressed. To address the Shire's previous concerns, the FMP and modified SGP includes the following:
 - Internal and strategic firebreaks;
 - Requirements that any future dwellings be built in accordance with Australian Standard AS 3959-2009 'Construction of Buildings in Bush Fire Prone Areas';
 - The location of 'Building Protection' and 'Hazard Separation' zones, which are located entirely outside of the modified Priority Conservation Area;
 - An agreement with the adjoining neighbour to the south which will allow for easement to be put over the property for emergency access; and
 - A list of developer and owner responsibilities that are required to be undertaken which in turn will help support the development of this site.

This FMP was approved by the Shire, on the basis that the developer could adequately demonstrate that a number of key aspects could be achieved through the implementation phase of the FMP. Aspects that the developer was required to demonstrate include:

- That the proposed fire hydrant, as shown on the revised SGP adjacent to Lot 2, could be installed and supplied with a suitable water pressure to the satisfaction of FESA and the Shire.

It is the understanding of the Shire that although scheme water can be provided to Lot 2, this is for domestic purposes only. The Water Corporation have previously advised the Shire that the water provided to this hydrant is not of sufficient pressure for fire fighting purposes.

- That a permanent emergency access route can be obtained through the adjoining lot to the south.

Although the owner of the adjoining lot to the south has indicated their support for such an arrangement, this agreement is not legally binding. As such there is a risk that if the revised SGP is approved, that access through the southern adjoining lot will not be achievable. In addition, it is considered unreasonable for suitable fire management solutions to be dependent on the agreement of another landowner, outside of the SGP area.

- That the proposed 'strategic firebreaks', as shown on the SGP, are able to be suitable maintained.

It is considered that the future owners of proposed lots 2, 3 and 4 will not be able to maintain these firebreaks to a suitable standard as access by machinery to the eastern boundary of these properties, through the priority conservation area, cannot be achieved.

The FMP was only able to be approved on the basis that the above issues could be achieved. Currently, these have not occurred and as such the fire management issues remain unresolved.

There is no disagreement from the applicant that the site is located within an extreme bush fire risk area. With respect to development with an 'extreme risk' rated area, the WAPC's *Planning for Bush Fire Protection Guidelines (Edition 2)* document states the following:

"Any change of zoning/planning provisions or design resulting in the introduction of, or an intensification of, development in an area that has an extreme bush fire hazard level will normally not be approved".

This document indicates that there is a presumption against the intensification of development in areas that have an extreme bush fire hazard level unless it can be adequately demonstrated that the risk have been managed and/or mitigated. Currently, these risks have not been resolved to the satisfaction of the Shire.

Issue: Unresolved.

4) Impacts on Surrounding Properties (visual amenity, noise & nuisance).

Officer Comment – August 2009 SGP

- The increase in the number of lots undoubtedly increases the number of vehicle movements along the proposed shared driveway, with the greatest impacts being felt by those lots on Old Brickworks Road closest to Beenyup Road. Essentially, the number of vehicle movements will double under the proposed plan, with the number of lots doubling from 3 to 6. To reduce the impacts that these vehicles will have on adjoining properties, suitable screening, which complies with LPP8 and does not increase the fire risk, will need to be established to the satisfaction of Council.

Applicant's response

- *On some of the lots fronting Old Brickworks Road rural standard (open) fencing has been installed backing onto Lot 24. The earth bund between the private driveway and these fences would provide those landowners with a significant improvement of visual and acoustic privacy within those backyards.*
- *It would not, however, obscure their view of the scarp: due to the topography of the site, they would still get an unimpeded view of the upper portion of Lot 24.*
- *The proposed building envelopes have been located a minimum of 31 metres from the rear boundary of the lots fronting Old Brickworks Road. That substantial setback distance will ensure that the development will have minimal impact upon the lots fronting Old Brickworks Road.*
- *By introducing the measures outlined above, the proposal does not create any potential privacy impacts.*

Officer Comment - October 2010 SGP

- Under the original SGP, access to the 3 lots is shown to be via 3 adjoining battleaxe legs with a combined width of approximately 16m compared to the 6m wide shared driveway under the new proposal. In terms of the potential for screening solely based on driveway width, regardless of the type of screening that would be supported, the new proposal would be the preferred outcome.
- The proposed shared driveway would be situated approximately 5.0 metres off the western property boundary, providing some separation to the rear boundary of the adjoining Old Brickworks Road lots. Under the current adopted SGP and the revised October 2008 plan, the battleaxe legs were shown to abut this boundary. In addition, under the current access arrangements on the lot, the driveway to the single dwelling abuts the western property boundary. In terms of the potential for a separation to be established between the driveway and adjoining lots, the new proposal would be the preferred outcome.
- Given that vegetation screening is not supported, an additional form of screening needs to be considered in order to minimise the visual impacts of the development on adjoining properties. This is achieved through the proposed earth bund which may also help alleviate the noise impacts associated with an increase in vehicular movements.

Issue: Addressed.

Together with the above issues, the applicant has provided supplementary information within the new application to address the following issues:

- Vehicle Access;
- Lot sizes;
- Drainage; and
- Water Supply.

Vehicle Access

Although each lot has its own gazetted road frontage to Beenyup Road, there is only one driveway, which is a private driveway that shall be shared by the landowners via the mechanism of a reciprocal access agreement. The area subject to the reciprocal access agreement extends up to the main portion of Lot 5, as shown on the SGP.

The single driveway would be approximately 5.5 to 6 metres wide and would be setback at least 5 metres from the rear fences of the lots fronting Old Brickworks Road. This setback would allow for the establishment of an earth bund between the driveway and the fence line, which would provide separation and a buffer between vehicles and the rear fences.

With the new proposal, even though there will be more cars, as the drive is now 5 metres away and behind the bund, residents will actually not see any more cars and the noise will be drastically reduced, hence making it an improvement on the current situation.

At most, each of the five lots would generate 8 vehicle movements per day - so the maximum number of vehicle movements along the private driveway per day would be only 40. Because the existing subdivision guide plan provides for 3 lots, the maximum amount of additional traffic movements is 16 per day. This is a negligible amount of traffic over a 24-hour period, which has little potential to impact adjoining properties given the amount of separation and buffer that is proposed. It should also be noted that the number of vehicle movements would lessen the further you are from Beenyp Road, as the number of vehicles using the private driveway decreases.

Officer Comment

Although access to all 5 lots is proposed via a reciprocal rights of access agreement, a portion of the 21m diameter turn-around area as shown on the modified SGP is not included within the 'reciprocal access' area. Therefore, it is recommended that the proposed SGP be modified to address this.

Drainage

A drainage basin is still proposed, but not shown, in exactly the same location on the existing subdivision guide plan, which has been approved. Department of Water advised that their two concerns about having the drainage basin within 30 metres of the watercourse would be:

- *Potential loss of vegetation; and*
- *Potential impact of earthworks.*

The final location and size of the drainage basin would be determined when a Stormwater Management Plan is prepared for the whole of Lot 24, in accordance with the requirements of the Scheme Text. The final location would also have to have regard for the potential loss of vegetation and the potential impact of earthworks. As per the staff suggestion, the drainage basin is no longer depicted on the modified Subdivision Guide Plan.

Officer Comment

Under the revised modified SGP, the drainage basin has not been depicted as its location and size would be determined when a Local Water Management Strategy is prepared for the whole of Lot 24 Beenyp Road at the time of subdivision.

Water Supply

The WAPC's DC Policy 3.4 has been amended and it now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable. The issue of water supply has been discussed further with the Water Corporation. There are two issues that need to be addressed:

- *Firstly, because the site is elevated, water pressure is affected. As a result a reticulated water service cannot be guaranteed or solely relied upon in the area above the contour shown on the modified Subdivision Guide Plan: an alternative supply must be provided to those lots.*
- *Secondly, because a private driveway is proposed and not a public road, the size of the water supply pipe may be reduced; although, the final size of that pipe will be determined by the installation requirements of a fire hydrant which is to be located part way up the driveway. This may further restrict the guaranteed supply to only 3 lots.*

The reduction in yield to 5 lots has addressed this issue. Lots 1-3 would be fully serviced by a reticulated water supply. Lots 4 - 5 would be served by both a non-guaranteed supply of mains water, and an alternative supply which, as per the original Subdivision Guide Plan, is a 90,000-litre rainwater tank.

Officer Comment

- The modification to the WAPC's DC Policy 3.4 now enables the creation of lots between 1 to 4 hectares in size without connection to scheme water under certain circumstances.
- The creation of lots below 2.0 hectares without scheme water was not previously permitted, contributing to one of the reasons why the current adopted SGP shows 3 lots at 2.0 hectares each.
- Due to the topography of the land, it is not reasonable to require that Lots 4 and 5 under the revised modified SGP be connected to scheme water and therefore an alternative water supply, through the provision of rainwater tanks, is proposed and supported.
- The determination as to whether or not the supply of water to Lots 4 and 5 is reasonable or not will ultimately be made by the WAPC.
- To comply with the Shire's requirements the size of the water tank on Lots 4 and 5 will need to increase from 90,000 to 120,000 litres to provide enough water for fire fighting purposes.

Lot Sizes

The applicant advises:

The minimum lot size shown on the modified SGP is now 1.1 hectares. It has been demonstrated in previous submissions and in this submission, the design and management measures that have been put in place ensure that a 1 hectare minimum lot size can achieve landscape protection and landscape capability objectives.

Officer Comment

It is considered that the applicant has now provided sufficient justification from a water provision perspective to support the proposed 1.0 hectare lots.

