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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, 29 NOVEMBER 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

COUNCILLORS: B MoorePresiding Member
M Harris
C Randall
M Ricketts
D Atwell
S Piipponen
B Urban
G Wilson

OFFICERS: Ms J AbbissChief Executive Officer
Mr R Gorbunow Director Engineering
Mr A Hart Director Corporate Services
Mr B Gleeson Director Development Services
Mrs S van AswegenDirector Strategic Community Planning
Ms P KursarMinute Secretary

APOLOGIES: J Kirkpatrick

Members of the Public - 10
Members of the Press - 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Clayton Oud – 301 Lightbody Road, Mardella

I asked at the 27th June 2011 Council meeting if the Shire could seek funding from the Royalties for Regions programme to seal the recently re-sheeted sections of Lightbody Road, to ensure that the \$88 560 dollars that the shire spent on re-sheeting is not yet again wasted.

The answer I received was that Lightbody Road would need to be in the Forward Capital Works Plan to receive Royalties for Regions funding and the Guidelines for 2011/12 funding would not be released by the Department until September.

The guidelines have now been released and in them it states:
Individual local governments should revise their FCWP. The required documentation must be submitted between 30 October and 30 December 2011 to RDL who will assess projects against the CLGF guidelines.

Failure to meet the 30 December 2011 deadline may result in a local government being excluded from 2011/12 funding and their 2011/12 notional allocation being re-distributed to other eligible recipients.

And that:

Local Government will be expected to review their FCWP each year and identify their priorities for the 2011/12 year.

As we now have a predominately new Council I have two questions:

- Q1 As the cut off for reviewing the Forward Capital Works Program is only 2 months away, can we have our new councillors expeditiously review this program to ensure a more equitable distribution of Royalties for Regions Funding throughout all the wards in the shire.
- Q2 As the ongoing re-sheeting program on Lightbody Road is at risk of blowing away in the wind again, can we include the staged sealing of all or part of Lightbody Road in the Forward Capital Works Plan.

The Presiding Member advised that the Director Engineering would have to investigate this request which involves sealing 3.7km of this road and determine if it meets the guidelines. To date, Council has spent money on a staged program.

Mr Oud stated that the road does meet the guidelines and it was last sealed in 2008.

The Chief Executive Officer advised that Lightbody Road would have to make it into the Forward Capital Works plan to qualify. Given the Asset Management Plan for all roads in the Shire has been finalised, Lightbody Road has not been identified as a priority.

Council will work through the Asset Management Plan and present it to the Department as required by the newly released guidelines.

Sharon Gossage - 247 Thatcher Road, Byford

Would the council consider temporarily closing Thatcher Road at Larsen Road to cut the amount of traffic using the complex and its bridal paths as a short cut with no regard to the horses or residents? Traffic has been a major problem in the area for well over 10 years with the population more than tripling in numbers and nothing has been done for the safety of the residents and their livestock which in most cases is their livelihoods. When will the council take action? There has already been a death of a horse and injuries to trainers due to the ignorance of people using this area as short cut. There are only two houses along this stretch of Thatcher Road and there was a petition lodged to the Shire some 5 or 6 years ago from the residents asking to have this road closed.

Q1 When will Council take action on this matter?

A1 *The Local Government Act 1995 section 3.50 gives power to Council for temporary closure of thoroughfares to vehicles should Council wish to proceed with it.*

Section 3.50. States the following;

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (3) *deleted]*
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
 - (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section; or
 - (ii) owns land that is prescribed for the purposes of this section;and
 - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the *Main Roads Act 1930* a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- (7) *deleted]*
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

[Section 3.50 amended by No. 1 of 1998s. 11; No. 64 of 1998 s.15; No. 49 of 2004 s.26.]

The Chief Executive Officer advised that Council has installed traffic calming devices and a warning entry statement on Briggs Road and that closing Thatcher Road would require investigation by our Engineering department.

Ms Gossage advised that people are using the bridle paths as a shortcut due to the traffic calming on Briggs Road. Parents cannot let their children walk to school on this road as it is too dangerous.

Lee Bond – 113 Stockmans Close, Oakford

- Q1 There are three wives of volunteer fire fighters employed at Shire - what are the duties of each of these people?
- A1 There are five wives/partner of volunteer fire fighters who are employees of the Shire and their duties vary from administrative duties to operational duties.
- Q2 Most of the Shire is a fire hazard, when will the remainder of the Shire be given the same priority as Jarrahdale?
- A2 In the context of a fire hazard, the whole of the shire is treated equitably based on risk.
- Q3 Mrs Bond toured Serpentine on the weekend and noticed grass that was two feet high opposite the primary school.
- A3 The outside staff have been advised and an appropriate action will be taken.

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.05pm

Roland John White – 31 Maxwell Street, Serpentine

- Q1 When is the Shire going to bitumenise the car park opposite Serpentine Tavern and plant a row of jacaranda trees to beautify the main street of Serpentine as it is now a disgusting eyesore?
- Q2 There is no street lighting along Tonkin Street from Richardson Street to Lefroy Street. Why? Maxwell Street needs extra street lighting from Wellard Street to Karnup Road because of an open drain and the entrance to the shopping centre.
- Q3 When is the Shire or Main Roads going to put extra lighting at the corner of Karnup Road and South West Highway as there is only a light near the church which doesn't brighten up the intersection. Karnup Road needs street lighting to the Serpentine town from South West Highway on the footpath side. More lighting is needed near the Serpentine River Bridge on South West Highway, also there is no light at the intersection of Summerfield Road & South West Hwy. When is the Shire Chief Fire Control Officer going to inspect the fire hazards around the Serpentine town and outer area verges and road reserves as these areas haven't been burnt in about 20 years. They are a potential fire hazard.
- A3 The Shire President advised that the South West Hwy is the responsibility of the state government and has been raised with our local member. Director Engineering advised that slashing has recently taken place. Director Engineering to liaise directly with Mr White. Mr White advised it has not been slashed in years.
- Q4 Falls Road Serpentine needs a footpath and cycle way from South West Hwy to the Serpentine National Park. This is a very busy road and is dangerous for pedestrians and cyclists.

Q5 How much did it cost the council to change the Shire's logo from the picture of the Serpentine Falls to a tree with a stream around it and what was the point and why was it a priority?

A5 The Shire President advised that the logo was changed 15 years ago, before the current Council or executive staff's time. The Chief Executive Officer added that in June 2001 Council adopted a communications and marketing guide. The rationale for the new logo was for the Shire to present an image of professionalism:

- Clean, fresh, open space
- Modern terms of business and lifestyle
- Environmentally sustainable
- Harmonious
- Elegance

The crest was to be retained to be used for historic projects. Financial records were not available.

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

Kay Spencer – 312 Lightbody Road, Mardella

In August 2010 and February 2011 I asked Council what they were going to do to stop the dust pollution to our homes caused by the through traffic using Lightbody Road. I was told that the Shire would "endeavour to reduce the dust to our homes from within the maintenance budget". Yet again we are in another dry season and the dust is as bad, if not worse.

So I ask the question again.

Q What is the Shire going to do to stop the dust pollution to our homes caused by through traffic using Lightbody Road?

A The Shire President sympathises with residents and shares their concerns, however there are other roads that are a priority. Council will consider this in the 2012 budget deliberations. The Shire President asked the Director Engineering how much was spent on gravel sheeting and the Director Engineering responded that it costs approx \$80,000. The Shire President also asked the cost to bitumenise and was advised that it would cost approx \$100,000 per km.

Sandra Hawkins – 27 Burgess Drive, Byford

Q1 Can the Shire Council confirm that some of the conditions that were placed upon Austral Brickworks Cardup operation recently have been waived? This concerns the stakeholder's consultative group, the Byford Scarp residents Association and Austral and if so what were those conditions?

I refer to the letter from Mr Michael Daymond and the recent approval of an extractive license.

Q2. I refer to the Byford Scarp development when the public areas on the south side of Clondyke Drive are turned over to the Shire for their upkeep.

a) To what level of maintenance can the residents expect?

I asked this question with the fact in mind that the shire is ever increasing its land possession by way of the mandatory percentage given to them by the developers. The landscapers are currently present around the lake area at least once per week if not more.

b) Will the new Shire Councillors consult with our association regarding all matters that pertain to our estate prior to any intended changes taking place?

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

Sheila Twine – 25 Millbrook Close, Jarrahdale

Dr Twine advised that she does not require a written response. I have been approached by several ratepayers and residents regarding their letters to the Shire. It appears that there is still a delay in acknowledging receipt of these letters. It was my understanding that we instituted a system whereby an acknowledgement would be dispatched immediately giving an indication of the officer or department which would be handling the reply. My question is

Q Is this system operational and if not when is it likely to happen?

A Director Corporate Services responded that the system is not in operation as yet. He expects it to be operational in the first half of the 2012 year.

Robin Nussey – 81 Lingdon Lane, Serpentine

Mr Nussey was not present and the Shire President read out the question.

Q As a member of the Rowe Road Rural Planning Precinct Landholder Group, I would like to know what progress there has been in relation to the Shire's Rural Land Strategy and in response to the Landholder Group's April 2011 submission.

A The report for Stage 1, which is the Project Plan for the Rural Land Review, will hopefully be coming before Council at the Ordinary Council Meeting in December. Stage 2 is dependent upon funding.. A draft brief for the appointment of consultants to conduct Stage 2 will be attached to the Ordinary Council Meeting report in December for Council to consider and agree on the scope of works required. Stage 2 is expected to be finalised by June 2012.

Public question time ended at 7.20pm

4. PUBLIC STATEMENT TIME:

John Price – 86B Keirnan Street, Mundijong

I would like to take the opportunity to congratulate Serpentine Jarrahdale Shire for success at an international level for our Plan for the Future, 2nd place in the Socio-Economic category at the LivCom Awards in Korea, for living communities endorsed by the United Nations, speaks volumes for the amount of visionary thinking and planning of the CEO, Directors, Staff and many contributors.

The process of strategy planning began in the 1990's and resulted in a vision that I hope will be embraced and endorsed by all returned and new Councillors.

What a wonderful plan to have to guide the development of communities in SJ for years to come. One of the local scribes published a statement recently that said Council had engaged in "small town thinking". He must have been listening to the wrong people.

Councillors, please ignore those who speak with a voice strangled by self interest and short term gain. The future of the people of SJ will be in good hands if you keep to the plan.

Loretta Oud – 301 Lightbody Road, Mardella

The dust to our home from the through traffic on Lightbody Road is horrendous. Dust blankets our property so severely that we suffer significant impacts to the use and enjoyment of our home as well as impacts to our health. Residents dust issues have been clearly expressed to the Shire a number of times.

The Shire's response to our previous approaches has been that this is an issue they do not want to know about or act upon. Demonstrating this attitude is the ordeal Lightbody Road residents went through when trying to discuss dust concerns in 2009. Over a six month period all our correspondence, formal dust complaints and telephone calls were not responded to. Apparently, neither the Shire Engineer nor Health Officer received anything from us. This is despite hand delivering clearly addressed correspondence and being assured our telephone messages were being passed on.

Eventually, we asked our local PM to intervene, and finally a meeting was held between Lightbody Road residents and Shire Officers. In that meeting it was made clear that there was no intention to discuss or consider our dust concerns, and as the Health officer put it, he did not know of any precedent whereby a Shire had been ordered by law to act on road dust concerns to residents, so no action would be taken and he advised us against pursuing this matter as it would be fruitless.

We were all shocked by the Shire's attitude. Unfortunately, our dust issues are significant and we must pursue this matter. It makes no sense to continue spending large sums of money re-sheeting the road without sealing it. The re-sheeted gravel deteriorates very quickly due to the volume of through traffic and the road needs re-sheeting again in a very short time. The last re-sheeting lasted only 3 ½ years. The section of road in front of our homes has been re-sheeted and it would be logical to seal this section to both protect the resident from this appalling dust pollution and stop monies already spent from literally blowing away in the wind.

In fact, there is a lot about the Shire's handling of Lightbody Road that doesn't make sense. Thousands of dollars have been wasted on gravel re-sheeting as there was no subsequent sealing, monies continue to be wasted on a necessary but expensive grading schedule, the roads through traffic usage has been clearly demonstrated by the public's demand to keep it open and still there is no intent to seal it. Funds have been wasted conducting road safety reports trying to prove that the road is safe (when it clearly isn't safe). Just so that the Shire

can avoid sealing it, and the residents are treated with a total lack of compassion and left to suffer the dreadful dust pollution from the through traffic.

Maybe the new Council can make sense of it all. We are hopeful that our issues will be considered compassionately and commonsense will prevail in dealing with Lightbody Road's issues.

CGAM030/11/11 - Phil Cuttone on behalf of the owners of The Glades, LWP Byford Syndicate

With regards to the above item LWP Property Group would like to express our concern relating to the officer recommendation seeking a five year maintenance period for the lake and also applying a special area rating.

Upon a number of discussions extending over two and a half years with council officers, LWP was of the understanding that the maintenance period for the proposed lake was modelled based on LWP carrying out its maintenance obligations based on the following:

- 100% for 3 years
- 50% on the fourth year
- Special Area rating applied

The officer recommendation requiring LWP to maintain the lake and its surrounds for 5 years and for council to also apply a special area rating is considered onerous and as a result puts the lake viability at risk. This was expressed to council officers at a number of meetings but don't believe has not been expressed in the item put forward to council for its deliberation.

From our discussions with council officers LWP was of the understanding that our proposed maintenance model, as outline above, was considered viable. It is therefore difficult to understand and see justification in the officer's recommendation as outlined in councils Agenda item CGAM030/11/11.

LWP has been committed in creating The Glades as Byford's premier land development project and has been working diligently in putting Byford on the map as a place of destination. The Glades is a project that this Shire can be proud of.

LWP seeks your support in adopting a maintenance period as proposed by LWP in order for this to be a viable proposition.

LWP will continue to work with council and its officers in striving to achieve best outcomes.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

As the newly elected Shire President I am fortunate to have with me a new dynamic team, keen and determined to rectify the concerns of residents who voted for us. We acknowledge the dedicated work of previous Councillors and wish them the best for the future.

