

TABLE OF CONTENTS

1.	ATTENDANCES & APOLOGIES (including Leave of Absence):	3
2.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:	3
3.	PUBLIC QUESTION TIME:	4
4.	PUBLIC STATEMENT TIME:	5
5.	PETITIONS & DEPUTATIONS:	6
6.	PRESIDENT'S REPORT:	6
7.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	7
8.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	7
	REPORTS OF COMMITTEES:	8
	SD022/09/10 PROPOSED TATTOO AND ART (BODY PIERCING) STUDIO – LOT 100 (2) ELLIOT ROAD, KEYSBROOK (P00209/05)	8
	SD024/09/10 PROPOSED LOCAL STRUCTURE PLAN – REDGUM BROOK ESTATE NORTH - LOTS 9020 & 9023 THOMAS ROAD, BYFORD AND PROPOSED MODIFICATION TO THE BYFORD DISTRICT STRUCTURE PLAN (A1621)	15
	SD025/09/10 LOCAL PLANNING POLICY NO. 51 - OAKFORD RURAL ECONOMIC LIVING AREA PLANNING FRAMEWORK (A1836)	32
	SD026/09/10 LOCAL PLANNING POLICY NO. 55 – INTERIM DEVELOPMENT CONTRIBUTIONS – EASTERN BYFORD (A1912)	35
	SD027/09/10 REVIEW OF DELEGATED AUTHORITY – FOOD ACT 2008 (A1047)	41
	SD028/09/10 PROPOSED DRAFT LOCAL PLANNING POLICY NO. 47 – MUNDIJONG-WHITBY INTERIM DEVELOPMENT (A1729)	43
	SD029/09/10 PROPOSED DRAFT LOCAL PLANNING POLICY NO. 53 – GEORGE STREET CONSTRUCTION COSTS (A1907)	48
	SD030/09/10 RESOLUTION NOT TO PROCEED WITH AMENDMENT NO. 148 AND INITIATION OF AMENDMENT NO. 171 (A1902)	51
	SD031/09/10 CLUB DEVELOPMENT OFFICER PARTNERSHIP WITH TOWN OF KWINANA (A1789)	70
	SD032/09/10 LOCALITY FUNDING PROGRAM (A1860)	76
	CGAM008/09/10 MONTHLY FINANCIAL REPORT – JULY 2010 (A0924/07)	82
	CGAM009/09/10 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	85
	CGAM010/09//10 COUNCIL POLICY - OFFENCES AGAINST THE BUSH FIRES ACT 1954 (A1057/03)	86
	CGAM011/09/10 INFORMATION REPORT	92
9.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	94
	OCM012/09/10 RECISION OF COUNCIL DECISION AND INITIATION OF AMENDMENT NO. 168 TO THE SHIRE OF SERPENTINE JARRAHDAL TOWN PLANNING SCHEME NO. 2 – BYFORD DEVELOPMENT CONTRIBUTION ARRANGEMENT AND BYFORD DEVELOPMENT CONTRIBUTION PLAN (A1862)	94

OCM013/09/10	COUNCIL MEETINGS AND SERVICES OVER THE CHRISTMAS AND NEW YEAR PERIOD (A0023-02)	102
OCM014/09/10	WATER SUPPLY TO JARRAHDAL (A0620-02)	104
10.	CHIEF EXECUTIVE OFFICER'S REPORT	106
OCM015/09/10	INFORMATION REPORT	106
11.	URGENT BUSINESS:	107
OCM016/09/10	REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR BETH BROWN (A0024)	107
12.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	107
13.	CLOSURE:	108
14.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	109
SD023/09/10	AMENDED DETAILED AREA PLANS 1-4 - LOT 220 ABERNETHY ROAD, BYFORD (A1727)	109
SD033/09/10	DEVELOPMENT SERVICES INFORMATION REPORT	109

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 28TH SEPTEMBER 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

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

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
M Harris
C Buttfield
C Randall
MJ Geurds
T Hoyer
A Lowry
E Brown
K Petersen

OFFICERS: Mrs J Abbiss Chief Executive Officer
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Ms P KursarMinute Secretary

APOLOGIES: A Ellis (leave of absence)
Mr A Hart
Mrs S van Aswegen

Members of the public – 4
Members of the press – 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

2.1 Mrs Bond – 70 Stockman Close, Oakford

- Q1 In 1996 State Treasury Funds of \$120,000 were provided for sealing the 1km long Jackson Road, Olbury. Only \$44,000 of this funding was used for this purpose. What happened to the other \$76,000?
- A1 The Shire's financial records do not go back as far as 1996. This information is not available.
- Q2 Is it necessary to get permission to have a pool installed ?
- A2 All swimming pools require a building licence to be issued by the Local Government.
- Q3 If, so why is there one in Stockmans Close which has remained unfenced for some time now ?

- A3 The owner is currently working on completing the safety barrier and an officer from Council will be reinspecting the property soon to ensure the required barrier is installed.
- Q4 Who paid for the markets to be held in the Recreation Centre on the 21st August 2010 ?
- A4 The Country Markets are now being run by LWP. The hire fee for the Recreation Centre was paid for by LWP.