Statutory Framework

LPP8 – Landscape Protection Policy Area

The subject land is located within the Shire's Landscape Protection Policy area. LPP 8, relating to this area contains the following objectives that are applicable to this proposal:

1. *To preserve the amenity deriving from the scenic value of the Darling Scarp;*
2. *To maintain the integrity of landscapes within the Landscape Protection Area;*
3. *To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such; and*
4. *To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses.*

The objectives of this policy are to be achieved by the implementation of a number of policy measures as summarised below.

1. Subdivision of land within the policy area will not be generally supported where it is likely to result in an undesirable density of development visible from the South Western Highway.
2. All development (including access roads) in the policy area shall not be permitted:
 - (a) On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas; and
 - (b) In areas having a generalised slope greater than 25 percent.
3. The development of buildings within the policy area shall:
 - (a) Require the planning consent of the Council;
 - (b) Be sited and constructed to take advantage of the topography and the vegetation to limit visual intrusion; and
 - (c) Be accompanied by such additional tree planting and landscaping as the Council considers necessary to achieve the objectives of this policy.
4. The overall tree cover of the scarp is to be maintained and enhanced by:
 - (a) The retention of the existing trees wherever possible;
 - (b) Additional tree planting being required where necessary for any development application approved within the policy area; and
 - (c) Limiting the amount of native vegetation cleared to 30 metres around buildings and should be an absolute minimum for the construction of access roads and the installation of services.

It is considered that the objectives of this policy, together with the applicable policy measures, relating to the siting of development have been addressed. Although the proposed building envelopes have been positioned to minimise the amount of vegetation to be cleared, the requirements under the approved FMP may require additional vegetation to be removed for fire protection purposes. The proposed building envelopes have been located on land with a slope of between 17% and 23%, thereby complying with policy measure 2(b) above.

Rural Strategy

The subject land is within the 'Conservation-Private Land' policy area under the Rural Strategy. With respect to the development of land within this policy area, the Rural Strategy states:

"Any development or land use proposal will be assessed on its compatibility with the conservation values present on the site and approved or rejected accordingly. The Council considers that the objectives of protection and management for conservation sites and those of development are not necessarily in conflict".

It is considered that the proposed increase in the number of lots from 3 to 5 will not impact significantly on the conservation characteristics of the site. The vegetation contained within the modified 'Priority Conservation Area' will be retained in its current form, with provisions already in the scheme to ensure its long term protection. However, there may be additional impacts on vegetation in order to comply with the requirements of the approved FMP.

The removal of vegetation outside of the conservation area that may be required for future development may be compensated by suitable revegetation works. In addition, the proposed shared access way may reduce the amount of vegetation removed compared to the three adjoining battleaxe legs as shown on the endorsed SGP.

Potential Risks

As DC Policy 3.4 states that “the WAPC may consider an alternative water supply”, there is no guarantee that the proposed development of 1.0 hectare lots without a reticulated water supply (specifically Lots 4 and 5) will be supported by the WAPC upon the lodgement of a formal subdivision application.

Therefore, there are potential risks in approving the amended SGP for the following reasons:

- If the amended SGP is endorsed by the Shire on the basis that Lots 4 and 5 can be created without connection to a reticulated water supply, the WAPC could refuse the subdivision application as the alternative supply is not suitable.
- Once the SGP is amended, and if a subdivision application is refused, the Shire could not support subdivision in accordance with the previous SGP as this plan would have been superseded. It is noted however that the proponent has already obtained approval from the WAPC to subdivide into 3 lots in accordance with the current adopted SGP.
- As the amended SGP is not required to be formally adopted by the WAPC, the WAPC’s formal position will not be known until the subdivision stage.

Preliminary discussions with the DoP in respect to other similar proposals have indicated that they have no objections in principle to the creation of 1.0 hectare lots without a reticulated water supply. However, this cannot be guaranteed until a subdivision application (in the long term) is determined by the WAPC. As with other amended SGP’s, if formally adopted by the Shire the SGP will be forwarded to the WAPC for consideration.

Appeal Rights

It is considered that the applicant may have appeal rights under TPS 2 if the amended SGP is not supported by Council. Clause 8.6 of TPS 2 states the following:

“An applicant aggrieved by a decision of Council in respect to the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and Rules and Regulations made pursuant to the Act”.

It is therefore open to the applicant to lodge an application for review (an appeal) against any decision made by Council in respect to this matter.

Options Available to Council

There are two primary options that are available to Council in dealing with this proposal. The options, together with the associated officer comments, are detailed below:

	Options	Officer Comment
a)	Support the proposal.	<ul style="list-style-type: none"> • The increase in the number of lots within an extreme bush fire hazard area is not supported. • The previous issues raised by Council have generally been addressed under the revised SGP and supporting documents. However, issues regarding Fire Management have not been addressed.
b)	Not support the proposal.	<ul style="list-style-type: none"> • Council may deem that the proposed density of development is undesirable within an extreme bush fire risk area. • The applicant can still proceed with the 3 lot subdivision approval in accordance with the current endorsed SGP.

	Options	Officer Comment
		<ul style="list-style-type: none"> The applicant may have a right of appeal.

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

Conclusion

Although it is considered that the proposed amended SGP for Lot 24 Beenyup Road, Byford has addressed a majority of the issues that were raised during the previous report to Council, issues regarding fire management remain unresolved. Although the FMP has been approved, it was on the proviso that a number of management measures could be achieved. Currently, this has not occurred.

Council needs to be mindful of supporting any proposal that seeks to increase the density of development within an extreme bush fire risk area. As per the WAPC's *Planning for Bush Fire Protection Guidelines (Edition 2)* document, intensification of development in such an area will normally not be approved.

It is therefore recommended that the proposed modified SGP not be supported by Council.

Voting Requirements: Simple Majority

OCM039/03/11 Officer Recommended Resolution:

- A. The proposed modification to the adopted Subdivision Guide Plan for Lot 24 Beenyup Road, Byford not be supported for the following reasons:**
- 1. The applicant has not demonstrated that the proposal complies with the fire management requirements under the Western Australian Planning Commission's 'Planning for Bush Fire Protection Guidelines (Edition 2)' document.**
 - 2. The proposal does not comply with the Western Australian Planning Commission's 'Planning for Bush Fire Protection Guidelines (Edition 2)' document as there is a presumption against the intensification of development in areas that have an extreme bush fire hazard level.**
- B. The submitters (including Government Agencies) be advised of Council's decision.**

OCM039/03/11 COUNCIL DECISION/New Motion:

Moved Cr Geurds, seconded Cr Ellis

- A. The proposed amended Subdivision Guide Plan for Lot 24 Beenyup Road, Byford (dated 29 September 2010) being modified to:**
- 1. Extend the 'extent of reciprocal access' so that it fully includes the proposed 21.0 metre diameter turn around area.**
- B. Subject to part A. above being undertaken to the satisfaction of the Director Development Services:**
- 1. Council endorse the amended Subdivision Guide Plan for Lot 24 Beenyup Road, Byford *attachment OCM039.4/03/11* (dated 29 September 2010).**

2. The Western Australian Planning Commission be advised of Council’s decision and be requested to adopt the amended Subdivision Guide Plan for Lot 24 Beenyp Road, Byford.

C. The submitters (including Government Agencies) be advised of Council’s decision.

CARRIED 7/3

Cr Hoyer, Cr Harris and Cr Twine voted against the motion

Council Note:

It was considered by Council that the proposed amended Subdivision Guide plan has addressed all relevant revegetation, drainage, land use and fire management issues. The officer recommendation was modified to support the amended Subdivision Guide Plan, subject to modification.

SD087/03/11 ROAD CLOSURE – LOT 350 ELLIOTT ROAD, KEYSBROOK (P06886)		
Proponent:	Department of Regional Development and Lands	In Brief A previous property rationalisation resulted in the amalgamation of Unallocated Crown Land (UCL) in Keysbrook. The existing right of ways (ROW) on the UCL now requires closure.
Owner:	Crown	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 February 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 22 September 2006
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Town and Village Urban

Background

In 2003, Land Asset Management Services (LAMS) were requested to consider the rationalisation of approximately 1.8 hectares of Unallocated Crown Land (UCL) on Lots 6-16 and Lot 64 Walton Road, Elliott Road and Longridge Street, Keysbrook.

A copy of the request for rationalisation prior to the amalgamation is with attachments marked [SD087.1/03/11](#).

After the Shire provided a zoning response to LAMS, it was ascertained the land fell within the proposed Dandalup-Karnup Public Drinking Water Source Area with little prospect of the various lots being connected to sewerage it was considered appropriate to amalgamate them into one parcel of rural land. This was given approval by Western Australian Planning Commission (WAPC) in February 2006 with conditions imposed relating to closing the right of ways and street corners being truncated.

A location plan, deposited plan 53170 and State Lands map is with attachments marked [SD087.2/03/11](#).

Sustainability Statement

Effect on Environment:

The process of disposal involved referral to the Department of Indigenous Affairs thereby identifying Aboriginal Heritage on the subject land. Accordingly, a restrictive covenant will be placed on the title advising purchasers of the requirements of tree protection.

Economic Viability:

As the land will remain UCL there would be no ongoing costs to Council unless Council acquired the land.

Economic Benefits:

The proposal has potential for community benefit should the land be allocated for a specific purpose or acquired by the Shire.

Statutory Environment:

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

Section 56 of the Land Administration Act 1997 and Regulation 8 of the Land Administration Regulations 1998 apply to road dedication for the purpose of road widening.