The Council is facing challenging times in nearly all aspects, with population increase at 8.5% per year and possibly increasing. In simpler terms this is some 2000 plus new residents per year, all expecting local government services eg town planning (subdivisions and associated infrastructure, expedient building application approvals), rubbish collection, maintenance and providing public parks and other recreational services. The list goes on, but we, the Council look forward with optimism to this challenging work with all aspects of interaction with Council.

2012 will be a turning point in approved services and delivery. Councillors and staff will have the opportunity tomorrow to meet with the new FESA CEO and go on a tour to see concerns facing the officers.

A certificate was received from Peel Harvey Catchment Council in regard to help that Serpentine Jarrahdale provided for the Peel Yalgorup Management Plan. Cr Harris informed the gallery that the system is 60kms long and 10km wide and part of the South West Coastal Plain and has been listed in the top 35 hotspots for conservation. The wetlands represent what is left of the Swan Coastal Plains Wetland. This system in Peel Harvey is of critical significance and the Shire plays a part in that management. Cr Harris presented the certificate to the Shire President.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

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

8.1 Ordinary Council Meeting – 24 October 2011

Moved Cr Harris, seconded Cr Urban

The [attached](#) (E11/6045) minutes of the Ordinary Council Meeting held on 24 October 2011 be confirmed.

8.2 Audit Committee Meeting – 15 November 2011

The [attached](#) (E11/6637) minutes of the Audit Committee Meeting held on 15 November 2011 be confirmed.

CARRIED 8/0

REPORTS OF COMMITTEES:

SD063/11/11 FINAL ADOPTION OF LOCAL STRUCTURE PLAN AND PROPOSED MODIFICATIONS – REDGUM BROOK ESTATE NORTH (LOTS 9020 AND 9025 THOMAS ROAD, BYFORD) (A1621)		
Proponent:	Gray & Lewis Planning Consultants	In Brief A Local Structure Plan has been prepared for Lots 9020 and 9025 Thomas Road, Byford and has been adopted by Council and approved by the Western Australian Planning Commission. It is recommended that Council adopt the Local Structure Plan pursuant to Clause 5.18.3.15 and adopt three (3) minor amendments to the LSP pursuant to Clause 5.18.4.1.
Owner:	Thomas Road Developments Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 October 2011	
Previously	SD092/04/11 SD024/09/10	
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	

Date of Receipt: 31 March 2010
 Advertised: Yes
 Lot Area: 24.96 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20, Multiple Use Corridor, Neighbourhood Centre
 Date of Inspection: June 2010

Background

Council at its meeting of 28th September 2010 considered a draft Local Structure Plan (LSP) for Lots 9020 and 9023 Thomas Road, Byford. At this meeting, Council deemed the draft LSP to be satisfactory for advertising subject to modifications. These modifications were undertaken, the draft LSP was advertised and a report was taken back to Council to consider the submissions and formally adopt the LSP.

At the Ordinary Council Meeting held on 27th April 2011, Council considered the LSP for adoption and resolved to adopt the LSP pursuant to Clause 5.18.3.7 of the Shire's Town Planning Scheme No.2 (TPS 2) subject to a number of modifications and forward the LSP to the Western Australian Planning Commission (WAPC) for a determination. A copy of the full resolution is detailed below:

“SD092/04/11 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Geurds, seconded Cr Brown

That Council, in respect of the proposed Lot 9020 and 9023 Thomas Road Local Structure Plan, Byford dated October 2010 (as advertised):

- A. Note the submissions received during the advertising period, which closed on 13 December 2010, as detailed in Attachment [SD092.2/04/11](#)
- B. Note the decision of the Western Australian Planning Commission to support the removal of the hatching from the Byford (District) Structure Plan
- C. Adopt the Local Structure Plan, pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2, subject to the modifications outlined in Attachment [SD092.9/04/11](#)
- D. Forward the updated Local Structure Plan to the Western Australian Planning Commission, pursuant to clause 5.18.3.9 of Town Planning Scheme No.2
- E. Advise those persons who lodged a submission during the advertising period of the Local Structure Plan of Council's decision.
- F. Advise the proponent that Council seeks a partnership with the developer, Main Roads WA and the Shire, on the design options of the noise wall, to ensure that the visual amenity is not adversely affected by the noise wall.

CARRIED 9/0

Council Note: The Officers Recommended Resolution was changed by adding condition F. Council is aware that resolution of the alignment of the waterway at the north eastern corner is required”.

The required modifications were undertaken and the LSP forwarded to the WAPC for a determination under the Clause 5.18.3.10 of TPS 2. The WAPC approved the LSP on the 12th September 2011 pursuant to clause 5.18.3.10 of TPS 2 and recommended that three (3) minor modifications to the LSP be undertaken. However, in their correspondence the WAPC advised that the intention is for these modifications to be undertaken at some stage in the future pursuant to clause 5.18.4 of TPS 2 and that they do not need to be undertaken prior to Council finally adopting the LSP. It is considered prudent however for Council to consider these modifications now at the time of finally adopting the LSP.

In accordance with the provisions set out in TPS 2, following the approval of an LSP by the WAPC, Council is required to adopt the LSP pursuant to Clause 5.18.3.15. Accordingly, the purpose of this report is to present the LSP to Council for adoption and also to consider three (3) minor modifications to the LSP.

A copy of the LSP map is with attachments marked [SD063.1/11/11](#).

A copy of the statutory text is with attachments marked [SD063.2/11/11](#).

A copy of the Local Water Management Strategy (LWMS) is with attachments marked [SD063.3/11/11](#).

Sustainability Statement

Effect on Environment:

Water Management

The LSP needs to comply with the Byford Townsite Drainage and Water Management Plan (DWMP) which focuses on environmental sustainability as part of the urbanisation of Byford. The Local Water Management Strategy (LWMS) submitted as part of the draft LSP has been revised and subsequently approved by the Shire. The approved LWMS demonstrates compliance with the DWMP.

Vegetation & Flora

The draft LSP incorporates a detailed flora, fauna and environmental assessment which has helped guide the layout of the LSP. The LSP has attempted to retain as much vegetation as possible, whilst allowing for the land to be suitably filled to adequately deal with drainage issues.

Resource Implications: The LSP seeks to integrate principles of water sensitive urban design into the future development. The LWMS has been prepared in accordance with best practice and sustainability principles. The proposed density of development also represents an efficient use of land while being in accordance with the character of the surrounding proposed urban development.

For the subdivision to proceed, it would be anticipated that a reasonable amount of clean fill would be required to achieve required groundwater separation, consistent with the principles set out in the DWMP. With respect to financial resources, the subdivision would have an on-going impact on the Shire with respect to the maintenance of assets within road reserve areas and proposed areas of public open space (POS). The level of asset provision and maintenance is not considered to be over and above the general level of provision within the Byford Area.

Use of Local, Renewable or Recycled Resources: The reuse of drainage and stormwater runoff in the irrigation of public open space will be required.

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

Economic Benefits: The draft LSP is considered to offer economic benefits through the development of an appropriately scaled local centre on Thomas Road which generally accords with the BDSP. The developer will be required to contribute in the future, towards community facilities and services for the Byford area. This will be achieved through the preparation and adoption of a Developer Contribution Plan (DCP) by Council to implement the Shire's adopted Community Facilities and Services Plan. A DCP has been adopted by Council for traditional infrastructure (roads, POS etc).

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

With respect to noise attenuation, the statutory planning section of the LSP includes a requirement for a noise wall or earth bund to be constructed along the interface of the site with Tonkin Highway and Thomas Road as depicted on the LSP map. This measure will ensure that noise attenuation is addressed in accordance with State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Consideration in Land Use Planning*.

Social and Environmental Responsibility: The draft LSP was advertised to the community in accordance with the TPS 2, thus enabling comment and involvement by local and interested residents.

Social Diversity: The draft LSP provides for diversity in lot sizes ranging from R20 (average 500m²) to R30 (300m²) with three (3) R30 grouped housing sites. This diversity in lot sizes will promote social mix in the eventual development of the area.

Statutory Environment:

The draft LSP has been advertised for public and agency comment pursuant to TPS 2 and approved by the WAPC. The LSP is now presented to Council for final adoption.

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly 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.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		12	Protect	Prevent the further loss of "local natural areas".
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		17		Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".
BUILT ENVIRONMENT	Land Use Planning	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.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		7		Press for the provision of public transport and the density of development needed to give effect to transit orientated design.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		21	Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		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.
	Infrastructure	38	Roads and bridges	Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
PEOPLE AND COMMUNITY				
	Wellbeing	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		3		Enable the provision of a range of facilities and services for families and children.
		13	Safe	Achieve a high level of community safety
		14		Develop and implement crime prevention strategies.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		32		Ensure community spaces and places are accessible and inviting.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
OUR COUNCIL AT WORK				
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.

Community Consultation

In accordance with the requirements of TPS 2, the draft LSP was advertised for public comment to state government authorities, servicing/infrastructure authorities and adjacent land owners. At the Ordinary Council Meeting of 27th April 2011, Council formally considered the submissions received during the advertising period.

COMMENT

The LSP has been progressed through the statutory processes outlined in TPS 2, including advertising, adoption by Council and approval by the WAPC. The final step in the process is for Council to adopt the LSP pursuant to Clause 5.18.3.15 of TPS 2. In accordance with Clause 5.18.6.1 of TPS 2, the LSP commences operation on the date it is adopted by the local government pursuant to clause 5.18.3.15 of TPS 2.

In the interests of clarity and consistent with the State Government's Better Urban Water Management Framework, it is important that Council formally adopt the LSP map, operative text and LWMS.

Recommended Modifications

In the correspondence from the WAPC dated 12th September 2011, a number of minor modifications to the LSP were recommended to be undertaken at some stage in the future pursuant to clause 5.18.4 of TPS 2. The WAPC recommended this process so that the progress of the LSP can continue expeditiously through the approval process and so the LSP can still be finally adopted by Council. The minor modifications recommended by the WAPC include the following:

- i. *The 'Local Centre' label placed over the area shaded blue in the north-eastern portion of the site (representative of a 'Commercial' zoning), should be relabelled 'Neighbourhood Centre' to align with the State Planning Policy 4.2 - 'Activity Centre for Perth and Peel', the Byford (District) Structure Plan, and the Local Structure Plan received for the adjoining site at Lot 9500 Thomas Road. This change will also provide greater certainty and clarity between the Structure Plan map and text;*
- ii. *The composite lots located at the corner of Tonkin Highway and Thomas Road should either be 'Residential/Service Trades' as per the Structure plan Map or 'Residential/Light Industry' as per Structure plan text. This change will provide consistency between the relevant map and text; and*
- iii. *A dual use/shared use path should be shown along Kardan Boulevard on the Structure Plan map as per the traffic consultant's report. This path is extremely important given the anticipated prominence and high usage of the road, and in view of the possible disjointedness or irregular travel path that may occur along the Sam Simeon Boulevard/Malarkey Road dual use / shared use path.*

A copy of the LSP map incorporating the WAPC's recommended modifications is with attachments marked [SD063.4/11/11](#).

The power for Council to adopt a minor modification to a LSP is conferred in clause 5.18.4.1 of TPS 2 as follows:

"The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan".

A key consideration for Council is whether the modifications proposed to the LSP are deemed to be minor or major in nature. The WAPC's 'Draft Structure Plan Preparation Guidelines' (the draft guidelines) provides guidance in this matter.

Draft Structure Plan Guidelines

In terms of what constitutes a minor or major modification, the draft guidelines state:

“A ‘minor’ modification to a structure plan is a change or departure that does not materially alter the intent of the structure plan.

A major modification to a structure plan is any change or departure not defined as a minor modification.

A modification designated ‘major’ or ‘minor’ depends on:

- 1. Whether there is an existing community and/or adjoining residential area(s) or development; and*
- 2. Whether the proposed modification impacts upon the existing community and/or adjoining residential area(s) or development”.*

The three (3) modifications to the LSP as recommended by the WAPC include textual changes to the LSP map and the inclusion of a dual use/shared use path. These modifications are deemed to be ‘minor’ modifications as it is considered that they do not materially alter the intent of the LSP. These modifications can therefore be adopted by Council.

Options

Once the WAPC has approved the LSP pursuant to clause 5.18.3.10 of TPS 2, there is only one option available to Council, being to adopt the LSP pursuant to Clause 5.18.3.15.

With respect to the recommended modifications, these can be adopted by Council provided that they are deemed to be ‘minor’ in nature. Once the ‘minor’ modifications are adopted they are to be forwarded to the WAPC for consideration within 10 days of being adopted by Council.

Conclusion

The LSP is ready to commence formal operation and therefore adoption of the LSP is recommended. The proposed changes to the adopted LSP represent a minor modification and therefore can be adopted by Council, following final adoption of the LSP.

Voting Requirements: Simple Majority

SD063/11/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Urban

- A. Adopt the Local Structure Plan ‘map’, ‘statutory text’ and Local Water Management Strategy for Lots 9020 and 9025 Thomas Road, Byford pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2 as provided in attachments SD063.1/11/11, SD063.2/11/11 and SD063.3/11/11 and as modified by provision D.**
- B. Notify the proponent, the Western Australian Planning Commission, all relevant state government agencies and those persons who lodged a submission during the formal advertising of the Local Structure Plan for Lots**

9020 and 9025 Thomas Road, Byford of Council's decision to adopt the Local Structure Plan pursuant to Clause 5.18.3.5 of Town Planning Scheme No.2.

- C. Arrange for the Local Structure Plan for 9020 and 9025 Thomas Road, Byford to be made available for inspection by any member of the public during office hours.**
- D. The recommended modifications to the Local Structure Plan for Lot 9020 and 9025 Thomas Road, Byford as detailed within the Western Australian Planning Commission's correspondence dated 12th September 2011, be adopted by Council in accordance with clause 5.18.4.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.**
- E. The recommended modifications be forwarded to the Western Australian Planning Commission for consideration in accordance with clause 5.18.4.2 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.**

CARRIED 8/0

SD064/11/11		LOCAL STRUCTURE PLAN – LOTS 6 AND 27 ABERNETHY ROAD, BYFORD (A1736)
Proponent:	TPG Urban Design	In Brief To consider potential modifications to the Local Structure Plan for Lots 6 and 27 Abernethy Road, Byford ahead of a formal determination by the Western Australian Planning Commission.
Owner:	Corona Capital	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	26 October 2011	
Previously	SD094/03/07 SD042/10/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 28th August 2006
 Advertised: Yes
 Submissions: Yes
 Lot Area: 16.6 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford District Structure Plan: Residential (R20), Multiple Use Corridor, Drainage Basin Indicative Location, Proposed Neighbourhood Park, District Recreation, Future Roads.