Policy/Work Procedure

Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	Infrastructure			

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
NATURAL ENVIRONMENT	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversity	Prevent the further loss of "local natural areas"
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Places			
		29	Vibrant	Create vibrant urban and rural villages.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development			
		4	Agriculture	Protect and develop appropriate agricultural and horticultural industries and pursuits within the Shire

Community Consultation:

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

Conclusion

As the 2004 property rationalisation identified the amalgamation of the UCL as an appropriate outcome for the unsewered rural land, the closure of the ROW and dedication of the truncations is consistent with the requirements of WAPC's conditions. Accordingly, it is recommended Council support the road closure and subsequent dedication.

Voting Requirements:

ABSOLUTE MAJORITY

SD087/03/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

1. That Council agrees to advertise the proposed road closure of Lot 350 Elliott Road, Keysbrook on Deposited Plan 53170 as per Attachment [SD087.1/03/11](#) in accordance with the requirements of Section 58 of the Land Administration Act 1997.
2. Subject to no objections being received to the road closure, Council resolves to request the Minister's approval to close the road.

CARRIED 10/0

SD088/03/11 LOCAL PLANNING POLICY NO.45 – THE GLADES VILLAGE CENTRE (A1775)		
Proponent:	Taylor Burrell Barnett	In Brief Following advertising, Local Planning Policy No. 45 – The Glades Village Centre is presented to Council for final adoption.
Owner:	LWP Property Group	
Author:	Colleen Murphy – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services.	
Date of Report	23 February 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Glades Local Structure Plan (LSP) was adopted by Council on 9 March 2010 and was subsequently referred to the Western Australian Planning Commission (WAPC). The Glades LSP was approved by the WAPC on 22 February 2011.

The Glades LSP included a Village Centre, this centre was the subject to further planning through development of a place-based Local Planning Policy (LPP). The draft LPP – The Glades Village Centre (LPP45) was presented to Council in November 2010 and adopted for the purposes of advertising.

A copy of the advertised Local Planning Policy No 45 – The Glades Village Centre is with attachments marked [SD088.1/03/11](#).

A copy of the previous report and resolution is with attachments marked [SD088.2/03/11](#).

This report provides Council with the opportunity to adopt the final LPP45 following advertising.

Sustainability Statement

LPP45 itself does not provide specific design requirements related to all sustainability aspects, as it is designed to manage built form on private lots. Means to achieve sustainability best practice are provided for by other planning strategies and relevant codes, for example:

- Preparation and approval of Local Water Management Strategy, Urban Water Management Plan, Foreshore Management Plan, and a Lake Management Plan as required by the Glades LSP; and
- Five star water and energy rated residential and commercial developments, as required by the Building Code of Australia.

The development of the Village Centre, guided by LPP45, will provide an activated centre that includes community and civic facilities. This will provide best practice outcomes in community building, and creating a high quality of life supportive of a diversity of social groups.

Mixed uses, including retail and office, will provide opportunity for local employment and economic development.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)
LPP45 has been developed and advertised in accordance with Clause 9.3 of TPS 2.

Policy/Work Procedure Implications: LPP45 is consistent with the planning policy framework provided by LPP19 – Byford Development Requirements, and the Glades LSP.

Financial Implications: Costs associated with reviewing and advertising LPP45 will be charged to the proponent.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Integrated Water Cycle Management	22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
BUILT ENVIRONMENT	Land Use Planning	1	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.

		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		31		Encourage innovative solutions, technology and design.

Community Consultation:

Draft LPP45 was advertised for public comment from the 4th to the 31st January 2011 by way of:

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

A copy of the summary of submissions and the applicant's response to them is with attachments marked [SD088.3/03/11](#).

Generally, no major issues with LPP45 were identified during advertising, as the policy deals predominantly with controlling future built form. Several community members identified the need to upgrade Abernethy Road with connection to Woolandra Drive and Doley Road. However, these issues are a subdivision requirement for developers abutting Abernethy Road, and not an issue within the scope of the LPP45. Another community member raised concern with main access through Mead Street, as there are parks along the road frequented by young children. However, the identification of Mead Street as the main street for the Village Centre was determined by the Glades LSP. LPP45 deals with built form requirements, with road layout and the public realm being managed through the LSP and subdivisional requirements. Therefore the location of the main street has already been determined, and is outside the scope of the LPP45.

At the request of the applicant the local planning policy has been updated to include the road names for the village centre.

A copy of the updated Local Planning Policy No 45 – The Glades Village Centre is with attachments marked [SD088.4/03/11](#).

Comment:

Policy Elements

Policy elements work toward achieving a vision of a vibrant mixed use place featuring levels of economic activity and opportunity underpinned by a solid residential base, all housed within a robust architectural form, which makes reference to Byford's rural built form heritage in a contemporary manner.

No major issues with the policy elements were raised through advertising, therefore no modifications are required and LPP45 is appropriate in its advertised form for adoption.

Options

There are three options are available to Council in considering draft LPP45:

1. to adopt LPP45, without modification;
2. to adopt LPP45, with modification/s;
3. to not proceed with LPP45.

LPP45 will be a useful tool for the Shire to achieve a high amenity, activated mixed use centre in the Glades village. It is recommended that Council adopt the policy for advertising, consistent with option 1.

Voting Requirements: Simple Majority

SD088/03/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Randall
That Council:

- (A) Note the submissions received during the advertising of draft Local Planning Policy No. 45.
- (B) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No 45 – The Glades Village Centre as provided in attachment [SD088.4/03/11](#).
- (C) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- (D) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- (E) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

CARRIED 10/0

Cr Lowry declared at interest in item SD089/03/11 and left the room at 8.45pm

SD089/03/11 FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 47 – MUNDIJONG-WHITBY INTERIM DEVELOPMENT (A1792)		
Author:	Heleen Muller – Senior Strategic Planner	In Brief Final adoption of revised Local Planning Policy No. 47 – Mundijong-Whitby Interim Development.
Senior Officer:	Chris Portlock – Acting Director Strategic Community Planning	
Date of Report	14 February 2010	
Previously	OCM028/09/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council at the Ordinary Council Meeting held 28 September 2010 gave consent to advertise draft Local Planning Policy No. 47 – Mundijong-Whitby Interim Development (the Policy).

The Policy was advertised for 43 days in accordance with the provisions of Part IX of the Shire of Serpentine Jarrahdale’s Town Planning Scheme No. 2 (TPS 2) from 1 November

2010 to 13 December 2010. Fifteen (15) submissions were received and this report discusses the implications of these submissions and in light of the feedback received, proposes some modifications to the Policy.

Sustainability Statement

Effect on Environment: Mundijong-Whitby has been earmarked for urban development through the Metropolitan Region Scheme urban zoning, the Mundijong-Whitby District Structure Plan (MWDSP) and Local Planning Policy 29 – Mundijong-Whitby Planning Framework (LPP29). LPP47 will be used as a guide to assess development applications received for the MWDSP area until such time as a Local Structure Plan has been received for the relevant precinct. LPP47 will not have a direct impact on the environment, however the development applications approved through LPP47 may have an impact on the environment. Such impacts would be identified and minimised as part of the planning approval process.

Resource Implications: Development applications will provide additional funding to the Council, but will also require more officer hours to assess the applications received. These development applications will still be received with or without LPP47 in place.

Economic Viability: The financial risk associated with not having LPP47 in place should be carefully considered. Without LPP47 no development in the majority of precincts may occur until such time as a LSP is developed, which may be 10 – 20 years away. This will implicate the existing Mundijong town centre and limit growth in the area.

Economic Benefits: LPP47 will guide the interim development in MWDSP area until such time as a LSP has been developed for the relevant precinct. Various precincts in the MWDSP area have fragmented ownership and development of a LSP for these precincts may only be in the long term. Through LPP47, landowners in the aforementioned precincts have the option to develop their land as per the provisions of LPP47.

Social – Quality of Life: The provision of infrastructure and the potential to develop land in the interim have a significant impact on the quality of life for both existing and future residents.

Social and Environmental Responsibility: It is important that the policy is easily understandable by all stakeholders in terms of what development would be considered in terms of LPP47. Development applications need to be carefully assessed to ensure that social and environmental impacts are minimised and that benefits are maximised.

Social Diversity: A timely and coordinated approach to the delivery of infrastructure and assessment of development applications can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005
Local Government Act 1995
TPS 2
Draft MWDSP
LPP 29 – Mundijong-Whitby Planning Framework

Policy/Work Procedure Implications:

All development applications in the MWDSP area will be assessed against LPP47, LPP29 and the MWDSP.

Financial Implications:

LPP47 does not have a significant financial implication on Council, as applicants will be responsible for funding, however, indirectly there may be an additional human

resource implication due to more development applications lodged by the public.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
BUILT ENVIRONMENT	Land Use Planning	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		Society, community & environmental responsibility	The elected members provide bold and visible leadership.
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
			The Shire is focussed on building relationships of respect with stakeholders.
	Strategy & Planning	Strategic Direction	Prepare effectively for future development.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		The Planning Process	Develop comprehensive governance policies and strategies.
			Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
			Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.
	Success & Sustainability	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge & Information	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

TPS 2 provides the following process for consultation in the adoption of a local planning policy:

A LPP shall become operative only after the following procedures have been completed:

- a) *The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*

- b) *The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- c) *Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- d) *Where, in the opinion of the Council, the provisions of any Policy affects the interests of the WA Planning Commission, a copy of the policy shall be forwarded to the Commission*
- e) *The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*
- f) *Any amendment or addition to a Policy shall follow the procedures set out in a) to d) above.*

Draft LPP47 was advertised for 43 days, by way of advertisement in local newspapers, publication on the Shire website, and letters sent to all landholders within the policy area.