Background

Council at its meeting of 23rd October 2006 considered a draft Local Structure Plan (LSP) for Lots 6 & 27 Abernethy Road, Byford. At this meeting, Council deemed the draft LSP to be satisfactory for advertising subject to modifications. These modifications were undertaken, the draft LSP was advertised and a report was taken back to Council to consider the submissions and formally adopt the LSP.

At the Ordinary Council Meeting held on 26th March 2007, Council considered the LSP for adoption and resolved to adopt the LSP pursuant to Clause 5.18.3.7 of the Shire's Town Planning Scheme No.2 (TPS 2) subject to a number of modifications and forward the LSP to the Western Australian Planning Commission (WAPC) for a determination. A copy of the full resolution is detailed below:

“SD094/03/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Geurds

1. *Council, in pursuance with clause 5.18.3.9(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, endorses the schedule of submissions prepared in respect of the draft Local Structure Plan advertised for Lots 6 and 27 Abernethy Road, Byford.*
2. *Council, in pursuance of clause 5.18.3.7(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the draft local structure plan for Lot 9000 Thomas Road, Byford subject to the following modifications being undertaken:*
 - A. *The LSP is required to be further amended to show the following notations on the LSP:*
 1. *Prepare and submit a strategy for the provision of advanced telecommunications infrastructure to the local structure plan area at the time of subdivision of the land.*
 2. *The preparation of Detailed Area Plans incorporating design guidelines to control the eventual built form within the Local Structure Plan area at the time of subdivision of the land.*
 3. *Legal road access to the LSP area is to be provided via a constructed and gazetted road reserve prior to the subdivision of the land, unless otherwise approved by the Shire and Main Roads WA.*
 4. *Submit a Community and Economic Development Plan (CEDP) prior to the subdivision of land for the Local Structure Plan area, to the satisfaction of Council. The CEDP is to include a legal agreement between the proponent and the Shire of Serpentine-Jarrahdale, relating to per lot contributions toward a Community Development Trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes;*
 5. *The developer shall enter into a legal agreement with the Council prior to the subdivision of the land relating to development contributions, in accordance with clause 5.19 of the Scheme in the event the Byford Developer Contribution Plan is not in effect at the time of subdivision.*
 - B. *Modification to the Plan*
 1. *Reduction in the number of R25 zoned lots and replacement with R20 zoned lots. R25/R30 zoned lots are supported adjacent to and surrounding area of public open space.*
 2. *Remove the blue colour from the multiple use corridor and replace it with green (public open space areas) and blue (drainage lines).*
 3. *The public open space and drainage calculations being updated to reflect the approved Drainage Management Plan, to the satisfaction of the Executive Manager Planning and Regulatory Services.*
 - C. *Approval of Management Plans*

The following plans are to be reviewed and approved by the Shire prior to the adoption of the Local Structure Plan:

1. *The Traffic Management Plan*
 2. *The Landscape and Environmental Management Plan; and*
 3. *The Drainage Management Plan (approved by the Shire and Department of Water)*
3. *The applicant paying the Local Structure Plan fee of \$2 500.00*
4. *The Executive Manager Planning and Regulatory Services be authorised to:*
- i. *Liaise with and provide advice to the proponent in relation to undertaking the modifications listed under 2 (A) and (B) above; and*
 - ii. *Determine when the modifications listed under 2 (A) and (B) above have been undertaken to Council's satisfaction.*
5. *Following compliance with part 2 and 3 above, and in pursuance of clause 5.18.3.9 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Local Structure Plan be forwarded to the WA Planning Commission within 21 days and:*
- i. *A summary of all submissions and comments received by Council in respect of the draft local structure plan, and Council's decisions or comments in relation to these;*
 - ii. *Council's recommendation to the WA Planning Commission to modify and adopt the draft local structure plan; and*
 - iii. *Any other information that may be relevant to the WA Planning Commission's determination of the draft local structure plan.*
6. *In pursuance of clause 5.18.3.15 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Executive Manager Planning and Regulatory Services be delegated authority from Council to formally adopt this or any other draft local structure plan within the Byford Structure Plan area once notified of the WA Planning Commission's approval, and forward a copy of the formally adopted local structure plan to the proponent, the WA Planning Commission and any other appropriate person or public authority.*

CARRIED 10/0 ABSOLUTE MAJORITY"

A copy of the local structure plan, as adopted by Council is with attachments marked [SD064.1/11/11](#).

Since 2007, the Shire has been awaiting the submission of an updated local water management strategy from the proponents that demonstrates compliance with the Byford Townsite Drainage and Water Management Plan. It is understood that access to finance has been a constraint on the applicant. In parallel with the progression of the local structure plan has been discussions between the Shire and Main Roads with respect to a possible intersection of Abernethy Road with Tonkin Highway. This report provides Council with the opportunity to consider the potential merits of the proposed modifications to the LSP, ahead of a formal determination by the WAPC.

Sustainability Statement

Effect on Environment: The proposed Multiple Use Corridor (MUC) will facilitate improved water quality outcomes as well as vegetation retention. The LSP facilitates the retention and preservation of existing vegetation on-site and within adjoining land.

Resource Implications: A large portion of the area has been set aside as a MUC which will provide a significant environmental function in terms of water quality and vegetation retention.

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

Economic Viability/Benefits: The R20 and R40 residential development proposed by the LSP is generally consistent with that developed and readily marketed elsewhere in Byford. The Neighbourhood Nodes will facilitate the establishment of small-scale commercial and retail development and contribute to the local economy and provide employment opportunities.

Social – Quality of Life: The LSP is generally consistent with the principles of Liveable Neighbourhoods and is considered to provide an appropriate quality of life.

Social and Environmental Responsibility: The LSP will facilitate the retention and protection of existing vegetation and address water quality objectives through the provision of a MUC. As stated above, the LSP is considered to provide an appropriate quality of life in a social sense.

Social Diversity: The LSP provides R20 and R40 residential development, which will cater for both larger household sizes and housing diversity at medium densities.

Statutory Environment: Planning and Development Act 2005
TPS 2

Policy/Work Procedure Implications: WAPC Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
Local Planning Policy 22 – Water Sensitive Urban Design

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

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.	
		5	Restore	Establish and enhance waterways and bush corridors.	
			6		Establish increased levels of natural vegetation in urban and rural environments.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.	
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.	
		23		Enforce the adoption of "better urban water	

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				management”.
BUILT ENVIRONMENT				
	Land Use Planning	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.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
		21	Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		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.
	Infrastructure	38	Roads and bridges	Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
OUR COUNCIL AT WORK				
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.

Community Consultation

The draft LSP was advertised for public comment to state government authorities, servicing/infrastructure authorities and adjacent land owners. At the Ordinary Council Meeting of 26th March 2007, Council formally considered the submissions received during the advertising period.

COMMENT

The LSP has been progressed through the statutory processes outlined in TPS 2, including advertising and adoption by Council. For the LSP to be finalised and become operational, approval from the WAPC is required, followed by final adoption by the Shire.

The Shire referred the local structure plan, without the updated local water management strategy, to the WAPC in December 2010 to assist with the progression of the local structure plan, and in turn the applicant with securing access to finance. Working with the staff of the Department, officers of the Shire have identified a number of potential modifications that may have merit. This report provides Council with the opportunity to consider the merits of the potential modifications and in turn provide advice back to the WAPC to assist with a formal determination.

A copy of the proposed modifications are with attachments marked [SD064.2/11/11](#).

Statutory processes

Clause 5.18.3.13 of TPS 2 states the following:

- 5.18.3.13 *If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause 5.18.3.10.*

Clause 5.18.3.10 of TPS 2 states the following:

- 5.18.3.10 *The Commission is to either:*
- (a) *approve the Proposed Structure Plan with or without modifications; or*
 - (b) *refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.*

Clause 5.18.3.14 of TPS 2 states the following:

- 5.18.3.14 *If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may:*
- (a) *readvertise the Proposed Structure Plan; or*
 - (b) *require the Proponent to readvertise the Proposed Structure Plan and, thereafter, the procedures set out in clause 5.18.3.5 onwards are to apply.*

In considering the matter before Council, there is no prescribed format for a response to be provided. Equally, the Shire has no formal decision-making powers at this time, but rather the Commission is required to have 'due regard' to any advice provided by Council.

Whether modifications are substantial or not

The modifications outlined, from a technical perspective, appear to be both logical and reasonable. The modifications will ultimately ensure that key requirements are established for consideration at the time of subdivision and/or development in a timely and responsible manner.

In considering the merits of the modifications, Council is required to consider whether modifications are 'substantial' pursuant to Clause 5.18.3.14 of TPS 2. In forming an opinion, previous case law has established the following factors as being relevant in terms of determining whether a modification is significant or not:

- Within the context of the structure plan as a whole, is the area of land (i.e. the hectareage or meterage) substantial in a relative sense?
- How different in function and designation is the proposed designation for the relevant land, relative to the designation that appeared for that land and the regional structure plan?
- What is the environmental nature of the land in question?
- What amenity impact would be occasioned by the modification relative to the position under the original structure plan?
- If the land is private land, how would it affect the value of the private land, or private land nearby?
- In an organic sense, in terms of dynamic use and functionalities, how much difference would the modification make to the public or a significant sector of the public?

Having considered the proposed modifications in the context of the above questions, it is considered that the modifications are not substantial and would not alter the material intent of the structure plan.

Advice from Department of Water.

In accordance with the 'Better Urban Water Management Framework' that has been established in Western Australia, the Department of Water assists with the parallel assessment of local water management strategies as part of the assessment of local structure plans. The Department of Water has reviewed the existing local water management strategy and offered comment back to the proponent and the Shire.

A copy of the Department of Water advice is with attachments marked [SD064.3/11/11](#).

The Shire's technical staff generally concur with the comments provided by the Department of Water.

The progression of the LSP through the 'consultation provisions' set out in the Shire's TPS 2 has been discussed with the Department of Water. In-principle support has been giving for progressing this LSP, in this particular circumstance. It is the expectation that the local water management strategy will be updated prior to a formal approval being granted by the WAPC. As noted earlier, a LSP does not formally become operational until it is approved by the WAPC and granted final adoption by Council.

Tonkin Highway Flyover

The subject land is situated in close proximity to the future Tonkin Highway. There has been discussion over a number of years about a possible interchange at the intersection of Abernethy Road and Tonkin Highway.

Council at its meeting of April 2011 considered the matter and passed the following resolution:

"That Council advise WAPC and Main Roads that it considers it is premature to make a decision regarding the future design of the Abernethy Road and Tonkin Highway intersection, as detailed designs of Tonkin Highway are not available and the timing of its construction is not known"

Council at its May 2011 Ordinary Council Meeting further considered the matter and passed the following resolution:

"That Council:

1. Advise the Western Australian Planning Commission, Main Roads WA and the owners of Lot 9051 (formerly Lot 6 & 27) Abernethy Road, Byford that no flyover structure is required to be provided over the proposed Tonkin Highway extension for the following reasons:

- Detrimental impact to remnant vegetation and the existing Bush Forever site.
- Significant hydrological constraints based on information provided by the Byford Townsite Drainage and Water Management Plan (2008).
- It is projected that only 1,100 vehicles per day would use the flyover based on the Main Roads WA & Serpentine Jarrahdale Shire 2031 Mundijong-Whitby and Byford Regional Traffic Model.

2. Advise the Western Australian Planning Commission and Main Roads WA that vehicle access to Abernethy Road will be terminated on the East and West sides of Tonkin Highway.

3. Council would like to exercise a range of options should the circumstances change in the currently accepted design of the Tonkin Highway”

In addition to the potential impacts from the flyover mentioned in the Council resolution above, the flyover would have potentially had a significant impact on nearby residential properties within the local structure plan area, including visual impact, light spill, noise and similar.

Now that the flyover is not scheduled to proceed, there is the opportunity for an area of land within the local structure plan area to be used for a different purpose. The applicant has requested that both the WAPC and the Shire considered the appropriateness of designating the subject land for future residential development, at a density of Residential R40. There will be a number of design matters that will need to be addressed, particularly interface treatments, building orientation and finished levels. To ensure that an appropriate framework is in place for future development, it is recommended that a formal requirement for a Detailed Area Plan be established.

It is understood that the achievement of residential development on that land previously identified as being required for the flyover will assist the viability of the project. From a planning perspective, the proposed development of residential dwellings at an R40 density will contribute towards a diversity of housing stock to meet the needs of the community into the future. The development also has the potential to contribute to the achievement of a conventional streetscape treatment, in contrast to a previously identified elevated flyover structure.

Options

There are primarily two options available to Council with respect to the proposed modifications:

- (1) Support the proposed modifications.
- (2) Not support the proposed modifications.

The WAPC will need to be advised either way of Council's decision and the WAPC will then be required to have due regard to the position of Council when formally determining whether to grant approval to the LSP.

Conclusion

The progression of the LSP will ensure that a suitable framework is in place for future subdivision and development, including the resolution of detailed matters at appropriate stages in the land development process. It is also understood that the progression of the LSP will assist the proponent with securing necessary finance to proceed with the project.

Voting Requirements: Simple Majority

SD064/11/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Wilson
That Council:

- A) Advise the Western Australian Planning Commission that it is supportive of the proposed modifications to the Local Structure Plan for Lots 6 and 27 Abernethy Road, Byford, as outlined in attachment *SD064.2/11/11*.
- B) The applicant be advised that the local water management strategy is required to be updated to accord with the Department of Water's requirements prior to formal approval being granted by the Western Australian Planning Commission.

CARRIED 8/0

SD067/11/11 PROPOSED DETAILED AREA PLAN – THE GLADES: STAGE 8A & 8B (A1946)		
Proponent	Taylor Burrell Barnett	In Brief To approve a Detailed Area Plan setting out design requirements for the future development of the subject site.
Owner	LWP Property Group	
Author	Peter Varelis – A/Project Officer	
Senior Officer	Brad Gleeson - Director Development Services	
Date of Report	30 September 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	

L.A Zoning: Residential
MRS Zoning: Urban
Byford Structure Plan: Residential
Local Structure Plans: The Glades Local Structure Plan

Background:

Council has received a Detailed Area Plan (DAP) for Stages 8A & 8B for the Glades Estate for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2). This DAP has been submitted as part of meeting conditions of subdivision approval.