Comment

Final adoption of the MWDSP will create the opportunity for land owners/developers to develop LSP's for the various precincts in MWDSP Area. LPP47 is necessary to guide the interim development in MWDSP Area until such time when a LSP has been developed for the relevant precinct.

Fifteen (15) submissions were received, 7 of which supporting the policy and also various requirements for further clarification with regard to specific provisions. Officers have sought to resolve these issues by way of modifications to the advertised Policy.

A schedule of submissions is with the attachments marked [SD089.1/03/11](#).

The submissions were evaluated and categorised into the following:

- a) Submissions requesting further clarification.
- b) Submissions requesting modification to this policy.
- c) Submissions supporting the proposed policy.
- d) Submissions (from Agencies) noting the policy with no further comment.

Four submissions provided suggestions that should be considered seriously as they impact on the policy provisions. These are submissions 1, 2, 4 and 7.

Proposed Amendments

The following changes to the draft LPP are proposed:

Submissions no. 1 (concern 1.2); Submission 2 (concern 2.2); Submission 4 (concern 4.2); and Submission 7 (concern 7.2): (Relevant Clause 5.1.2. viii – “Contribute to a 10% POS requirement (monetary contribution)”) ”

Requested that the 10% POS contributions should be reassessed in order to ensure applicants are not liable for two POS contributions during excising the residential house and then further subdivision at a next stage.

Officer Recommendation 1: Amend LPP47 to read: “Once an existing residence has been excised from a lot, a notation should be placed on the title requiring a 10% POS contribution when the land is further subdivided and subsequently used for the creation of 5 or more residential lots.”

Submission no 7 (concern 7.5): The submitter requested that a new provision should be inserted in the policy that clearly stipulates that a new single dwelling can be constructed on

any new lot (that otherwise does not already have a dwelling consistent with the objectives of the policy).

Officer Recommendation 2: Amend LPP47 by adding the following to Table 1: “All development, including the erection of a single dwelling house, within the policy area requires planning approval prior to the commencement of works. This is a specific requirement of this policy and shall be read in conjunction with Clause 5.1.2 of TPS 2, which allows for a policy to specify whether planning approval is required.

This requirement has been established to facilitate the assessment of proposals and determine whether such development would have an adverse effect on the preparation of a future structure plan and the achievement of orderly and proper planning, consistent with the requirements of 5.18.7.2 of Town Planning Scheme No.2”

A copy of the updated Local Planning Policy No. 47 is with attachments marked [SD089.2/03/11](#).

Conclusion

LPP 47 – Mundijong-Whitby Interim Development should be amended to incorporate the changes as recommended above.

SUPPLEMENTARY INFORMATION

Upon further technical review of the draft policy, an opportunity to further refine the policy has been identified. Clause 5.2.1 states the following:

'5.2.1 – All development applications within the Urban Development zone in Mundijong-Whitby require Council approval'.

In the context of our current policy and delegation suite, this provision would suggest that all development applications would need to be presented to full Council for consideration and determination. This would have significant workload and customer service implications for many stakeholders, and was not specifically intended in the drafting of the policy.

Only those proposals that have merit and fall outside of the guidance provided by Council's policy suite should be presented to Council for determination; all other applications should be able to be determined under delegated authority. Accordingly, it is recommended that Clause 5.2.1 be deleted from the policy as part of its finalisation.

As with all policies, it is important that documents are reviewed on a regular basis and continually refined in the light of practical implementation.

A copy of the updated Local Planning Policy No. 47 is with attachments marked [SD089.3/03/11](#).

Voting Requirements: Simple Majority

SD089/03/11 Committee/Officer Recommended Resolution:

That Council:

- A) **Note the submissions received during the advertising of draft Local Planning Policy No. 47.**

- B) Pursuant to Clause 9.3 (b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 47 – Mundijong Whitby Interim Development with modifications as provided in *Attachment SD089.2/03/11*.**
- C) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the scheme area in accordance with Clause 9.3 (c) of TPS 2.**
- D) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with clause 9.3 (d) of TPS 2.**
- E) Provide copies of the Policy for public inspection during normal office hours in accordance with clause 9.3 (e) of TPS 2.**

CARRIED 4/0

Cr Lowry was not present and did not vote.

SUPPLEMENTARY INFORMATION

Upon further technical review of the draft policy, an opportunity to further refine the policy has been identified. Clause 5.2.1 states the following:

'5.2.1 – All development applications within the Urban Development zone in Mundijong-Whitby require Council approval'.

In the context of our current policy and delegation suite, this provision would suggest that all development applications would need to be presented to full Council for consideration and determination. This would have significant workload and customer service implications for many stakeholders, and was not specifically intended in the drafting of the policy.

Only those proposals that have merit and fall outside of the guidance provided by Council's policy suite should be presented to Council for determination; all other applications should be able to be determined under delegated authority. Accordingly, it is recommended that Clause 5.2.1 be deleted from the policy as part of its finalisation.

As with all policies, it is important that documents are reviewed on a regular basis and continually refined in the light of practical implementation.

A copy of the updated Local Planning Policy No. 47 is with attachments marked [SD089.3/03/11](#).

SD089/03/11 COUNCIL DECISION/Revised Officer Recommended Resolution:

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

- A) Note the submissions received during the advertising of draft Local Planning Policy No. 47.**
- B) Pursuant to Clause 9.3 (b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 47 – Mundijong Whitby Interim Development with modifications as provided in *Attachment SD089.3/03/11*.**
- C) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the scheme area in accordance with Clause 9.3 (c) of TPS 2.**

- D) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with clause 9.3 (d) of TPS 2.
- E) Provide copies of the Policy for public inspection during normal office hours in accordance with clause 9.3 (e) of TPS 2.

CARRIED 9/0

Cr Lowry was not present and did not vote.

Council Note: The Committee Recommended Resolution was modified to reflect the updated Local Planning Policy No. 47 provided in Attachment SD089.3/03/11.

Cr Lowry returned to the room at 8.48pm.

SD090/03/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	
Proponent:	N/A
Owner:	N/A
Author:	Various
Senior Officer:	Chris Portlock – Acting Director Strategic Community Planning
Date of Report	14 February 2011
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief
To receive the Information Report to 14 February 2011.

STRATEGIC PLANNING ACTIVITY REPORT

A copy of the Strategic Planning Activity Report to 17 February 2011 is with attachments marked [SD090.1/03/11](#).

ENVIRONMENTAL MANAGEMENT AND SUSTAINABILITY ACTIVITY REPORT

A copy of the Environmental Management and Sustainability Report for February 2011 is with attachments marked [SD090.2/03/11](#).

COMMUNITY DEVELOPMENT ACTIVITY REPORT

A copy of the Community Development Activity Report for February 2011 is with attachments marked [SD090.3/01/11](#).

Voting Requirements: Simple Majority

SD090/03/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Lowry
That Council accept the Strategic Community Planning Information Report.
CARRIED 10/0

SD091/03/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report to 14 February 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

BUILDING

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

DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of January 2011 were numbers 10/201, 10/577, 10/619, 10/635, 10/763, 10/774, 10/777, 10/808, 10/813, 10/842, 10/850, 10/890, 10/899, 10/904, 10/906, 10/913, 10/923, 10/935 – 10/937, 10/943, 10/947, 10/951, 10/952, 10/955, 10/961 – 10/963, 10/967, 10/969 – 10/976, 10/978 – 10/985, 10/987 – 10/989, 10/991, 10/992, 10/997 – 10/1000, 10/1003 – 10/1005, 10/1008, 10/1009, 10/1013, 10/1015, 10/1017, 10/1022 – 10/1024, 10/1089, 10/1112 (67 approvals).

Month of January	2010/2011	2009/2010
Value of permits issued	\$6,831,191	\$6,889,763
Cumulative total for period	\$74,398,742	\$59,120,732
Number of permits issued	67	72
Number of dwellings approved	32	30
Number of applications received	58	70
Number of fast track applications	N/A	11

On 7 February 2011, 57 applications were pending

HEALTH

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

HEALTH

DS21 – Effluent Disposal Applications

L25 Dairy Link, Mardella
L23 Tiara Court, Darling Downs
L51 Shanley Road, Mardella
L16 Echoveld Close, Mardella
L11 Nettleton Road, Karrakup

DS21 – Permit to Use Apparatus

L77 Fremnells Vale, Cardup
L51 Shanley Road, Mardella
L61 Soldiers Road, Byford
L91 Lefroy Street, Serpentine
L221 Aquanita Rise, Darling Downs
L55 Fremnells Vale, Cardup
L61 Watkins Road, Mundijong

RANGERS & DEVELOPMENT COMPLIANCE

Prosecutions – February 2011 (to 14th February)

Prosecutions CG04	Cause	Delegation
A173308	Dog Attack.	Senior Ranger
A254600	Unauthorised Land use.	CEO

Enforcement – February 2011 (to 14th February)

Notices issued CG05	14 x Dog, 3 x Sign, 3 x Livestock, 1 x Off road vehicle, 7 x Compliance, 4 x Parking	
Fines and Infringements issued CG05	3 x Litter, 4 x Dog, 1 x Livestock, 1 x Parking & 3 x Development Compliance	\$27,660
Other (LG Act activities) CG02	Registration and impound fees (dog, livestock and off road vehicle). Recovery of costs.	\$5,654
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Local Government Act Development Compliance	22 3 19 17 17 (in process) 13 (action pending) 26 (completed / resolved) 2 (Form 2 Audit process)
Matters resolved in consultation or mediation	Dog Act Local Government Act Development Compliance DA Form 2 Compliance Audit Other	5 9 15 2 (compliant) 39

PLANNING

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

SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is contained in the attachments marked [SD091.1/03/11](#).

LOCAL PLANNING POLICY DEVELOPMENT

A copy of the Local Planning Policy Table is contained in the attachments marked [SD091.2/03/11](#).

LOCAL STRUCTURE PLANS

A copy of the Local Structure Plan table is contained in the attachments marked [SD091.3/03/11](#).

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

Date Issued	Authority Ref.	Property & Development	Decision
13/01/11	DS-08	L23 Karnup Road, Serpentine – Pizza Oven	Approved
17/01/11	DS-15	L207 Learmouth Turn, Byford - Garage	Approved
17/01/11	DS-06	L35 Karbro Drive, Cardup – Shed (with reduced setbacks)	Approved
17/01/11	DS-08	L263 Diamantina Boulevard, Byford - Patio	Approved
17/01/11	DS-08	L216 Bangap Place, Oakford - Garage	Approved
17/01/11	DS-08	L152 Coral Vine Loop, Jarrahdale – Single Dwelling and Swimming Pool	Approved
17/01/11	DS-08	L267 Jandu Way, Byford - Patio	Approved
18/01/11	DS-08	L502 Stevenson Place, Byford – Mezzanine Floor	Approved
18/01/11	DS-08	L34 Kunzea Rise, Jarrahdale – Single Dwelling	Approved
19/01/11	DS-08	L304 Cowara Way, Byford – Single Dwelling	Approved
19/01/11	DS-08	L307 Cowara Way, Byford – Single Dwelling	Approved
21/01/11	DS-01	L5 Warrington Road, Byford - Subdivision	Deferred
21/01/11	DS-01	L9006 Abernethy Road, Byford – Subdivision	Deferred
24/01/11	DS-08	L206 Henry George Close, Byford – Retaining Wall	Approved
25/01/11	DS-08	L2 Jarrahdale Road, Jarrahdale – Rural Workers Dwelling	Refused
27/01/11	DS-08	L303 Cowara Way, Byford- Single Dwelling	Approved
17/01/11	DS-08	#32 (L214) Waterside Pass, Byford - Patio	Approved
17/01/11	DS-06	L45 Jersey Road, Oakford – Shed	Approved
24/01/11	DS-09	L29 Anstey Street, Mundijong – Patio x 2	Approved
25/01/11	DS-08	L274 Quiberon Link, Byford- Single Dwelling	Approved
31/01/11	DS-01	L309 Forest Avenue, Jarrahdale – Amended Plan of Subdivision	Refused
31/01/11	DS-05	L575 Hoffman Way, Byford – Patio	Approved
31/01/11	DS-08	L54 King Road, Oakford - Shed	Refused
31/01/11	DS-08	L10 South Western Highway, Keysbrook – Equipment Storage Facility	Refused
01/02/11	DS-08	L231 Bren Close, Byford – Swimming Pool	Approved
01/02/11	DS-08	L305 Cowara Way, Byford – Single Dwelling	Approved
02/02/11	DS-08	L160 Quiberon Link, Byford – Single Dwelling	Approved
03/02/11	DS-08	L587 Harwood Pass, Darling Downs – Patio	Approved
08/02/11	DS-08	L22 Baigup Loop, Cardup – Shed	Approved
09/02/11	DS-08	L165 Evening Peal Court, Darling Downs	Approved
09/02/11	DS-06	L806 Dalray Court, Darling Downs – Shed / Ancillary Accommodation	Refused
10/02/11	DS-08	L336 Nettleton Road, Karrakup – Swimming Pool	Approved

APPLICATION TYPE	AUTHORITY	NUMBER
Development Applications Received	N/A	43
Development Applications Approved	Delegated Authority	24
	Committee/Council	2
	Total	26

Development Applications Refused	Delegated Authority	4
	Committee/Council	0
	Total	0
Subdivision Referrals Received	N/A	6
Subdivision Approval Recommendation to WAPC	Delegated Authority	0
Subdivision Refusal Recommendation to WAPC	Delegated Authority	1
Subdivision Deferral Recommendation to WAPC	Delegated Authority	2
Subdivision Condition Clearances issued	Delegated Authority	5

On 17 February 2011, 101 applications were pending.

SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
S143077	L9025 Thomas Road, Byford	22	21 Residential / 1 Local Centre	Deferral	Deferral
S141611	L38 Hopkinson Road, Cardup	4	Rural Living A	Refusal	Approval
S143089	L9013 South Western Highway/Clondyke Road, Byford	51	Residential	Approval	Approval
S143073	L1 Thomas Road, Darling Downs	9	Rural Living A	Approval	Approval
S143090	L9013 South Western Highway/Clondyke Road, Byford	153	Residential	Refusal	Refusal
S143260	L8 Arnold Road, Serpentine	2	Vacant / Drainage	Refusal	Approval

DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

Nil

SUBDIVISION CLEARANCES ISSUED

WAPC Ref	Property	Type	Council Recommendation	WAPC Decision
S139095	L9004 Sundew Lane (Formerly Coral Vine Loop), Jarrahdale – Clearance of Conditions	30 Special Residential	Approval	Approval
S138699	L18 Tuart Road, Oakford – Clearance of Conditions	2 x Rural	Refusal	Approval
S136679	L132 Doley Road, Byford – Clearance of Conditions	Residential / Village Centre / Mixed Use	Refusal	Approval
S140718	L5, 6 & 7 Warrington	Residential / Village	Deferral	Approval

	Road, L22 Doley Road and L1, 52 & 9005 Abernethy Road, Byford – Clearance of Conditions	Centre		
S141341	L9004 Abernethy / Warrington Road, Byford – Clearance of Conditions	Residential	Deferral	Approval

DECISIONS OF THE STATE ADMINISTRATIVE TRIBUNAL

Nil

Voting Requirements: Simple Majority**SD091/03/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Harris
That Council accept the Information Report.
CARRIED 10/0

COUNCIL DECISION

Moved Cr Harris, seconded Cr Butfield that the meeting be closed to members of the public at 8.49pm to allow Council to discuss confidential item CGAM046/03/11 as per the Local Government Act section 5.23(2)b.
CARRIED 10/0

CGAM046/03/11		CONFIDENTIAL ITEM – REQUEST TO WRITE OFF INTEREST – (P06338)	
Proponent:		In Brief Applicant is requesting a write off of interest on rates and not to charge interest until further notice. It is recommended that Council do not write off interest on rates.	
Owner:			
Author:	Casey Mihovilovich, Executive Manager Finance Services		
Senior Officer:	Alan Hart, Director Corporate Services		
Date of Report	7 February 2011		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

CGAM046/03/11 COUNCIL DECISION/Committee Recommendation/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Hoyer
That Council
1. Does not write off interest charges for assessment number A398628 for the financial years 2009/10 and 2010/11.

2. Continues to charge interest on outstanding rates in accordance with the Local Government Act 1995.

CARRIED 9/1

COUNCIL DECISION

Moved Cr Brown, seconded Cr Petersen

The meeting was re-opened to the public at 8.51pm

CARRIED 10/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM040/03/11		DRAINAGE ASSET MANAGEMENT PLAN (A1732)
Proponent:	N/A	In Brief This report is presented to Council to endorse the Drainage Asset Management Plan 2011 - 2031
Owner:	Shire of Serpentine Jarrahdale	
Author:	Marius Vermeulen, Special Projects and Asset Management Officer	
Senior Officer:	Richard Gorbunow	
Date of Report	9 March 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Serpentine Jarrahdale Shire has placed strategic importance on the proper management of its infrastructure. This is the first Drainage Asset Management Plan that has been developed, and completes the initial cycle of development of plans for all classes of infrastructure.

The purpose of this Asset Management Plan is to clearly state how the Shire will approach the management, renewal, maintenance, and performance of its drainage assets.

A copy of the Drainage Asset Management Plan is with attachments marked [OCM040.1/03/11](#).

Sustainability Statement

Resource Implications: The drainage asset management plan includes a recommended list of improvements that may require resource allocations in future budgets.

Economic Viability: Good asset management is crucial to providing high quality and cost effective services and is a key component to ensuring best value.

Economic Benefits: The Asset Management Plan outlines activities and requirements which are necessary to ensure that assets are used in the most effective and efficient way to support the delivery of the Plan for the Future.

Social – Quality of Life: The Plan defines recommended service levels and proactive and reactive maintenance routines to maintain the drainage assets in a functional condition. It also defines hierarchies and intervention levels which determine at what condition a drainage component will be listed for renewal, ensuring that optimization between the timing of financial injection and the deterioration rate is achieved.

Social and Environmental Responsibility: The Drainage Asset Management Plan outlines a commitment to the management of drainage infrastructure in an environmentally friendly manner with due consideration to the environmental impact of new and current facilities.

Statutory Environment: Asset Management is a core function of managing the District's infrastructure assets which meets the objectives of the Local Government Act 1995, Section 2.7.

Policy/Work Procedure Implications:

There is no work procedures/policy implications directly related to this plan. The Plan supports Council's Asset Management Policy through the development of Asset Management Plans that are prepared in accordance with the recommended format of the Institute of Public Works Engineering Australia's (IPWEA) International Infrastructure Manual.