A copy of the DAP is with the attachments marked [SD067.1/11/11](#).

The DAP sets out design requirements for the development of lots associated with the respective subject area. The requirements stipulated in the DAP apply in addition to TPS 2 and State Planning Policy No. 3.1, Residential Design Codes (R-Codes) of Western Australia requirements and will permit particular variations related but not limited to dwelling

placement, fencing, storage areas, and service locations. Stipulating modified provisions under a DAP facilitates optimal design outcomes.

The subject DAP is referred to as 'Coral Gardens' and is envisaged to become the LWP dressage precinct incorporating a future display village in close proximity to the Glades Village Centre. This report provides Council with the opportunity to approve the DAP.

Sustainability Statement

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

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

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

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

Statutory Environment: Planning and Development Act 2005
TPS 2
Liveable Neighbourhoods
Residential Design Codes – State Planning Policy 3.1

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

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Climate Change			
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		31		Reduce the liberation of carbon into the atmosphere.
		32		Develop community ownership of climate change mitigation strategies.
		33	Adaptation	Develop and implement climate change adaptation strategies.
	Energy			
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
	Land Use Planning			

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.

Community Consultation:

The Local Structure Plan (LSP) for the Glades was advertised for comment, providing an opportunity for all stakeholders to provide input into the planning for this area. The provisions of the DAPs will not impact on any existing landowners.

Comment

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

- Solar Passive Design
- Rear Setbacks Laneway Lots
- Fencing
- Front Setbacks
- Private Open Space
- Public Open Space
- Secondary Street
- Policy Context

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

Solar Passive Design

The DAP is designed to create an urban environment taking into consideration solar passive design. This is addressed through the following provisions:

“At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation.

(R25 & Laneway lots) Minimum 2m solar setback (non parapet side boundary), building part of the main residence within the 2m solar setback is limited to minor incursions to a

maximum of 20% of the designated solar setback area, provided solar penetration to living areas is achieved.

(R25 & Laneway lots) Minimum 1.6m side setback to upper storey to preserve solar penetration.”

On balance the proposed provisions and general lot layout promote the principles of solar passive design.

Rear Setbacks Laneway Lots

The appropriateness of the setback to the rear boundary needs to be carefully considered. The applicant has advised that the proposed setback is necessary to achieve the lot connections to the rear laneway drainage system.

It is important that this setback is retained within the DAPs to facilitate the functionality of the drainage connections within private property. It would not be appropriate to have the drainage connections contained within the laneway reserve itself as issues surrounding the liability of these connections will arise.

Fencing

Fencing is a critical aspect of achieving suitable streetscapes, with style, height and material of fencing visible to the public realm requiring careful consideration. The DAP stipulates that fencing is strictly provided by the developer and shall not be altered or replaced by the landowner. Visually permeable fencing will be provided facing the public open space.

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

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

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

Front Setbacks

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

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

Laneway Lots

The proposed front setback is to contain a portion of the dwelling between the 2.5m minimum and 3.5m maximum setback lines. No maximum or average setback is proposed to apply. This differs from previously approved DAPs for laneway lots within the Glades. The developer has provided the following justification for the variation:

“The requirement for only a portion of the dwelling to be sited between 2.5-3.5m from the front boundary will ensure at least one room will be provided up to the street, achieving the desired outcome of a greater street presence and an improved streetscape. Not requiring an average to be achieved provides purchasers with greater flexibility to site the balance of their home further back into the lot, should they desire.”

The objective of the R-Codes is adequately addressed through this provision. On balance the proposed 2.5m minimum, 3.5m maximum setback is considered reasonable and consistent with the objectives of the R-Codes.

Front Loaded Lots

The proposed front setback is 3m minimum to the dwelling and 4.5m minimum to the garage; this is consistent with other approved DAPs. The objective of the R-Codes is adequately addressed through this provision. On balance the proposed 3m and 4.5m minimum setbacks are considered reasonable and consistent with the objectives of the R-Codes.

Public Open Space (POS)

The integration of residential and significant land uses such as POS have been taken into consideration in the preparation of the DAP. Setbacks, design, dwelling orientation and private open space provisions have been attuned to facilitate optimal design outcomes.

Certain lots within the subject area immediately abut POS. To ensure the built form does not impose on the POS and that adequately sized outdoor living areas are provided, a 3.0m minimum front setback to the dwelling has been proposed.

Design Element G stipulates that:

“...dwellings that overlook POS shall be suitably designed and orientated to ensure passive surveillance. Dwellings shall have one or more major openings to a habitable room and an outdoor living area facing the POS.”

On balance the proposed setbacks are considered reasonable and consistent with the objectives of the R-Codes.

Private Open Space

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

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

R20 Lots & R25 Laneway Lots

The DAP predominantly provides for R20 & R25 lots with a proposed private open space requirement of 40%. This requirement is consistent with the DAPs for other stages in the estate. The slight reduction in private open space is compensated for as lots in the DAP are located in areas of high amenity and accessibility to POS.

Further to this Column B Part 6.4.1 of the Shire’s Local Planning Policy No. 35: Residential Development (LPP35) supports a 6 – 10% reduction in POS in areas of good solar orientation and high public amenity.

R25 Rear Loaded Lots Abutting Public Open Space & Drainage

The DAP proposes a total of five (5) R25 rear loaded lots that directly adjoin POS with a proposed private open space requirement of 35%. The proposal represents a reduction in private open space outside of that endorsed by Council's LPP35. The reduction in POS is generally compensated for because the lots as identified in the DAP are located in areas of high amenity and directly accessibility to POS. Previous DAP's for Stages 2D & 7 at the Glades adopted POS at 35%.

The applicant has also previously provided the following information in support of this reduction:

"We note that previous DAPs that have been submitted to and approved by the Shire have required a minimum open space provision of 40%. We seek a further reduction to the minimum open space site coverage in order to maximise the development area for lot purchasers. As has been outlined and acknowledged by Council previously, the anticipated purchaser market at The Glades (first and second home-buyers) will ultimately result in predominantly single storey development, due to the additional cost of two-storey development. Varying the R-Codes to allow for a minimum 35% private open space will give the landowner the option to construct a slightly larger dwelling without having to build a second storey. This is also particularly relevant for smaller, cottage-style lots. Furthermore, the proximity of these lots to expansive and high quality Public open space areas will serve to mitigate any reductions of onsite open space. It is for these reasons that the additional 5% private open space reduction is sought."

On balance, the proposed reductions in private open space are considered reasonable and consistent with previously approved DAPs for the Glades.

Secondary Street

Due to their prominence in the neighbourhood those which are situated on a corner, should address the secondary street in a manner consistent with the primary facade. The provisions outlined in the DAP require a suitable level of detail in a manner consistent with the primary street elevation.

Policy Context

LPP No. 35: Residential Development

The DAP generally maintains the underlying objectives outlined in the Shire's LPP35 that supports particular design variations to facilitate optimum urban form outcomes. Variation to the Shire's policy position has been sought in the following area:

A copy of LPP No. 35 is with the attachments marked [SD067.2/11/11](#).

LPP No. 40: Detailed Area Plans

The DAP has been complied generally in accordance with the model provisions and objectives outlined in the Shire's LPP40. The subject area of the DAP is referred to as 'Coral Gardens' and is envisaged to become the LWP dressage precinct incorporating a future display village in close proximity to the Glades Village Centre. The residential design code variations

The following assessment of the objectives of LPP40 are provided for Council's consideration:

<i>Promote the orderly and proper development of land in urban areas.</i>	The design variations sought through the DAP are of a site responsive nature, including the desire to create a 'dressage' display village.
<i>Ensure Detailed Area Plans (DAPs) are site responsive and give sufficient guidance to achieve the desired built form outcome.</i>	The DAP sufficiently addresses vegetation retention and various other site responsive design variations.
<i>Provide proponents with clarity in relation to the content and key design elements/matters to be addressed in Detailed Area Plans.</i>	The DAP responds sufficiently to the Shire's recommended model provisions outlined in Appendix B of LPP40.
<i>Provide direction in relation to those matters Council are likely to consider in determining a Detailed Area Plan.</i>	The DAP clearly outlines the proposed design variations.

A copy of LPP No. 40 is with the attachments marked [SD067.3/11/11](#).

Options

There are three options available to Council, as follows:

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

Option 1 is recommended.

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

Conclusion

The DAPs proposed are considered to facilitate appropriate urban form outcomes and support Council's commitment to continuous improvement with respect to sustainability. Approval of the DAPs is recommended.

Voting Requirements: Simple Majority

SD067/11/11 Committee/Officer Recommended Resolution:

Moved Cr Moore, seconded Cr Randall
That Council:

- A. Approve the Detailed Area Plan: Stage 8A & 8B the Glades Estate as per *Attachment SD067.1/11/11* in accordance with clause 5.18.5.1(c)(i) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
 - B. Advise the Western Australian Planning Commission accordingly.
- CARRIED 4/3

Cr Kirkpatrick foreshadowed he would move an alternative motion if the motion under debate is defeated.

Additional Information

Revised Lot Layout:

At the Shire's Sustainable Development Committee meeting held 15 November 2011 the Committee considered the proposed Detailed Area Plan for the Glades Stages 8A & 8B and resolved to endorse the officer recommended resolution. Subsequent to the Committees endorsement, the WAPC have supported an amended plan of subdivision covering the respective stages. For this reason and on this basis amendments were amended to the DAP to reflect the recently revised plan of subdivision.

A copy of the DAP is with the attachments marked [SD067.4/11/11](#).

The developer has provided the following commentary regarding the amended subdivision layout:

“There are currently two subdivision applications (WAPC Refs: 136679 and 142531) that apply to this particular area. LWP has decided to proceed with the layout (i.e. no laneway) approved in Application 136679 following recent discussions with project home builders regarding the future of the Coral Gardens Display Village.

The T-laneway configuration approved in Application 142531 was proposed in order to enable delivery of some cottage lots as part of the development of the future Display Village, however interest from builders has been limited for this type of product in this location.

LWP has consulted with the Department of Planning regarding the proposed changes and the DoP has provided its in-principle support for the changes [modified layout].

With regard to the DAP, the fundamental principles have not been modified, but rather the lots to which they apply have been updated to accord with the revised layout.”

Northerly Solar Access:

Further to this and in light of the deliberations at Sustainable Development Committee, the developer's consultants have also provided additional information regarding the implementation of northerly solar access:

“This requirement is proposed to facilitate passive solar penetration into the dwelling. This is in accordance with widely accepted sustainability practices and the encouragement of sustainable development has been a cornerstone of the development of the Glades estate. We note also the position expressed by the Shire in the early planning for the Glades for its desire to see the implementation of sustainability initiatives.

Whilst it is acknowledged that the requirement to install a major opening to an indoor living area may result in an additional cost for purchasers during construction, this cost is considered to be minimal and is anticipated to be offset and paid for several times over across the life of the dwelling via increased energy efficiency.

We note that this requirement has been supported by the Shire on several previously approved DAPs for the Glades estate and we seek for this precedent to continue to be applied.”

Conclusion:

The proposed amendments to the DAP are a result of an amended plan of subdivision which has been supported in-principal by the WAPC. The amendments to the DAP do not affect any design elements but merely reflect the amended plan of subdivision.

SD067/11/11 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Wilson, seconded Cr Urban
That Council:**

A. Approve the Detailed Area Plan: Stage 8A & 8B the Glades Estate as per Attachment [SD067.4/11/11](#) in accordance with clause 5.18.5.1(c)(i) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

B. Advise the Western Australian Planning Commission accordingly.

CARRIED 5/3

SD068/11/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 69 DOLEY ROAD PRECINCT PLANNING FRAMEWORK (A1998)		
Author:	Lawrence Man – Senior Planner	In Brief Local Planning Policy No. 69 Doley Road Precinct Planning Framework is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 October 2011	
Previously	SD007/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council Meeting held on the 25 July 2011, draft Local Planning Policy (LPP) 69 Doley Road Precinct Planning Framework was deemed suitable for advertising and community consultation.

The Doley Road Precinct is an area characterised by fragmented landownership. A number of landowners have expressed a desire to see planning for the area progress. This could be achieved by Council initiated planning or a suitable framework for landowner initiated planning.

The objectives of this Policy are to:

- Guide the orderly and proper planning for the Doley Road Precinct in Byford, so there is a clear framework to enable future subdivision and development;
- Clearly identify the matters that need to be addressed at each stage of the planning process, in an open and transparent manner;
- Assist stakeholders in understanding the planning system and in turn, assist with landowner-initiated planning and development; and
- Recognise that the process to enable future subdivision and development requires the engagement of consultants and various stakeholders who potentially may have different expectations.

A copy of the advertised LPP 69 Doley Road Precinct Planning Framework is with attachments marked [SD068.1/11/11](#).

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 69 Doley Road Precinct Planning Framework for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

Sustainability Statement

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

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

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

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

Statutory Environment:

Planning and Development Act 2005

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

Town Planning Scheme No. 2 (TPS 2)

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

Policy/Work Procedure Implications:

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

Financial Implications:

Resources have been made available to Council through a grant from the Federal Government, under the Housing

Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Community Consultation:

Draft LPP 69 was advertised for public comment, with submissions closing on 19 August 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.

Nine (9) submissions were received and the policy has been revised based on these comments.

A copy of the summary of submissions is with attachments marked [SD068.2/11/11](#).

Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 69 Doley Road Precinct Planning Framework is presented to Council for final adoption.

A copy of the revised LPP 69 Doley Road Precinct Planning Framework is with attachments marked [SD068.3/11/11](#).