The main risks associated with the adoption of this plan are:

- Due to the linkage of asset management plans with funding, grant income may be in jeopardy if Asset Management Plans for infrastructure are not adopted.
- Not considering financial requirements for input into long term financial plans may result in drainage assets deteriorating to a poor condition. This will lead to heightened community concern where assets become non functional. It will also require an increase in financial allocations required to restore the asset due to the higher rate of deterioration near the end of an asset's life.

Financial Implications:

The Plan outlines the financial requirements to sustain drainage infrastructure over the next 20 years. Due to the relatively long life of drainage infrastructure, the age of the current network, no renewal funding would be required over the next 20 years. However it is expected that the portion of drainage that still has to be captured is older and might require renewal funding. This information will be available during the next Asset Management Plan.

The Plan further highlights the need to increase the annual funding to maintain the drainage network. This is critical to ensure the network performs at the required level of service and all potential risks are addressed.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
	Infrastructure	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.

Community Consultation:

Not required.

Comment:

The draft asset management plan is a culmination of data and strategies which together define future management, financial and technical practices required for the Shire's drainage network.

The development of this plan has involved significant collection of drainage data, determination of the hierarchy, current replacement value and useful life of each drainage

asset component. This information was used as a basis to determine the financial projections for the next 20 years.

Adoption of the Drainage Asset Management Plan assists in ensuring that assets are used in the most effective and efficient way to support the delivery of the Plan for the Future. It also provides estimates of future financial requirements to ensure they will be incorporated and linked to future strategic documentation. The Plan will be enhanced on an annual basis as data becomes more complete and processes are increasingly measured and recorded.

Voting Requirements: Simple Majority

OCM040/03/11 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Harris
That Council adopts the Drainage Asset Management Plan
CARRIED 10/0**

OCM041/03/11 PLAN FOR THE FUTURE 2011/2012 TO 2014/15 (A1966)	
Proponent:	Serpentine Jarrahdale Shire
Owner:	Not Applicable
Author:	Casey Mihovilovich - Executive Manager Finance
Senior Officer:	Alan Hart - Director Corporate Services
Date of Report	16 March 2011
Previously	Not Applicable
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Council

In Brief
To adopt the Fully Costed Plan for the Future 2011/2012 – 2014/2015.

Background

At the Ordinary Council Meeting held on Thursday 3rd March 2011, Council adopted the draft 2011/2012 to 2014/2015 Fully Costed Plan for the Future. The draft fully costed plan for the future has been made available to the public for comment during the period 1 March to 15 March 2011.

A copy of the Fully Costed Plan for the Future 2010/11 to 2014/15 is with attachments marked [OCM041.1/03/11](#) (E11/1031).

Sustainability Statement

Effect on Environment: All infrastructure items outlined in the plan will aim to enhance the environment (built and natural)

Use of Local, Renewable or Recycled Resources: Where possible, locally available or produced resources will be used.

Economic Viability: All ongoing costs of proposed infrastructure are also identified in the plan. Ensuring buildings are properly maintained and there are adequate funds set aside for maintenance will reduce future costs for council.

Economic Benefits: The plan provides economic benefits to the community through a number of outcomes, such as employment creation, tourism generation and the provision of local resources where otherwise not available.

Social – Quality of Life: The plan improves the quality of life for the community through the following;

Planning/Subdivisions: Public open space with amenities.

Assets: quality of roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, and cycleways.

Finance: In the proposed risk assessment of each infrastructure item if grant funds are not approved, then where identified, projects will be postponed, to avoid residents having to pay for these items. The plan heavily relies on external funding to achieve all infrastructure items in the plan to be achieved.

Social and Environmental Responsibility: The plan is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation. Through the Community Facilities and Services Plan, the community was consulted, and infrastructure identified which was included in this plan.

Council is aware that relationships with other funding bodies are imperative when implementing this plan.

Social Diversity: The plan caters for all sectors of society, for example, disabled access to all facilities, and caters for all groups, which includes, seniors, youth, and families.

Statutory Environment:

Section 5.56 of the *Local Government Act 1995* states:

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Section 19 of the *Local Government Act 1995* states:
19C. Planning for the future.

- (1) In this regulation and regulation 19D — Plan for the Future means a plan made under section 5.56.
 - (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
 - (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
 - (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
 - (5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.
- *Absolute majority required.

(6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

(7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.

(8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

(9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

19D. Notice of plan to be given

(1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).

(2) The local public notice is to contain —

(a) notification that —

(i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected; or

(b) where a plan for the future of the district has been modified —

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

Policy/Work Procedure Implications:

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

Financial Implications:

The Plan for the Future is a projection of the future. There will be future financial implications for Council. The Plan for the Future will be considered when developing the budget for subsequent financial years. The Plan for the Future will be modified in the next twelve months once the Developer Contribution Plan has been considered by the Minister.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT			
	Land Use Planning		
		Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
			Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
			Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
			Encourage built form that positively contributes to streetscape amenity.
			Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
			Enable built form that accommodates a range of business and family circumstances and needs.
			Preserve, enhance and recognise heritage values within the built form.
			Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
			Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
			Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
			Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
			Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
			Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
			Plan and develop community gardens.
			Encourage innovative solutions, technology and design.
	Infrastructure		
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.

Vision Category	Focus Area	Objective Summary	Objective
			Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
			Ensure that bridge and road network planning and development considers community safety and emergency management.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Create low maintenance living streams and ephemeral wetlands.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
			Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
			Incorporate, in selective locations, deciduous “air conditioning”, fruit and ornamental trees in streetscapes and public spaces.
			Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and interest.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire’s vision and innovative concepts.
			Proactively and positively negotiate mutually beneficial outcomes with the development industry.
			Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
			Partner with educational institutions to undertake appropriate and related research.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
			Celebrate awards and achievements with partners to promote our vision.
NATURAL ENVIRONMENT	Landscape		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
		Restore	Establish increased levels of natural vegetation in urban and rural environments.
		Biodiversity	Prevent the further loss of “local natural areas”
	Integrated Water Cycle Management		
		Quantity	Promote and implement water conservation and reuse.
			Identify and implement opportunities for detention and storage of stormwater.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			Enforce the adoption of “better urban water management”.

Vision Category	Focus Area	Objective Summary	Objective
		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
	Energy		
		Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
			Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
	Waste		
		Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		Recover	Improve local government waste management practices to efficiently recover, retreat and reuse all waste.
		Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.
OUR COUNCIL AT WORK			
	Leadership		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			Our structure, processes, systems and policies are based on the “keep it simple” principle.
			We are realistic about our capacity to deliver.
			Elected members and staff have a clear understanding of their roles and responsibilities.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence based, open and transparent.
			The elected members and staff operate from a common understanding of sustainability.
			The Shire will further establish itself as an innovative leader.
	Strategy and Planning		
		Strategic Direction	Prepare effectively for future development.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
	Success and Sustainability		
		Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
			Projects and goals are realistic and resourced.
			The culture, decision making and work systems need to be readily adaptable to change.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
			Address the barriers to doing business in a positive way.
	Knowledge and Information		
		Generating,	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Summary	Objective
		collecting and analysing the right data to inform decision making	
			Understand current and future costs of service delivery.
		A Great Place to Work	Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
			Accommodate a diversity of people and work habits
PEOPLE AND COMMUNITY			
	Wellbeing		
		Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
			Enable the provision of a range of facilities and services for families and children.
			Monitor and respond to the changing needs of our ageing population.
		Happy	Promote respect, responsibility and resilience in our community.
			Improve access and inclusion for all.
			Encourage, support and celebrate volunteerism.
			Understand and respond to the needs of our youth.
			Actively engage youth in local decision making.
			Encourage youth participation in community activities, groups and networks.
		Safe	Achieve a high level of community safety
			Develop and implement crime prevention strategies.
	Relationships		
		Encourage	Foster positive working relationships with and between volunteers.
			Encourage intergenerational interactions and activities.
			Create opportunities to identify and address social isolation.
			Identify opportunities for people to work together for their mutual benefit.
		Empower	Grow and sustain our strong community spirit.
			Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
			Empower people to represent their community of interest.
			Achieve a sense of belonging through active networks and community groups.
			Build strong relationships that are resilient to the pressures and challenges of growth and "breaking new ground".
			Foster ownership and commitment within partnerships in order to achieve shared visions.
			Enable inclusive, accessible and appropriate communications.
		Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
			Actively engage, and value the contribution of all stakeholders in better decision making.
			Engage existing and new residents in sharing neighbourly and community values.
	Places		
		Vibrant	Create vibrant urban and rural villages.
			Develop well connected neighbourhood hubs and activity centres.
			Build the community's capacity to create vibrant places through activities and events.
			Ensure community spaces and places are accessible and inviting.

Vision Category	Focus Area	Objective Summary	Objective
			Plan and facilitate the provision of a range of facilities and services that meet community needs
			Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
			Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
			Plan and develop safe communities and places.
		Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
			Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
			Enable and develop sustainable, multipurpose facilities where duplication is minimised.
			Encourage the use of the arts to express our cultural identity.
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
			Acknowledge and accommodate diversity and multicultural interests in our places.

Community Consultation:

Required: Yes

The draft Fully Costed Plan for the Future was advertised from the 1st March to 15th March 2011. A public notice was placed in the Examiner and Comment News, a news alert on the Shires website, and an email was sent to all community groups on the Shires distribution list notifying interested groups of the submission period. No public comments were received during advertising.

The Forward Capital Works Plan was developed from previous community engagement from the Community Facilities and Services Plan.