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 69 – Doley Road Precinct Planning Framework.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 69 – Doley Road Precinct Planning Framework as provided in attachment *SD068.3/11/11*.
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

SD068/11/11 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Harris

That Council:

- 1) **Note the submissions received during the advertising of draft Local Planning Policy No. 69 – Doley Road Precinct Planning Framework.**
- 2) **Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 69 – Doley Road Precinct Planning Framework as provided in attachment *SD068.3/11/11*.**
- 3) **Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.**
- 4) **Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.**
- 5) **Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.**
- 6) **Council acknowledge receipt of correspondence from Mr Vahdat to elected members dated 24 November 2011, however Council is not able to support the request to modify the precinct boundaries at this time as neither sufficient technical information has been provided to demonstrate that matters outlined in Clause 7.13 of the draft policy have been addressed and a project plan, as outlined in Clause 7.5 of the draft policy, has not been submitted for consideration.**

CARRIED 8/0

SD069/11/11 RESCINDING OF TWO LOCAL PLANNING POLICIES FOR THE BYFORD AREA (A1048/03)		
Author:	Simon Wilkes – Executive Manager Planning	In Brief As part of the Shire's comprehensive planning policy development and review program, two local planning policies have been identified as suitable for rescinding.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	26 October 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	

Background

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

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

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

As part of the review process, two policies have been identified as being suitable for rescission, being:

- (i) LPP 2 – Byford Subdivisions
- (ii) LPP 12 – Byford Detailed Area Plan [local structure plan] requirements.

A copy of LPP 2 is with attachments marked [SD069.1/11/11](#).

A copy of LPP 12 is with attachments marked [SD069.2/11/11](#).

Sustainability Statement

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

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

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

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

Statutory Environment:

Planning and Development Act 2005

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

Town Planning Scheme No. 2 (TPS 2)

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

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

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

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

Community Consultation:

In accordance with Clause 9.4 of TPS 2, a LPP may be rescinded by way of publication of a formal notice or rescission by the Council twice in a local newspaper circulating in the local government district. There are no formal consultation requirements in respect of the rescission of a policy.

As the current policies are considered to serve no effective purpose, it is not anticipated that there will be any significant community interest in the policies and their potential rescission.

Comment:

With all new and existing planning policies, Council is encouraged to give consideration to the following questions:

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

These questions have formed the basis of the policy development program over the last 12 months and informed the preparation of new and revised local planning policies.

These policies were adopted by Council in 2001. In considering the policy, the following observations are made

- It has been essentially superseded by the adopted Byford Structure Plan (2005), Amendment 113 to TPS 2, establishing provisions Appendix 15A (2005), modifications to the Structure Plan (2008) and the new LPP 61 for structure plans (2011), LPP35 (interim residential development), LPP40 (detailed area plans) and draft LPP67 (landscape and vegetation)
- The policies do not positively respond to questions 1-6, above.

The rescission of these policies will also assist with the future restructuring and renumbering of policies, in accordance with LPP1.0 – Planning Framework. There is also general merit in removing policies from the Shire’s policy suite that effectively serve no on-going purpose or relevance and therefore contribute to ‘clutter’.

Options

There are primarily two options available to Council in respect of each LPP, in accordance with Clause 9.4 of TPS 2, as follows:

1. Resolve to rescind each policy and publish a notice
2. Resolve not to rescind each policy.

Option 1 is recommended.

Voting Requirements: Simple Majority

SD069/11/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Randall
That Council:

A) Resolve, pursuant to Clause 9.4 of Town Planning Scheme No.2, to rescind Local Planning Policy No. 2 Byford Subdivisions and Local Planning Policy No. 12 – Byford Detailed Area Plan [local structure plan] Requirements.

B) Give public notice in a newspaper circulating within the district.

CARRIED 8/0

SD070/11/11 REVIEW OF DELEGATED AUTHORITY – DETAILED AREA PLANS (A1047/03)		
Author:	Simon Wilkes – Executive Manager Planning	In Brief A review of Delegation of Authority DS-02 (Detailed Area Plans) has been undertaken. A revised delegation is presented for Council approval.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	26 October 2011	
Previously	SD051/11/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

As part of the process improvement work currently being undertaken, it has been identified that some delegations require review. The Shire has established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making. Council last progressed a comprehensive review of its instruments of delegation in April 2011.

A significant planning policy development program has been progressed over the last 12 months, with 31 new or updated local planning policies (LPP's) released for stakeholder comment and formal consideration by Council. The need to update instruments of delegation in parallel has been flagged, to ensure both maximum effectiveness and efficiency could be achieved.

Council at its Ordinary Meeting in August 2011 considered the finalisation of a new LPP for detailed area plans (DAP's), being LPP40. This report now provides Council with an

opportunity to consider an updated instrument of delegation to support the implementation of the new LPP.

Sustainability Statement

Council delegated authorities are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

Statutory Environment: The Local Government Act 1995
Town Planning Scheme No. 2

Policy/Work Procedure Implications: The delegations of Authority are an integral part of the Shire's governance framework. They are supported by and conditioned by policies adopted by Council.

Financial Implications: There are no financial implications to Council related to this delegation review. Operational efficiencies can be achieved with the revision of delegations.

Strategic Implications:

This proposal relates to the following Focus Area:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK			
	Leadership		
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
	Process Management, Improvement and Innovation		
		Identification and Management of Processes	Undertake a systems and processes review and educate and train staff and elected members accordingly
			Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		Process Improvement and Innovation	
			Achieve outcomes whilst minimising use of Council resources.

Community Consultation:

There is the opportunity for stakeholder engagement in land use planning processes for new urban developments, through the progression of LPP's and local structure plans. It is not generally considered necessary to seek public comment prior to a determination being made on a DAP. It is, however, open to Council to invite public comment in a particular situation should it deemed appropriate.

Comment:

Delegation DS-02 has previously been established by the Shire to enable the progression of DAP's under delegated authority. The recent review of notices of delegation has identified the opportunity to improve the current notice of delegation.

A copy of the current notice of delegated authority is with attachments marked [SD070.1/11/11](#).

The current notice of delegated authority, in general terms, reads more like a policy document through its inclusion of required statutory provisions to be placed on adopted DAP's. As a notice of delegation (rather than a LPP), the Shire has not historically had any specific policy documents to guide the assessment of detailed area plans when they are presented to Council. Equally, the Shire has not had any policy documents for DAP's to guide proceedings before the State Administrative Tribunal. Due to the limitations of the current notice of delegated authority, the delegated powers have not been exercised for the past 2-3 years. A new policy for DAP's was finalised by Council at its August 2011 round of meetings, following a period of stakeholder engagement.

The potential establishment of a new notice of delegation may offer the following benefits:

- A reduction in the number of reports that need to be considered by Council, with associated resource implications for both elected members and Shire officers
- The achievement of consistency in practice with many other local governments
- Improved customer service
- Reduced frustration and costs for the development industry.
- Improved clarity with respect to the relationships between various documents, including policies and instruments of delegation.

A copy of the revised notice of delegated authority is with attachments marked [SD070.2/11/11](#).

There is no obligation on officers to exercise discretion and determine an application under an established notice of delegated authority. Where a matter may be potentially sensitive, the matter, at a minimum, would ordinarily be tabled at a policy forum meeting for discussion. Such instances may include, for example, the consideration of a DAP ahead of the finalisation of a local structure plan.

There are, and will continue to be, opportunities for continuous improvement with respect to built form outcomes achieved within the Shire. An example is the extent to which residential development on corner lots addresses a secondary street. A further example is the interface achieved between residential development and lane-ways. These are important matters that Council will need to give consideration to through the finalisation and updating of standards and LPP's, in consultation with key stakeholders. These are not, however matters that should be addressed through an instrument of delegation. Indeed, there may be the opportunity for Council officers to achieve better and negotiated outcomes with developers, where decisions on DAPs can be achieved in a timely manner and under delegated authority.

Any application that is considered under delegated authority would need to be reported to Council through the normal reporting procedures, on a monthly basis. Any refusal of an application for a detailed area plan under delegation would be subject to appeal rights, as per all determination on applications for planning consent under TPS2.

Voting Requirements:

ABSOLUTE MAJORITY

SD070/11/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

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

1. Having reviewed the delegations made by the Council in accordance with section 5.46(2) of the Local Government Act 1995, Council revokes the following delegations:
 - DS02 – Detailed Area Plans
 2. Council authorises and grants the delegations of authority, powers and duties as listed and detailed in SD070.2/11/11 and entitled:
 - DS02 – Detailed Area Plans
 3. Council requires the Delegated Authority Register be updated accordingly.
- CARRIED 8/0**

CGAM028/11/10		FEES AND CHARGES – AMENDMENT TO BUDGET (A1659)	
Proponent:	Serpentine Jarrahdale Shire	In Brief To amend the Fees and Charges for the 2011/2012 financial year in the areas of Economic Services, Town Planning and Cemetery Fees.	
Owner:	Not Applicable		
Author:	Kelli Hayward - Financial Accountant		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	8 November 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		

Background

Council adopted the 2011/12 Budget at the Ordinary Council Meeting held on 27 June 2011, including the adoption of the Schedule of Fees and Charges.

Statutory Planning - At the time of the adoption of the fees and charges item 3 - Provision of a subdivision clearance; (b) more than 5 lots but not more than 195 lots, was inadvertently omitted.

Economic Services – The Building Registration Board increased their levy from \$40.50 to \$41.50. At the time of adoption of the fees and charges the previous amount of \$40.50 still remained in the Schedule of Fees and Charges.

Cemetery Fees –

FEE NAME	SECTION OF FEES	REQUIRED	REASON FOR ALTERATION/ADDITION	PRICE	GST	PRICE INCL GST
Land reserved in advance	Land for Graves	Removal of Fee	The Shire no longer permits reservations for either cemetery due to capacity issues.	165.45	16.55	182.00
Full monument – headstone with kerbing	Monumental Work	Inclusion in Fees and Charges	Historically charged, needs to be added back on to the schedule.	127.27	12.73	140.00

(plus license or permit fee)						
Additional Inscription and/or Plaque	Monumental Work	Inclusion of "Plaque" into the fee	Installation of plaques on already existing headstones occur regularly, there has not been a fee to date to cover this occurrence.	89.09	8.91	98.00
Placement by shire (plus acceptance & registration fee)	Monumental Work	Removal of Fee	The Shire does not provide this service, all monumental works are completed by contractors.	100.00	10.00	110.00
Additional works/cleanup required by Shire	Monumental Work	Inclusion in Fees and Charges	Should any debris or equipment remain on site from contractors, a fee to the contractor will be charged to remove items and cleanup the area.	268.18	26.82	295.00
Placement of ashes and/or plaque by Shire with Service	Repository for Disposal of Ashes	Alteration to fee charged Inclusion of plaque placement	Due to Shire personnel required to wait for service to conclude before placing ashes and/or plaque, this takes more time than "without service"	180.00	18.00	198.00
Placement of ashes and/or plaque by Shire without Service	Repository for Disposal of Ashes	Inclusion of plaque placement	Installation of plaques on already existing ashes boxes occurs regularly, there has not been a fee to date to cover the occurrence. No change in fee.	156.00	15.60	171.60
Placement of ashes and/or plaque by the Family	Repository for Disposal of Ashes	Inclusion in Fees and Charges	There has not been a fee to date to cover this occurrence.	95.45	9.55	105.00
Inspection Fee	Monumental Work	Inclusion in Fees and Charges	The requirement for Shire to inspect site after works completed occurs regularly.	80.00	8.00	88.00
Additional works/cleanup required by Shire	Penalty Fees	Inclusion in Fees and Charges	Should items be left or area untidy after contractors/family completed works, the Shire shall charge to remove/tidy area. Chargeable hourly pro-rata	80.00	8.00	88.00

Statutory Environment:

Section 6.16, Imposition of fees and charges, of the Local Government Act 1995, states:

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

* Absolute majority required.

Section 6.19, Local government to give notice of fees and charges, of the Local Government Act 1995, states:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy/Work Procedure Implications:

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

Financial Implications:

The fees included in this report were used to calculate the budget figures for the Statutory Planning, Economic Services and Cemetery income for the 2011/2012 budget

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
	Leadership			
		4	Leadership throughout the organisation	We are realistic about our capacity to deliver.
		6		The Council and Leadership Team drive Strategy and Policy development.
		8		Elected members provide a clear and consistent strategic direction.
	Strategy and Planning			
		27	Strategic Direction	Prepare effectively for future development.
	Success and Sustainability			
		39	Achieving Sustainability	Projects and goals are realistic and resourced.

Community Consultation:

Not required.

Comment:

The amendments to the Schedule of Fees and Charges for the financial year 2011/2012 are recognised to be necessary to ensure that the Shire adequately charges for the services it provides.

Voting Requirements: Absolute Majority

CGAM028/11/11 COUNCIL DECISION/Committee Recommendation/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Wilson**1. That Council amends the current fees and charges for the 2011/2012 financial year as follows;**

FEE NAME	SECTION OF FEES	REQUIRED	REASON FOR ALTERATION/ADDITION	PRICE (\$)	GST (\$)	PRICE INCL GST (\$)
Provision of a subdivision clearance; (b) more than 5 lots but not more than 195 lots	Town Planning	Inclusion in fees and charges	Inadvertently omitted at time of adoption.	\$69.00 per lot for the first 5 lots and then \$35.00 per lot	-	\$69.00 per lot for the first 5 lots and then \$35.00 per lot
BRB Levy	Economic Services – Building Licences Application Fees	Amendment to the amount of the fee	Incorrect fee amount adopted.	41.50	-	41.50
Land reserved in advance	Land for Graves	Removal of fee	The Shire no longer permits reservations for either cemetery due to capacity issues.	165.45	16.55	182.00
Full monument – headstone with kerbing (plus license or permit fee)	Monumental Work	Inclusion in fees and charges	Historically charged, needs to be added back on to the schedule.	127.27	12.73	140.00
Additional Inscription and/or Plaque	Monumental Work	Inclusion of “Plaque” into the fee	Installation of plaques on already existing headstones occur regularly, there has not been a fee to date to cover this occurrence.	89.09	8.91	98.00
Placement by shire (plus acceptance & registration fee)	Monumental Work	Removal of fee	The Shire does not provide this service, all monumental works are completed by contractors.	100.00	10.00	110.00
Additional works/cleanup required by Shire	Monumental Work	Inclusion in fees and charges	Should any debris or equipment remain on site from contractors, a fee to the contractor will be charged to remove items and cleanup the area.	268.18	26.82	295.00
Placement of ashes and/or plaque by Shire with Service	Repository for Disposal of Ashes	Alteration to fee charged, inclusion of plaque placement	Due to Shire personnel required to wait for service to conclude before placing ashes and/or plaque, this takes more time than “without service”	180.00	18.00	198.00
Placement of ashes and/or	Repository for Disposal	Inclusion of plaque	Installation of plaques on already existing ashes	156.00	15.60	171.60



plaque by Shire without Service	of Ashes	placement	boxes occurs regularly, there has not been a fee to date to cover the occurrence. No change in fee.			
Placement of ashes and/or plaque by the Family	Repository for Disposal of Ashes	Inclusion in fees and charges	There has not been a fee to date to cover this occurrence.	95.45	9.55	105.00
Inspection Fee	Monumental Work	Inclusion in fees and charges	The requirement for Shire to inspect site after works completed occurs regularly.	80.00	8.00	88.00
Additional works/cleanup required by Shire	Penalty Fees	Inclusion in fees and charges	Should items be left or area untidy after contractors/family completed works, the Shire shall charge to remove/tidy area. Chargeable hourly pro-rata	80.00	8.00	88.00

**2. Council gives local public notice of the revised fees and charges by intention to impose the fees effective from 5 December 2011.
CARRIED 8/0**

CGAM029/11/11		LEASE OF COMMUNICATIONS TOWER, STATE FOREST 22 KINGSBURY DRIVE, JARRAHDAL NATIONAL PARK (A0840-02)	
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to approve an agreement with the Department of Environment and Conservation to lease the communications facility located in State Forest 22, Kingsbury Drive in Jarrahdale for the purposes of housing communications equipment.	
Owner:	Department of Environment and Conservation		
Author:	Louisa Loder – PA to Director Corporate Services		
Senior Officer:	Alan Hart – Director Corporate Services		
Date of Report	22 September 2011		
Previously	CGAM005/07/08		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The Shire has radio communications equipment located at communications facility at State Forest 22, Kingsbury Drive in Jarrahdale, which is part of the radio network used by Fire and Emergency Services, with their equipment being installed at this location in 1993.

This agreement was originally entered into in December 2004 for a period of 5 years until 2009. This report seeks the approval of Council to endorse the option to renew the agreement for a further 5 years with the agreement spanning from 1 November 2010 until 31 October 2015.

A copy of the Deed of Extension is with attachments marked [CGAM029.1/11/11 \(IN11/5002\)](#).

Sustainability Statement

Economic Viability: This proposal is beneficial in that it enables the Shire to not only house our own fire and emergency services equipment on this site, but in that it allows us to sub-lease space at this facility to a number of other users in order to maximise cost effectiveness.

Economic Benefits: The facility enables the Shire to maintain a comprehensive fire and emergency services network for the community. It also houses equipment belonging to several large telecommunications network carriers and the West Australian Police.

Statutory Environment:

Council is required to endorse the agreement and give authority for the Chief Executive Officer and Shire President to sign the agreement and for the Common Seal to be applied.

Policy/Work Procedure Implications:

There are no work procedures or policy implications directly related to this agreement.

Financial Implications:

The annual rental amount for consideration is \$7,250 per annum reviewed annually in accordance with CPI.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT		Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
			Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
			Encourage innovative solutions for the provision of utilities.
		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.
			Interact with professional and industry bodies to keep abreast of best practice.
SUSTAINABLE ECONOMIC GROWTH	Industry Assistance		
		Infrastructure	Advance the development of transport, technology and utilities infrastructure.
			Examine the opportunities for utilisation of Shire facilities as business incubators.

Community Consultation:

Not required.

Comment:

The agreement will provide tenure for the Shire in allowing the equipment to remain in this site and provide an essential service to the community.

There are no suitable alternative sites available within the Shire to house such equipment.

It is recommended that Council endorse this agreement.

Voting Requirements:**ABSOLUTE MAJORITY****CGAM029/11/11 COUNCIL DECISION/Committee Recommendation/Officer Recommended Resolution:**

Moved Cr Urban, seconded Cr Wilson
That;

1. Council endorse agreement 2102/97 between the Department for Environment and Conservation and the Shire of Serpentine Jarrahdale (as per attachment [CGAM029.1/11/11](#)).
2. The Chief Executive Officer and Shire President be authorised to sign the agreement on behalf of the Serpentine Jarrahdale Shire and the Common Seal applied.

CARRIED 8/0

CGAM030/11/11	ADOPTION OF THE VILLAGE CENTRE MAINTENANCE PERIOD, THE GLADES AT BYFORD, L21 & L22 DOLEY ROAD, BYFORD (P04488/01)	
Proponent:	Not Applicable	In Brief LWP Byford Syndicate Pty Ltd is proposing a constructed lake for The Glades Village Centre in Byford as identified in The Glades Local Structure Plan and Local Water Management Strategy. In June 2011, the Shire adopted the Lake Management Plan and required that the maintenance period of the lake be determined before construction commences. Development Approval has been issued for the lake and Council now need to determine the maintenance period.
Owner:	LWP Byford Syndicate Pty Ltd	
Author:	Alan Hart - Director Corporate Services	
Senior Officer:	Richard Gorbunow - Acting Chief Executive Officer	
Date of Report	26 October 2011	
Previously	CGAM068/06/11 SD056/12/10 SCM25/03/2010 OCM26/10/09 SCM02/09//06 OCM05/08/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Following the advertising of the Byford Main Precinct “The Glades” Local Structure Plan (LSP) in late 2009, Council adopted the LSP subject to modifications on 9 March 2010, and then referred the LSP to the Western Australian Planning Commission (WAPC) for its consideration. The WAPC reviewed the LSP with the view of making a determination as to whether to approve the LSP with or without modifications. The WAPC referred the LSP with modifications to the Shire for consultation. The Shire provided comment on the LSP and provided a response to the WAPC’s proposed modifications to the LSP. The Glades LSP was approved by the WAPC and adopted by Council in April 2011.

In order to enable works to commence onsite, planning approval for bulk earthworks was issued on 25 March 2010 based on the draft LSP.

The draft LSP proposed a constructed water body (a lake) in proximity to the village centre on Doley Road, Byford. The proposed constructed lake is intended as a community asset providing:

- Aesthetic functions which make the village centre an active hub for commercial or social activities;
- A focus for recreational activity, supported by the network of paths and boardwalks that provide access to the lake for residents;
- Structural benefits which include increased flexibility in the design of the public open space (POS) irrigation system by providing storage;
- Additional stormwater detention storage in major flood events; and
- Water source for fire fighting.

In June 2011, the Council adopted the Glades Village Centre Lakes Management Plan. The only outstanding issue for Council to consider is the funding options for the ongoing maintenance of the lake and surrounding POS.

A copy of the Glades Village Centre Lakes Management Plan is with attachments marked [CGAM030.1/11/11](#) (E11/6090).

Sustainability Statement

Resource Implications:

The Glades Village Centre Lakes will be a source of irrigation water for the POS within the Glades Development. The Lakes and surrounding POS are being developed at the level that will require significant ongoing maintenance to ensure that it is maintained as at the time of construction. The focus in recent years has been asset management and funding renewal and determining these costs at the point of construction. This is to ensure that the project is viable during the whole of life of the asset, not just at the point of construction when it looks at its best.

Economic Viability:

An Asset Management Plan has been prepared by Plan E Landscape Architects for the Village Centre Lakes POS and was created to provide the Shire of Serpentine Jarrahdale with detailed information on each component of the lakes and associated public open space, including replacement costs, design life and maintenance costs.

Economic Benefits:

The lakes and surrounding POS will provide a focal point and act as an attractor for the Glades Village Centre. Businesses in the Glades Village Centre will benefit indirectly from the proposal.

Social – Quality of Life:

The Glades Village Centre and broader Byford Community will benefit through the provision of passive recreation opportunities (e.g. bird watching, walking, flora identification etc). The Glades Village Centre Lakes will be adjacent to the multiple use corridor which provides pathways for active recreation opportunities such as jogging and cycling. There will be connectivity between the Glades Village Centre Lakes and the multiple use corridor.

Water Sensitive Urban Design will be incorporated into the Glades Village Centre Lakes. Water-wise landscaping and treatment of storm-water for contaminants up to and including the 1-Year 1 Hour Average Recurrence Interval (ARI) storm event are considered as part of this proposal and in the Urban Water Management Plan prepared for The Glades Village Centre.

Social and Environmental Responsibility:

The Glades Village Centre Lakes will provide a meeting place and focal point for local community. The Glades Village Centre Lakes will be designed according to best practice and address the issues identified in Department of Water's Interim Position Statement on Constructed Lakes.

Social Diversity:

The Glades Lakes will allow various social groups within our community to access natural areas and enjoy the aesthetics of open water. Universal access will be considered when designing public open space.

Statutory Environment:

Planning and Development Act 2005
Local Government Act 1995

Policy/Work Procedure Implications:

Local Planning Policy No. 22 – Water Sensitive Urban Design.
Draft Local Planning Policy No. 25 – Constructed Lakes

Financial Implications:

There will be significant financial implications to Council as a result of the construction of the lake and surrounding POS as the Shire will ultimately be responsible for the maintenance and eventual renewal of the asset. These implications will be fully discussed in this report.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT			
	Land Use Planning		
		Buildings	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.

Vision Category	Focus Area	Objective Summary	Objective
			Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	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.
OUR COUNCIL AT WORK			
	Strategy and Planning		
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Knowledge and Information		
		Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
			Understand current and future costs of service delivery.
PEOPLE AND COMMUNITY			
	Places		
		Vibrant	Plan and facilitate the provision of a range of facilities and services that meet community needs
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
SUSTAINABLE ECONOMIC GROWTH			
	Industry Development		
		General	Attract and facilitate appropriate industrial, commercial and retail developments.
		Tourism	Encourage the development of tourist attractions and accommodation.
			Maximise the tourism and recreation potential of our natural environment.

Community Consultation:

All ratepayers in the Glades estate will be advised of how Council intends on funding the ongoing maintenance cost of the Lakes and POS. The Shire will work with LWP to develop a marketing and communications plan and this will be implemented prior to the implementation of the proposed funding mechanism.

Comment:

The Shire have been having ongoing discussions with LWP in relation to the maintenance period and funding mechanism to fund the asset management cost of the lakes and POS since Council adopted the LSP in 2009.

The Asset Management Plan (AMP) which was prepared by LWP's consultants identified each major element of the lakes and POS and prepared initial costs of construction of the infrastructure, ongoing maintenance costs and the estimated life of each element.

The AMP estimated a replacement (construction) cost (as at January 2011) of the lakes and POS at \$2.11 million. As costs are continually increasing, the Shire has allowed a contingency allowance of 10% to accommodate any cost increases that may occur between the time this AMP was prepared to actual construction. The Shire has based all cost estimated on this higher amount (\$2.32 million) to ensure that over the life of the asset, enough funds are set aside to fund the eventual replacement.

The AMP also identified the estimated life of each major element of the lakes and POS has a design range from 3 years to 50 years. Given this diverse span of years, it is critical that a maintenance period and funding mechanism for when the Shire takes over the infrastructure be put in place as soon as construction is complete so that maintenance costs do not adversely impact on general rate funds.

Proposed Maintenance Period

In order to progress this and implement the final solution, the developer and the Shire need to agree on an acceptable maintenance period for which the developer will maintain the lake. This agreement is critical as it will determine the amount that needs to be raised for the renewal of the infrastructure.

One factor that needs to be taken into account here is the level of service that the developer will require whilst they are still active in the development, (i.e. selling land) and, beyond that, community expectations about maintaining the same level of service. For obvious reasons, they will require a high level of service in specifically in relation to grounds maintenance as the condition of the lake and surrounds can have a direct effect on their ability to achieve sales and the community that will be created as a result of the property sales will also require the same.

It is standard practice that developers hand over infrastructure to the Local Government 2 years post construction. If this were to occur, the Shire would be required to fund the maintenance earlier rather than later.

It is preferable that the maintenance period be as long as possible to minimise the cost to ratepayers. LWP have made a commitment to extend this maintain period by a further 12 months and then in year 4, share the maintenance costs 50% with the Shire.

The Shire's position is that the maintenance period be as long as possible to minimise the cost on the ratepayers and ensure that when the Shire eventually takes over the maintenance of the POS, the residents that will fully benefit from the constructed POS are in place and contribute towards the maintenance through rates, therefore it should be at build out rather than the standard 2 years post practical completion.

The Shire has only one other constructed waterway within the Shire and this is within the 'Byford by the Scarp' development, in this situation, the Council resolved in 2004 to set the maintenance period at 5 years. The shire's Engineering department have indicated that their preference is for a minimum 5 year maintenance period

Councils draft Local Planning Policy number 25 – Constructed Lakes, specifies a preferred maintenance period of 10 years, the policy is flexible and allows for alternative maintenance periods as negotiated with the Shire.

Proposed Funding Mechanism

There are 3 methods of funding this infrastructure:

1. Seek an upfront contribution from the developer;
2. Incorporate the Asset Management Cost into General Funds (rates); and
3. Levy a 'Special Area Rate' over the development area

Upfront Contribution From the Developer

Some developers have come to an agreement with the Local Authority to provide a lump sum at the time of sale of the lot to the Shire to assist in the cost of the maintenance and renewal of the asset. Agreement such as this are generally made at the time of structure planning and the cost of the contribution is incorporated into the price of the land. This is the ideal option as there is no ongoing contribution required from the ratepayer and the amount of funds required are determined up front and the funds are invested specifically for the purposes of renewal and maintenance.

In this case, these discussions did not occur and the price structure of the lots do not provide the flexibility to incorporate this into the sale price. Therefore this option will not be taken into account.

Incorporate the Asset Management Cost into General Funds (Rates)

This option is by far the easiest option for Council to adopt. The Asset Management cost would simply be incorporated into general funds and the cost equally shared by all ratepayers in the Shire. The estimated cost of maintaining the lake (including the renewal cost) in year one is estimated to be just over \$300,000 and the costs will increase in each year to account for inflation etc. Based on our current rates revenue of \$10M, this represents 3% of rates revenue.

It could be argued that this is the most inequitable method of funding the cost of the infrastructure as they will not directly benefit from the construction of the infrastructure as it will only be a focus for residents nearby to the Glades Village Centre. For this reason, this option has not been further explored.