If the Shire receives any comments in the future, they will be considered when the review of the Plan for the Future takes place in the next twelve months.

Comment:

Shire officers have recommended that the Plan for the Future be in line with the Forward Capital Works Plan which concludes after the 2014/2015 financial year.

There are some major developments that will influence the Plan for the Future which have not been finalised. One significant document that will not be finalised until the end of 2011 is the Byford Developer Contribution Plan. Once this document is approved by the Minister a review of the Plan for the Future will be completed, incorporating any comments from the public which were received after the advertising closing date.

It must be noted that the Plan for the Future is not a budget, but a part projection and part predictive indicator of the future.

There have been no changes from the draft Fully Costed Plan for the Future that was adopted at February's Ordinary Council Meeting. Below is a summarised table of the Plan for the Future;

PLAN FOR THE FUTURE SUMMARY	2011/2012	2012/2013	2013/2014	2014/2015
Operating Income	18,475,571	20,298,040	22,175,115	24,224,366
Operating Expenditure	(17,452,732)	(18,145,743)	(18,941,046)	(20,168,494)
Operating Expenditure from Growth/Development	(366,637)	(628,721)	(1,274,040)	(1,441,679)
Net Operating Result	656,202	1,523,576	1,960,029	2,614,193
Capital Income	4,019,707	7,964,000	4,046,667	10,121,667
Capital Expenditure	(7,400,113)	(11,301,031)	(7,476,466)	(13,149,220)
Proceeds from Sale of Light Fleet	890,000	705,000	928,500	739,500
Net Transfer Reserves	(360,905)	(548,770)	(862,693)	(1,438,911)
Net Transfer Restricted	740,000	0	0	0
Proposed New Loans	2,748,465	2,782,315	2,814,193	2,667,118
Principal Loan Repayments	(1,093,356)	(1,325,090)	(1,410,230)	(1,554,347)
Carried Forward Surplus	0	200,000	0	0
Estimated Surplus / (Deficit)	200,000	0	0	0

For the purposes of The Plan;

1. All non cash items (i.e. depreciation and profit/loss on sale of assets) have been excluded.
2. Operating income and expenses are based on the 2010/2011 budget, with escalation factors for future years.
3. This is not a budget. In preparation of the annual budget the contents of The Plan will be considered.
4. All components of The Plan are explained in the Fully Costed Plan for the Future document.

Voting Requirements:

ABSOLUTE MAJORITY

OCM041/03/11 COUNCIL DECISION/Officer Recommended Resolution:

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

1. **Adopts the Fully Costed Plan for the Future 2011/12 to 2014/15 as per attachment marked OCM041.1/03/11 (E11/1031).**
2. **Advertise in local public notice and the Shire's website that the Fully Costed Plan for the Future 2011/12 to 2014/15 is available for inspection.**

CARRIED 10/0

OCM042/03/11		BUDGET REVIEW (A1955)
Proponent:	Shire of Serpentine Jarrahdale	In Brief To consider the budget review and approve recommended changes to the adopted 2010/2011 budget.
Owner:	Not Applicable	
Author:	Financial Accountant	
Senior Officer:	Director Corporate Services	
Date of Report	15 March 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The budget review is a statutory review that is undertaken in accordance with the Local Government Act (1995).

The purpose of this review is to identify significant variations and to recommend amendments to the annual budget.

Changes to the annual budget are required during the year as project scopes, and other circumstances arise. Amendments to the annual budget will ensure that tight fiscal control is maintained on Council's finances.

The format of the report is to be set out providing the following information:

- Forecast of operating income and expenditure for the financial year ended 30 June 2011 and their effect on the end of year result.
- Review of capital expenditure and projects (including comments for variations from original budget).

A copy of the budget review report is with attachments marked [OCM042.1/03/11 \(E11/1095\)](#)

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

Statutory Environment:

Section 33A of the Local Government (*Financial Management*) Regulations 1996 states Review of budget;
(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) the review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) Consider the local government's financial position as at the date of the review; and

(c) Review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Policy/Work Procedure

Implications:

There is no work procedure/policy implications directly related to this application/issue.

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

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

Community Consultation:

Required: No

Comment:

All Managers and Directors have undertaken the review, and the effect on service delivery by the proposed amendments has been taken into account. Full details are provided in the budget review report. When undertaking the budget review, actual and committed expenditure was taken into account.

The following information is a summary of the overall performance of the Shire;

Operating Income

	2010/2011 Budget (\$)	2010/2011 Proposed Budget (\$)	Variance (%)
Total Operating Income	17,232,177	17,821,278	3%

An increased number of building applications has resulted in interim rates being higher than budgeted for. The Statutory Planning department has also received a grant for the Housing Affordability Program that was not expected at budget time, the corresponding expenditure with this grant has also been included in the proposed budget.

Operating Expenditure

	2010/2011 Budget (\$)	2010/2011 Proposed Budget (\$)	Variance (%)
Total Operating Expenditure	19,541,360	20,493,614	5%

In October 2010 Council resolved to allocate \$682,000 towards various business cases, these reallocations have been included in this review and have increased operating expenditure in various business units and a corresponding decrease is reflected within the annual budget of the Chief Executive Office. In addition a number of projects were not completed in the 2009/2010 financial year resulting in a higher than expected surplus. This surplus was carried forward into the 2010/2011 financial year and was allocated to projects in accordance with Council Resolution OCM018/10/10. The additional expenditure is reflected in the budget review.

It is proposed that additional funding (\$28,000) for legal fees be allocated to the operating budget of Planning Services to manage the Keysbrook Mineral Sands case.

Capital Income

	2010/2011 Budget (\$)	2010/2011 Proposed Budget (\$)	Variance (%)
Total Capital Income	3,416,350	4,524,214	32%

The increase in capital income is largely due to receiving the first 40% of the 2011/2012 funding for the Black Spot and Regional Road Group programs. These road projects will not be completed prior to the end of the 2011 financial year. These funds will be carried forward into 2011/2012 in order for these projects to be completed.

There has been developer contributions from the Byford Developer Contribution Plan which have been included in the budget review. There were no funds allocated in the annual budget due to the uncertainty of the timing or amount of this capital revenue. Based on actual contributions the proposed developer contributions have increased to just over \$461,874.

This type of capital revenue has been received for specific purposes and it is transferred to restricted cash until that expenditure is made. The developer contributions have increased the amount transferred to restricted cash.

Capital Expenditure

	2010/11 Budget (\$)	2010/11 Proposed Budget (\$)	Variance (%)
Total Capital Expenditure	3,990,952	5,193,283	30%

Capital Expenditure has increased by \$1,181,741 in 2010/2011. A substantial part of this increase (\$584,812) is due to an increased Road Construction program, which Council has received Black Spot and Regional Road Group funding. The Shire has received the first 40% of the 2011/2012 funding in 2010/2011 to enable the preliminary works to occur. Any unspent funds will be transferred to the 2011/2012 financial year.

Two other road projects were increased by a total \$195,000. These funds have been transferred from the road reseals budget.

A summary outlining changes in capital additions and capital projects delayed/deleted are with attachments marked OCM042.2/03/11 (E11/1096)

Transfers

To Restricted Cash: An additional amount of \$762,309 has been transferred to restricted cash, which has been a result of the Byford Developer Contributions received to date.

From Restricted Cash: The amount transferred from restricted cash varies from the original budget due to funds that were in restricted cash in the 2009/2010 financial year being used in 2010/2011. The projects were funded through grants and loans, this external monies was transferred into restricted cash at the end of the financial year in order to be able to be offset against the expenditure used to complete the projects in the 2010/2011 year. This has therefore ensured that no Municipal funds have been affected.

To Reserves: The increase from the original budget is due to Mundijong locality funding reserve being refunded from other locality funding reserves for the construction of the car park and surrounds of the Serpentine Jarrahdale Community Resource Centre. This is as per Council resolution OCM028/12/10.

From Reserves: The amount transferred to Jarrahdale Heritage Park reserve is less than the original budget amount due to the cottages selling for a lesser amount than originally estimated. The Locality Funding reserves have had funds transferred out from successful community groups being approved funding for projects, and all of these have been approved by Council in previous months.

Following the detailed review that each business unit manager conducted, it is recommended that Council adopt the changes recommended.

Voting Requirements: Absolute Majority

OCM042/03/11 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Ellis, seconded Cr Petersen
That Council;**

- 1. Receive the budget review for 2010/2011 and adopts the following budget adjustments to the 2010/2011 statutory budget as marked in the attachment *OCM042.1/03/11***
- 2. Receive the changes to Capital/Infrastructure Expenditure as marked in the attachment *OCM042.2/03/11*.**

CARRIED 10/0

OCM043/03/11 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2010 (A1212)		
Proponent:	Department of Local Government	In Brief To adopt the information to be provided in the 2010 Annual Compliance return to be forwarded to the Department of Local Government.
Officer:	Alan Hart – Director Corporate Services	
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	18 March 2011	
Previously	CGAM054/03/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

Each year the Department of Local Government forward an Annual Compliance Return to local governments for completion. The aim of the Compliance Audit Return is to highlight any issues of non-compliance by the Council.

A consultant was appointed to assist in its completion, to ensure an independent audit was obtained on all the compliance areas of the return.

Sustainability Statement

Not applicable.