Special Area Rate

The Local Government Act allows Councils to levy a rate to raise funds for particular purposes. This is called a 'Special Area Rate'

Special Area Rates can only be spend on items that they were raised to provide. This is the optimal solution for the Shire as it has the opportunity to raise rates on ratepayers that will directly benefit from the construction of the lake and surrounding POS.

It also allows for the Shire to capitalise on the growth of the subdivision by taking into account the growth that will occur over the life of the development so that the asset management cost can be 'shared' across all ratepayers during the growth of the development. This has the effect of equalising the cost during the growth phase so during the early stage of the development the cost is not apportioned across a small number of ratepayers. This is an essential element of the costing model as the cost shared by a small

number of ratepayers is not a viable option and equally we cannot wait until build out to start to accumulate funds for maintenance and renewal as the asset will be constructed ahead of this and will require maintenance and renewal from day one.

This option is the preferred solution and the discussion paper attached to this item fully explains how special area rating will work, costs of maintenance, estimated timeframe for the growth of the Glades development and cashflows until 2021/22.

A copy of the Discussion Paper - Funding of the Lake and Public Open Space Glades Subdivision is with the attachments marked [CGAM030.2/11/11 \(IN11/15719\)](#).

Conclusion

The Glades Lakes will provide a vibrant and distinctive feature within the Glades Village Centre. The adoption of The Byford Main Precinct “The Glades” LSP provides the Shire to agree on a maintenance period. In the absence of any agreement, the default period will be 2 years, which is not the optimal solution for the Shire.

The recommended solution is based on discussions with the developer and is the optimal solution as during the extended time that the developer will maintain the lakes and POS the number of properties that can be subject to the special area rate will increase at an accelerated rate. In addition, the construction of the Town Centre should be well advanced and the Shire should be in a position to reassess the amount of the special area rate based on the number and types of lots within this precinct.

Options

There are 4 main options available to Council with respect to the maintenance period for the Glades Village Centre Lakes and POS as outlined below:

1. Council determine the maintenance period to be three years and in the fourth year, the Shire contribute 50% towards the maintenance cost with 50% being contributed by LWP and Council determine the mechanism for raising the funds to be via a ‘Special Area Rate’
2. Council determine that a maintenance period of five years from practical completion in line with Councils previous position in relation to a constructed lake. The shire would also need to raise funds for the ongoing maintenance and renewal by way of a ‘Special Area Rate’ to be levied on the ratepayers of the development.
3. Council determine that in line with Draft Local Planning Policy 25- Constructed Lakes, a maintenance period of ten years from practical completion in line with Councils previous position in relation to a constructed lake. The shire would also need to raise funds for the ongoing maintenance and renewal by way of a ‘Special Area Rate’ to be levied on the ratepayers of the development.
4. Council determine an alternative maintenance period and the mechanism for funding the maintenance and renewal cost.

Option 2 is recommended as the most appropriate timeframe as it is consistent with previous decisions of Council.

Voting Requirements: Simple Majority

**CGAM030/11/11 COUNCIL DECISION/Committee Recommendation/Officer
Recommended Resolution:**

**Moved Cr Harris, seconded Cr Urban
That Council:**

- 1. Determines a maintenance period for the Lakes and Surrounding Public Open space within the Glades Village Centre to be 5 years at the cost of the Property Developer, commencing from the date of practical completion.**
- 2. Determines that a Special Area Rate be imposed in accordance with Section 6.37 of the Local Government Act (1995) as amended on all rateable properties within the area designated as the Glades Residential Estate (Local Structure Plan) and the Glades Village Centre commencing in the 2012/13 financial year to raise funds towards the cost of maintenance of the Lakes and Public Open Space adjacent to the Glades Village Centre.**
- 3. In accordance with Section 6.11 of the Local Government Act (1995) as amended, a new Reserve Account be created entitled 'Glades Village Centre Lakes and Public Open Space Infrastructure Renewal and Maintenance Reserve' with a purpose of 'To fund the maintenance and asset renewal of the Lakes and Public Open Space in the Glades Village Centre, Byford'.**
- 4. Enter into a legal agreement with the LWP property group at their cost to ensure that LWP Property Group and any subsequent owners of the development area to bind the maintenance period as per recommendation (1).**
- 5. Works with the LWP Property Group to prepare a communications and marketing plan to advise all current and future property owners of Council's decision.**

CARRIED 8/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:**COUNCIL DECISION****Moved Cr Harris, seconded Cr Randall****That confidential item OCM019/11/11 be moved out of order and placed as the last item on the agenda.****CARRIED 8/0**

OCM020/11/11 ADJUSTMENTS TO THE 2011/2012 STATUTORY BUDGET (A1955)		
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to reallocating funds in the 2011/12 Budget to fund to business cases specified in this report.
	Not applicable	
Author:	Alan Hart- Director Corporate Services	
Senior Officer:	Richard Gorbunow Acting Chief Executive Officer	
Date of Report	15 November 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

As part of the Annual budget process, administration prepares business cases to proposed new or expanded services where there is an identified need.

When Council adopted the 2011/2012 budget, there was an allocation of \$200,000 to be used to fund the most of urgent business cases.

To assist Council in determining which business cases should be funded, each business case was individually assessed using a weighted ranking system, against its alignment to the Plan for the Future (2009-2014).

A copy of the ranked business cases is with attachment marked [OCM020.1/11/11 \(E11/6560\)](#).

Sustainability Statement***Economic Viability:***

All business cases identify all of the costs involved in each proposal. They also state if the costs are ongoing, are once off costs and/or have an income component.

Social – Quality of Life:

Planning/Subdivisions: Enables the Mundijong Whitby Structure Plan and Byford Town Centre Implementation Plans, as well as the local planning and rural strategies to continue.

Statutory Environment:

Local Government Act 1995 Section 6.8. Expenditure from municipal fund not included in annual budget;

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy/Work Procedure Implications:

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

Financial Implications:

There are financial implications if Council adopt the Officers Recommendation. The list of business cases that are being recommended for approval will have on-going cost implications of approximately \$220,000 which will need to be funded from general rate revenue into the future.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description	
OUR COUNCIL AT WORK						
		Leadership				
			4	Leadership throughout the organisation	We are realistic about our capacity to deliver.	4.1 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.2 Always question do we have to provide this, can someone else do it? 4.3 Ensure we are recovering our costs? 4.4 Actively utilise WALGA contracts that produce cost savings for the Shire.
			6		The Council and Leadership Team drive Strategy and Policy development.	6.1 Prioritise and adequately fund strategic projects and policy development.
			8		Elected members provide a clear and consistent strategic direction.	8.4 Elected members will determine and fund the level of service provided to the community. 8.5 Develop and implement a prioritisation process including reference to the Plan for the Future
		Strategy and Planning				
			27	Strategic Direction	Prepare effectively for future development.	27.4 Implement the fully costed Plan for the Future process.
		Success and Sustainability				
			39	Achieving Sustainability	Projects and goals are realistic and resourced.	39.1 Staff will observe strict cost control and accurately budget. 39.6 Develop a fully costed Plan for the Future.

Community Consultation:

Required: No

Comment:

There is \$200,000 in the Governance program budget, awaiting Council's resolution to allocate this amount to the successful business cases.

The total of the business cases prepared for the 2011/12 Annual Budget totalled 3,144,850. The shire is only allocated \$200,000 towards funding the most urgent of business cases.

As mentioned earlier, each business case was scored against the Plan for the Future (2009-2014) and this was completed using an assessment tool called 'Multi Criteria Analysis'.

This process is an established way of assessing different proposals against the same criteria and determining a score that can be used to identify if one proposal is more urgent or important than other. This is done by applying weightings against each assessable criteria and then the proposal is assessed against the assessable criteria and the higher the score the more urgent or important the proposal is against others that on the face of it, are just as equally important.

During the annual budget process, the Council provided feedback on their weightings against each Focus Area in the Plan for the Future (2009-2014).

A copy of the Weightings used to assess the business cases with attachment marked [OCM020.2/11/11](#) (E11/6558).

Each Business case was then assessed against each of these weightings and the weighted score determined the priority of each business case.

In consultation with each manager, the Leadership team identified their highest priority projects. This assessment was made by considering the following;

1. Operational need- Does the proposal address an operational need of the Shire?
2. Customer needs- Will the proposal deliver an outcome that will address the customer's needs?
3. External Requirements- Will the proposal satisfy an external or statutory or contractual requirement?

Each of business cases recommended for approval satisfied at least one of these criteria.

A copy of the business cases recommended for approval is with attachment marked [OCM020.3/11/11](#) (E11/6559).

It is therefore recommended that the attached list of projects be approved by Council.

Voting Requirements: Absolute Majority

OCM020/11/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Wilson
That Council;

1. Approves the reallocation from account CEO502 of \$199,200 to the following;

	Amount	Account	Business Case
a)	\$48,000	GDN730	General Hands for Operations Team
b)	\$25,000	ITS527	Document TPS amendments onto GIS
c)	\$2,200	CDO500	Increase in FTE-Community Development Officer
d)	\$50,000	STP525	Rural Strategy Review
e)	\$34,000	LIB500	Full Time Librarian
f)	\$24,000	TPP500	Land Administration Tasks
g)	\$16,000	CDO502	Legal Fees-Joint Use Agreements

2. Approves the reallocation from the Light Fleet and Plant Acquisition Reserve to the following;

	Amount	Account	Business Case
a)	\$40,000	RPP525	Utility for Operations Team

CARRIED 8/0

10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM021/11/11		INFORMATION REPORT
Proponent	Not applicable	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Richard Gorbunow – Acting Chief Executive Officer	
Date of Report	24 November 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	

OCM021.1/11/11 COMMON SEAL REGISTER REPORT – AUGUST 2011

The Common Seal Register Reports for the month of October 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM021.1/11/11](#)**.

OCM021.2/11/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 30 NOVEMBER 2011.

In the attachments marked [OCM021.2/11/11](#) (IN11/16967) is the agenda of the WALGA South East Metropolitan Zone Meeting to be held on 30th November 2011.

OCM021.3/11/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA –2011 (A1164-02)

In the attachments marked [OCM021.3/11/11](#) (IN11/16674) is the agenda of the WALGA State Council meeting to be held on 7th December 2011.

OCM021.4/11/11 POLICY FORUM – NOVEMBER 2011

The following items were discussed at the 8TH November 2011 Policy Forum:

Aspen Dust Buffer Issues/ Austral South – Various Issues
Redevelopment of IGA Mundijong (Development Application to Nov OCM)
Byford High School Site (Development Application to Nov OCM)
Whitby Land-holdings
Disability Access Inclusion Plan Review
Rural Strategy (update on Project Plan)
Finance – Information Session
Discussion on items going to Committee & Council Meetings
Discussion on items going to Committee & Council Meetings
Roles and Responsibilities of Elected Members – presentation and question time

Voting Requirements: Simple Majority

OCM021/11/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Urban
That Council receive the Information Report to 24 November 2011.
CARRIED 8/0

Clr Piipponen left the room at 7.53pm

COUNCIL DECISION

Moved Cr Urban, seconded Cr Randall
That the meeting be closed to members of the public at 7.53pm to allow Council to discuss confidential item OCM019/11/11 as per the Local Government Act 1995 section 5.23(2)(d).
CARRIED 7/0
Cr Piipponen was not present and did not vote.

Clr Piipponen returned to the room at 7.54pm

COUNCIL DECISION

Moved Cr Harris, seconded Cr Urban
That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.54pm.
CARRIED 8/0

COUNCIL DECISION

**Moved Cr Randall, seconded Cr Ricketts
That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 8.13pm .
CARRIED 8/0**

OCM019/11/11		CONFIDENTIAL ITEM - RECONSIDERATION OF EXTRACTIVE INDUSTRY LICENCE & PLANNING APPROVAL CONDITIONS – LOTS 7, 50 & 101 KILN ROAD, BYFORD (P06650/04)
Proponent:	Land Insights	In Brief
Owner:	Austral Bricks WA Pty Ltd	<p>The applicant has lodged an appeal with the State Administrative Tribunal against five (5) conditions recently imposed by Council on the Extractive Industry Licence and Planning Approval.</p> <p>The Tribunal has ordered that these conditions be reconsidered by Council.</p>
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	11 November 2011	
Previously	SD004/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Voting Requirements: ABSOLUTE MAJORITY

OCM019/11/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Ricketts

- A) The State Administrative Tribunal be advised that for the purposes of mediation that Council agree to modify conditions 2, 10, 15 and 18 on the Planning Approval dated 25 July 2011 for shale and clay extraction at Lots 7, 50 and 101 Kiln Road, Byford as follows:**

Condition 2

Signs are to be erected at the intersections of the internal haulage roads and Nettleton Road and Kiln Road warning “Caution – Trucks Using Road” during times of cartage.

Condition 10

At least 6 months prior to the completion of extraction operations on the site, the landowner shall submit to the Shire for approval, in consultation with the Department of Mines and Petroleum, a closure plan in accordance with the Department of Mines and Petroleum and Environmental Protection Authority draft 'Guidelines for Preparing Mine Closure Plans' (June 2011) document, incorporating:

- (i) A statement of end use;**
- (ii) A final contouring plan consistent with that end use;**
- (iii) The revegetation of the site, including plant species of local provenance and density;**

- (iv) A decommissioning plan that details the removal of plant, infrastructure and other materials from the site and the staging of such works; and
- (v) A statement identifying the elements of the updated Biodiversity Management and Rehabilitation Plan prepared under condition 18 which the closure plan is intended to supercede.

Once approved by the Shire, the closure plan shall:

- (i) Be implemented in its entirety; and
- (ii) Supercede any inconsistent elements of the updated Biodiversity Management and Rehabilitation Plan prepared under condition 18.

Council may agree, following submission of an application in writing, to vary the approved closure plan.