Statutory Environment:

In accordance with Section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be:

1. Presented to the Council at a meeting of the Council,
2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

Policy/Work Procedure

Implications:

There is no work procedure/policy implications directly related to this issue. However, the policies and

procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

Financial Implications: Not applicable

Strategic Implications:

This item relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	Leadership			
		7	Leadership throughout the organisation	Elected members and staff have a clear understanding of their roles and responsibilities.
		9		All decisions by staff and elected members are evidence based, open and transparent.
	Strategy and Planning		Strategic Direction	
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
	Success and Sustainability		Achieving Sustainability	
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.

Community Consultation:

Community consultation not required.

Comment:

The Return focuses on;

- a) Local Laws,
- b) Executive Functions
- c) Tenders for Providing Goods or Services,
- d) Commercial Enterprises by Local Governments,
- e) Meeting Processes,
- f) Delegation of Power/Duty
- g) Disclosure of Interest
- h) Finance
- i) Elections,
- j) Local Government Employee's,
- k) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property,
- l) Swimming Pools, Cemeteries and caravan parks, camping grounds.

The comprehensive report from the engaged consultant is with attachments marked [OCM043.1/03/11 \(IN11/3655\)](#).

The consultant's report makes a comment on the Delegation of Power/Duty to Committees and therefore recommends responses 1 to 5 be answered N/A. It is the officer's view that this statement is incorrect as Council has delegated power to the Corporate Governance and

Asset Management and Sustainable Development Committees, and as such, the answers have included reference to the Council resolution where Council resolved to delegate power to the committees.

As a result of the officers interpretation of the above, under the Meeting Process section of the return, items 22, 27 and 42 have been answered yes, rather than N/A which the consultant recommended.

The completed Compliance Audit Return is with the attachments marked [OCM043.2/03/11](#) (E11/1167).

The Chief Executive Officer and Shire President are required to jointly certify the completed Return, confirming that it has been completed to the best of the Local Government's knowledge, that the Return was considered by Council prior to completion and that each Councillor has had the opportunity to review the Return. Council engaged an independent Consultant to review the return and has completed the investigative work for the majority of the Compliance Audit Return, with Officers completing the Return. There were no significant areas of non compliance found. Any comments regarding areas for improvement are noted in the compliance return and the consultant's report.

Research to complete this Return included reviewing the minutes of all Ordinary meetings for 2010, the tender register, the annual report and annual financial statements, the adoption of the annual budget and related correspondence, the disclosure of interest register, senior employee personnel files and contracts, the delegated authority register and Council's general records.

There were no issues in relation to serious breaches of the Local Government Act and in many cases more was being done than is required reflective of an 'overly cautious' approach.

In order to ensure best practice and full compliance with the Local Government Act, the report will be forwarded to the relevant officers requesting they provide action plans to rectify the areas of non compliance.

Voting Requirements: ABSOLUTE MAJORITY

OCM043/03/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Petersen

That;

- 1. Council adopts the completed Local Government Compliance Audit Return for the period 1 January 2010 to 31 December 2010 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required.**
- 2. Council notes the non-compliance matters and requests that the Chief Executive Officer ensure the areas of non compliance are addressed.**

CARRIED 9/0

Cr Geurds was not present and did not vote

Cr Geurds left the room at 9.09pm and returned at 9.11pm.

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Harris that the meeting be closed to members of the public at 9.11pm to allow Council to discuss confidential item OCM044/03/11 as per the Local Government Act section 5.23(2)d.

CARRIED 10/0

OCM044/03/11	CONFIDENTIAL ITEM - COUNTRY LOCAL GOVERNMENT FUND REGIONAL ALLOCATION – NAMBEELUP WASTE WATER TREATMENT PLANT (A1744)	
Proponent:	Peel Regional Leaders Forum	In Brief Council is requested to support the allocation of the regional component of the Country Local Government Fund under the Royalties for Regions program for 2010/2011 to the construction of a waste water treatment plant in the Nambeelup Industrial area.
Owner:	Not applicable	
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	24 th March 2011	
Previously	OCM020/10/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

COUNCIL DECISION

Moved Cr Harris, seconded Cr Hoyer

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.14pm.

CARRIED 9/1

COUNCIL DECISION

Moved Cr Harris, seconded Cr Buttfield

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 9.43pm.

CARRIED 10/0

OCMO44/03/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Hoyer

That Council -

- 1) allocates \$461,812, being Serpentine Jarrahdale Shire's regional component of the Country Local Government Fund, to the construction of the Nambeelup Waste Water Treatment Plant.
- 2) authorises the Chief Executive Officer, on behalf of the Serpentine Jarrahdale Shire, to sign a joint funding application with the other Peel local governments to be submitted to the Department of Regional Development and Lands;
- 3) advises the Peel Development Commission that it wishes to undertake further due diligence and more detailed business planning, await the finalisation of private sector negotiations and the incorporation of the Peel Regional Leaders Forum Inc before making a decision regarding its involvement in the ownership and operation of the wastewater plant;
- 4) requests the Chief Executive Officer make every endeavour to ensure that the funding agreement is drafted with the express acknowledgement that local

governments reserve the right not to progress past Milestone 2 if detailed business planning indicates the investment is not in their interest, or is significantly altered by private sector or government decisions or an appropriate regional enterprise body cannot be formed.

- 5) endorse the decision of the Peel Regional Leadership Forum to submit the Nambeelup Wastewater Treatment Plant as the selected project for 2010/2011 for the Country Local Government Fund.**

CARRIED 10/0

COUNCIL DECISION

Moved Cr Buttfeld, seconded Cr Brown

The meeting was re-opened to the public at 9.44 pm

CARRIED 10/0

OCM045/03/11		REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ASHLEY ELLIS (A0024)
Proponent	Councillor Ashley Ellis	In Brief Councillor Ashley Ellis has requested a Leave of Absence from 20 June 2011 to 16 July 2011 inclusive.
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Not applicable	
Date of Report	23 March 11	
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 1995	
Delegation	Council	

OCM045/03/11 COUNCIL DECISION/Officer Recommendation:

Moved Cr Hoyer, seconded Cr Geurds

Council approves Leave of Absence for Councillor Ashley Ellis from 20 June 2011 to 16 July 2011 inclusive.

CARRIED 10/0

10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM046/03/11		INFORMATION REPORT	
Proponent	Not applicable	In Brief Information Report.	
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	25 March 2011		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

OCM046.1/03/11 COMMON SEAL REGISTER REPORT –FEBRUARY 2011

The Common Seal Register Reports for the month of February 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM046.1/03/11](#)**.

OCM046.2/03/11 POLICY FORUM – 1 MARCH 2011

The following items were discussed at the 1st March 2011 Policy Forum:

Organisational Culture Survey
Peel Community Development Group (PCDG) Projects with focus on Peel Away the Mask II – “Study of Social Condition of Region” Presenters: Donna Selby (PCDG) & Robyn Mayes (Curtin Uni)
Business Case Weightings
Presentation from Ray Wann, Aqueonics Australia
Climate Change Strategy
Glades Management Plan
Jarrahdale Skate Park – Design and costing stage (environmental sensitive design)
Living Histories Project- Presented by Robert Ewing (Serpentine Historical Society)
Budget Timeline
SJ Community and Sporting Group Committee Presentation.

OCM046.3/03/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 30 MARCH 2011.(A1164-02)

In the attachments marked [OCM046.3/03/11](#) (IN11/3975) is the agenda of the South East Metropolitan Zone Meeting to be held on 30 March 2011.

OCM046.4/03/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE MINUTES – 10 FEBRUARY 2011. (A1164-02)

In the attachments marked [OCM046.4/03/11](#) (IN11/2020) is the minutes of the Peel Zone Meeting held on 10 February 2011.

OCM046.5/03/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA – 6 APRIL 2011 (A1164-02)

In the electronic attachments marked [OCM046.5/03/11](#) (IN11/3716) is the agenda of the WALGA State Council meeting to be held on 6 April 2011.

OCM046/03/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Buttfield, seconded Cr Ellis
The Information Report to 25 March 2011 is received.
CARRIED 10/0

11. URGENT BUSINESS:

OCM047/03/11	LETTER OF SUPPORT – COMBINED COMMUNITY AND SPORTING FACILITY (A1996)	
Proponent	Serpentine Jarrahdale Community and Sports Inc	In Brief
Officer		A letter of support has been requested by the Serpentine Jarrahdale Community and Sports Inc for a combined community and sports facility.
Signatures - Author:		
Senior Officer:		
Date of Report	28 March 2011	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM047/03/11 COUNCIL DECISION

Moved Cr Buttfield, seconded Cr Ellis
Council acknowledge receipt of the letter to the Council dated 17 March 2011 and its attachment and would invite the opportunity to have further discussion on this matter with Council.
CARRIED 10/0

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

There being no further business, the meeting closed at 10.04pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 27 April 2011.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

CGAM044/03/11 MONTHLY FINANCIAL REPORT – FEBRUARY 2011 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the February 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

CGAM044/03/11 Committee Decision/Officer Recommended Resolution:

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

CGAM045/03/11 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period 25 January 2011 to 18 February 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	18 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM045/03/11 Committee Decision/Officer Recommended Resolution:

Moved Cr Buttfield, seconded Cr Twine
That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 25 January to 18 February, presented as per the summaries set out above include Creditors paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CGAM047/03/11 CORPORATE SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report to 25 February 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM047/03/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Hoyer, seconded Cr Harris
That the Corporate Services Information Report to 25 February 2011 be received.**

CGAM048/03/11 ENGINEERING SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the Information Report to 20 February 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	14 February 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

CGAM048/03/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Buttfield, seconded Cr Hoyer
That the Engineering Services Information Report to 25 February 2011 be received.**

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