Condition 15

- a) To prevent any spilled fuel entering the ground the applicant will use bunded hardstand refuelling areas or alternatively an industry best practice method (eg Wiggin's Fast Fuel Systems) to the requirements of the Shire.
- b) No on-site fuel storage and major servicing of equipment shall take place.
- c) The operator shall ensure that:
 - (i) All trucks accessing the site and all mechanical equipment used on-site shall be fitted with or carry a spill kit containing absorbent booms, granules and pads and heavy duty waste bag, sufficient to clean up the accidental spill of the volume of fuel and other hydrocarbons (for example, hydraulic fluids) from each truck or piece of equipment;
 - (ii) Spill kits are replenished immediately following a spill event and contaminated soils removed and appropriately disposed of;
 - (iii) Any fuel or other hydrocarbon leakages or spills shall be cleaned up immediately and in any event within 12 hours of a leak or spill; and
 - (iv) The operator of any mechanical equipment used onsite shall, prior to commencement of extraction activity on the site and throughout the term of this approval, undergo practical instruction and training in the use of the spill kit.

Condition 18

- (a) The 2005 approved Biodiversity Management and Rehabilitation Plan is to continue to be implemented until it is updated and approved as provided for in this condition.
- (b) An updated Biodiversity Management and Rehabilitation Plan being submitted within 90 days of the date of this approval to the satisfaction of Council. The Biodiversity Management and Rehabilitation Plan is to include but not be limited to including:
 - (i) A self-sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - (ii) For the purposes of biodiversity planting areas, a minimum survival of 1200 locally occurring native tree stems and 10,000 locally occurring native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old.

- (iii) For the purposes of biodiversity planting areas, distributions of at least 5 locally occurring native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community;
 - (iv) Stable soils resistant to wind erosion;
 - (v) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - (vi) Clumps of trees and large shrubs (greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare; and
 - (vii) A minimal and controlled weed burden of declared weeds.
- c) Subject to condition 18(d) and condition 10, the updated Biodiversity Management and Rehabilitation Plan is to be complied with at all times.
- d) Council may provide its consent in writing to vary the rehabilitation requirements of the updated Biodiversity Management and Rehabilitation Plan if justified taking into consideration the proposed end use and the prospects of that proposed end use being implemented.
- B) Council requests the Director of Development Services prepare a textual amendment to the Shire’s Town Planning Scheme and a Local Planning Policy for extractive industries to achieve the community’s expectations with regard to the assessment and conditioning of such proposals to maintain landscape, amenity, public health and environmental protection.

CARRIED 8/0

COUNCIL DECISION

Moved Cr Harris, seconded Cr Ricketts
That the meeting was re-opened to the public at 8.17pm
CARRIED 8/0

11. URGENT BUSINESS:

Nil

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

There being no further business, the meeting closed at 8.21pm

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 28 November 2011.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD065/11/11	PROPOSED ADDITIONS & ALTERATIONS TO EXISTING SHOP (IGA SUPERMARKET) - LOTS 9 & 10 (No.20) PATERSON STREET AND LOT 204 WHITBY STREET, MUNDIJONG (P00576/03)	
Proponent:	M & N Gangemi	In Brief The proponent seeks approval for a proposed redevelopment of the existing Mundijong IGA Supermarket. It is recommended that the application be conditionally approved.
Owner:	As above	
Author:	Michael Daymond – Senior Planner Lawrence Man – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	26 October 2011	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

Voting Requirements: Simple Majority

SD065/11/11 Committee Decision/Officer Recommended Resolution:

Moved Cr Urban, seconded Cr Kirkpatrick

- A. Council, pursuant to Clause 5.2 of Town Planning Scheme No. 2, varies the car parking requirements to allow a total of seventy nine (79) car bays to be provided for the development.
- B. The proposed additions and alterations to the existing Shop (IGA supermarket) on Lots 9 and 10 (20) Paterson Street, Mundijong be approved subject to the following conditions:

PLANNING

1. An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter implemented, to the satisfaction of the Shire, that addresses such matters as:
 - a) Antisocial behaviour management;
 - b) Complaints handling;
 - c) Litter management; and
 - d) Trading hours.
2. A monetary contribution being 2% of the construction cost of the development be paid to Council for the establishment of public art in accordance with Council's draft Local Planning Policy No.59 *Public Art Policy for Major Development* to the satisfaction of the Director Development Services.

AMENITY

3. The proponent shall appoint a suitably qualified acoustic consultant to undertake a detailed noise assessment and provide a Noise Management Plan for approval by the Manager of Health Rangers and Development Compliance within 60 days of the date of this approval. The Noise Management Plan shall include proposed noise attenuation measures for all mechanical plant and equipment that may exceed assigned levels and demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. Once approved, the Noise Management plan is to be implemented in its entirety.
4. A Construction Noise Management Plan is required to be submitted, approved and thereafter implemented to the satisfaction of the Director Development Services should construction activities occur before 7:00am or after 7:00pm Monday to Saturday. No activities shall occur on Sundays and Public holidays.
5. The external walls of the building are to be painted natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes, including samples of materials to be used, is to be provided for approval to the satisfaction of the Director Development Services prior to the commencement of site works.
6. The location of external fans, air conditioners, extraction units and the like shall be located so that they are not visible from any street or public area to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emissions or otherwise.
7. All sewerage wastes and water pipes are to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.

LOADING BAY

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

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

10. The approved Traffic Assessment Report (dated 29 June 2011, version 1) being implemented at all times to the satisfaction of the Director Engineering.
11. Seventy nine (79) car parking bays to be provided in accordance with the plans attached to and forming part of this approval.
12. Two (2) disabled parking bays to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
13. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering and maintained at all times prior to the occupation of the development for the use hereby permitted.
14. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.
15. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.

16. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the proponent's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
17. Bicycle parking facilities being provided in accordance with Local Planning Policy No.58 *Bicycle Facilities* to the satisfaction of the Director Engineering.

EXTERNAL LIGHTING

18. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1 (Cat. P)*.
19. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast and shall not impact on adjoining landowners.

STORMWATER

20. An Urban Water Management Plan to be prepared and approved by the Director Engineering prior to the commencement of site works. Once approved, the Urban Water Management plan is to be implemented in its entirety.
21. A petrol and oil trap being installed in the car park drainage system prior to occupation of any building to the specification and satisfaction of the Director Engineering.

BIN STORAGE AND PICK-UP

22. The proposed bin area to be provided in accordance with the approved plans and the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*.
23. The service areas are to be screened from public view to the satisfaction of the Director Development Services.

SIGNAGE

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

LANDSCAPING

26. A Landscape and Vegetation Management Plan for the entire development site, including all car parking areas and road verges, must be submitted to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.
27. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.

- 28. Street furniture (fixed seating and bins) to be provided within the development to the satisfaction of the Shire.**

FENCING

- 29. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation. The construction of any fence along the property boundary will require approval from the Shire. Detailed plans are to be submitted for approval by the Director Development Services.**

Advice Notes:

- 1. A building licence must be applied for and issued by Council before any work commences on the site.**
- 2. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.**
- 3. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.**
- 4. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation are to be submitted at building application stage.**
- 5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.**
- 6. The proponent is advised that the landscape design should be guided by Crime Prevention Through Environmental Design principles.**
- 7. The Landscape and Vegetation Management Plan shall:
 - a) Be drawn to a scale of 1:200 and show the following:
 - i. The location, name and heights of existing trees and shrubs not affected by the development and nominated for retention;**
 - ii. The location, name and mature heights of proposed trees and shrubs;**
 - iii. Any lawns, walkways, paved areas, decks, water features, shade structures and the like to be established;**
 - iv. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles; and**
 - v. Landscaping strips comprising shrubs and/or trees being provided on verges along all street frontages.****
 - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.**
 - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.****
- 8. The existing trees on the site not affected by the development should be retained and protected.**
- 9. The Proponent is advised that due to the close proximity to the environmentally sensitive area of Bush Forever Site 350 and 360 the new landscaping should contribute to local biodiversity and the best practice in storm water management should be used in this development;**

10. The Shire encourages the following Water Sensitive Urban Design principles:
 - a) The use of permeable surfaces within the car park;
 - b) Installation of flash kerbs around tree wells;
 - c) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;
 - d) Introduction of various measures slowing down the storm water run-off (meandering, mimicking nature);
 - e) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;
 - f) Harvesting storm water run-off from roofs and hard surfaces wherever possible;
 - g) Extensive use of local plants, grown to provenance; and
 - h) The use of reticulation systems suitable for native plants where applicable.
11. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
12. The facility is required to comply with the *Health (Public Buildings) Regulations 1992*.
13. The development is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.
14. The proponent is to make application with detailed specifications for effluent disposal including expected waste water volumes and site plans illustrating drainage lines and location of grease traps, tanks and irrigation fields shall be provided to the Shire's Health Services Department prior to the issue of Building Licence.
15. The existing septic tank system is to be decommissioned by the following means:
 - (a) Ensure existing septic tanks, soakwells and/or leach drains are pumped empty by a Licensed Liquid Waste Contractor; and
 - (b) All septic tanks, soakwells and/or leach drains must be either removed or have their lids and bases broken and filled with clean sand.
16. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the *Food Regulations 2009* to the satisfaction of the Shire.
17. In relation to condition 22, the bin area shall be provided with:
 - i. A tap connected to an adequate supply of water;
 - ii. Smooth impervious walls constructed of approved material not less than 1.5 metres in height;
 - iii. An access way not less than 1 metre in width fitted with a self-closing gate;
 - iv. Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system;
 - v. Easy access to allow for the removal of containers; and
 - vi. A floor area of not less than 3m² or not less than 10% of the floor area of the kitchen (or food preparation room).
18. Should fill adjacent to the fuel storage area be used offsite verification must be undertaken by a suitably qualified professional to confirm soil contamination is not present.

CARRIED 7/0

SD066/11/11 ROAD CLOSURE AND AMALGAMATION - LOT 102 NETTLETON ROAD, KARRAKUP (P05971)		
Proponent:	T O'Neil	In Brief A request to purchase an unconstructed portion of road reserve abutting Lot 102 Nettleton Road, Karrakup.
Owner:	T O'Neil and T McBride	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	19 October 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	Committee – in accordance with resolution CGAM064/02/08	

Voting Requirements: Simple Majority

SD066/11/11 Committee Decision/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Moore

That Council:

- 1. Resolve to advertise the proposed road closure in accordance with the requirements of Section 58 of the Land Administration Act 1997;**
- 2. Note that all costs associated with the progression of the road closure proceedings will be the responsibility of the requesting landowner;**
- 3. Note that a further report will be required to be presented to Council post advertising, to consider the submissions received; and**
- 4. Advise State Land Services and the adjoining landowners accordingly.**

CARRIED 7/0

SD071/11/11 WALGA REPRESENTATION OF LOCAL GOVERNMENT WITH RECOMMENDATIONS FOR KEELTY REPORT (A1164-02)		
Proponent:	N/A	In Brief <u>Recommend to the South East Metro Zone that WALGA represent Local Government interests in regard to the recommendations from the Keelty Report.</u>
Owner:	N/A	
Author:	Councillor Merri Harris	
Senior Officer:	Richard Gorbunow – Acting Chief Executive Officer	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

Voting Requirements: Simple Majority

SD071/11/11 Committee Decision/Councillor Recommended Resolution:

Moved Cr Urban, seconded Cr Kirkpatrick

That Council recommends to the South East Metro Zone that WALGA:

- 1. Uses the expertise within the Local Governments most likely to be affected by the proposed high fire prone area designations in its representations for proposed planning and regulatory changes; and**
- 2. Makes very strong representations through its role on advisory groups regarding the high level of consultation required with both the affected Local Government and State agencies such as the Water Corporation, before any proposed Emergency Services Levy boundary changes.**

CARRIED 7/0

SD072/11/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for October 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
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	

Voting Requirements: Simple Majority

SD072/11/11 Committee Decision/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Urban

That Council accept the Strategic Community Planning Information Report as per attachment SD072.1/11/11 for October 2011.

CARRIED 7/0

SD073/11/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for October 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	19 October 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	

Voting Requirements: Simple Majority

SD073/11/11 Committee Decision/Officer Recommended Resolution:

**Moved Cr Urban, seconded Cr Ricketts
That Council accept the Development Services Information Report.
CARRIED 7/0**

CGAM026/11/11 MONTHLY FINANCIAL REPORT – OCTOBER 2011 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the October 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 October 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	

CGAM026/11/11 COMMITTEE DECISION/Officer Recommended Resolution:

**Moved Cr Ricketts, seconded Cr Kirkpatrick
That Council receives the Monthly Financial Report for October 2011, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM027/11/11		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Serpentine Jarrahdale Shire	In Brief To confirm the creditor payments made during the period 22 September to 24 October 2011.
Owner:	Not Applicable	
Author:	Eleanor Biggs - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 October 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	

CGAM027/11/11 COMMITTEE DECISION/Officer Recommended Resolution:

Moved Cr Moore, seconded Cr Wilson

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 22 September to 24 October 2011, as per attachment [CGAM027.1/11/11](#) including Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 7/0

CGAM031/11/10		DRAFT DEED OF AMENDMENT OF THE ESTABLISHMENT AGREEMENT – PROVISION ENTITLING THE PARTICIPANTS TO APPOINT DEPUTY MEMBERS (A2083-02)
Proponent:	Rivers Regional Council	In Brief To endorse the Draft Deed of Amendment, prepared by Solicitor, Mr John Woodhouse, and authorise the Shire President and the Chief Executive Officer to enter into a deed to that effect.
Owner:	Not Applicable	
Author:	Not Applicable	
Senior Officer:	Richard Gorbunow – Acting Chief Executive Officer	
Date of Report	1 November 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	

CGAM031/11/10 Committee Recommendation/Officer Recommended Resolution:

That Council:

- 1. Endorse the Draft Deed of Amendment, attachment [CGAM031.2/11/10 \(IN11/16241\)](#), dealing with the appointment of deputy members to the Rivers**

**Regional Council and authorise the Shire President and the Chief Executive Officer to enter into a deed to that effect.
CARRIED 7/0**

CGAM032/11/11 CORPORATE SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report for October 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	26 October 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	

CGAM032/11/11 COMMITTEE DECISION/Officer Recommended Resolution:

**Moved Cr Urban, seconded Cr Ricketts
That the Information Report for October 2011 be received.
CARRIED 7/0**

CGAM033/11/11 ENGINEERING SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief To receive the information report for October 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	26 October 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	

CGAM033/11/11 COMMITTEE DECISION/Officer Recommended Resolution:

**Moved Cr Moore, seconded Cr Wilson
That the Information Report for October 2011 be received.
CARRIED 7/0**

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