2.2 John Kirkpatrick – 16 Harris Place, Jarrahdale

- Q1 In reply to question on notice I was informed that an architect was retained to design the footpaths in Forrest Green Park as the Council has no one available to do the job. It was also indicated to me that the person in question who did the job was Mr T Farrell.

If this is correct, why did this cost not appear on the list of payments for the years 2008-2009 and 2009-2010 to Mr Farrell given to me in reply to a previous question on notice?

- A1 Council has paid Terry Farrell Architect \$550.00 (including GST) for the Forrest Green Community Project – Architect Consultancy on the 11th March 2010. This was included in the April Ordinary Council Meeting minutes and the April Corporate Governance & Asset Management Committee Minutes (Item CGAM062/04/10).
- Q2 If this is again correct, how many other payments may have been missed?
- A2 There were a total of 3 invoices that were inadvertently missed in calculating the total for the answer to your question on notice at Ordinary Council Meeting on 26 July 2010, requesting the total of every invoice paid for the last two financial years to Mr Farrell. These invoices were in relation to the following projects:

Jarrahdale Heritage Park	\$4192.23
Forrest Green	\$ 550.00

3. PUBLIC QUESTION TIME:

Public question time commenced at 7.05pm

John Kirkpatrick – 16 Harris Place, Jarrahdale

There are four questions I submitted at the last Ordinary Council Meeting that have not been answered. Could responses be forwarded as soon as possible?

I notice that the disabled access to the Jarrahdale Anglican Church has still not been addressed. Closing the building to the faithful is not a satisfactory answer.

My questions are:

- Q1 When will this issue be addressed?

Q2 When will the church be reopened to the public?

I notice in reply to a question on notice that Mr Farrell was paid \$550.00 to design the footpaths in Forrest Green Park.

My questions following that are:

Q3 Why are the footpaths grey concrete not coloured to blend with the environment?

Q4 Do the paths conform to Australian standards for footpaths and the standards for disabled access?

There was a function at the community park on Abernethy Road on the morning of the 18 September. A lot of cars were parked illegally either on the footpath, the landscaped areas or adjacent to the junction of Warrington Road.

Q5 Was a traffic management study supplied to the Shire prior to the event?

Q6 Was an emergency management plan submitted to the Shire prior to the event and how was it to be implemented?

There appears to be an imbalance of elected members in the Central Ward as against other wards in the Shire.

Q7 Will there be a re-distribution or an adjustment of ward boundaries prior to the next Council election due next year?

The Shire President advised that these questions will be taken on notice and that a response will be provided in writing.

Public question time ended at 7.07pm

4. PUBLIC STATEMENT TIME:

John Kirkpatrick – 16 Harris Place, Jarrahdale

I feel I must draw the Councils attention to the fencing at the rear of the cottage lots in Mead Street facing on to Macey Lane in The Glades Byford.

The fencing if entered for an award in encouraging crime would surely win first prize. It is a prime example of designing in crime. How not to do it. It is a full of hidey holes and dark corners. I feel sure that it will end up on Facebook as a training area for villains, predators and arsonists. It could not be made any worse if the Shire employed a consultant to design it.

The late Councillor Kevin Murphy cautioned this Council on many occasions that this problem would raise its ugly head. Who is to blame for this situation? The developer who is controlled by a myriad of regulation? I think not. Their only involvement is that they pay for the installation. The fencing contractor who has no idea about designing out crime and the influence fencing has on a community must take some of the responsibility. The Council put in place ridiculous constraints on the developer.

What have our elected members done about it? Councillor Randall who has a passion about Colour Bond fencing almost to the point of paranoia has been noticeably silent on the issue. Councillor Harris who is involved in community policing has not said a word about it.

Councillor Twine who owns a property almost at the centre of the road in question has actually participated in the construction of some of the offending fencing.

Where to from here? I would be prepared to meet with the community policing officer on site to show my concerns and perhaps the developer could be persuaded to rectify some of the situation in consultation with the residents. It is incumbent on the Council to review the situation and make sure that it is not repeated anywhere else in the Shire.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

It is with sadness that I announce the death of Sam van der Sanden. Sam was a valuable member of the volunteer fire brigade who came up through the cadet force. This admirable young man has made his indelible mark in our community with his helping and caring attitude – short as it has been. The funeral will take place on Friday 1st October in Baldivis. It is with regret that I announce this to Council.

I have three items to report to you this month. The first, regarding a conference, the second, a reprieve for one of our forests and third, Water Re-cycling for Community Benefit seminar.

- On Friday, 17th September, our Shire hosted a civic reception for delegates to open the annual WA Oral History Conference. The two day conference venue was the Bruno Gianatti Hall in Jarrahdale, with a varied program for over 60 participants of lectures, workshops, tours to the two local museums and a Gala Dinner on Saturday evening. Local firms and shops were employed for the catering, Millbrook wine was enjoyed and delegates stayed at the Environment Centre and the Holiday Haven. This event was a boost for the area's economy.
- A win for our forests. The majority of our Mundlimup forest has been excised from the logging regime of Forest Products Commission. Both the Shire Council and local group have been active in a campaign against logging of our native trees for a number of years. A partial victory has now been achieved but still another section of forest is scheduled for timber cutting in the spring of 2011, so we must remain vigilant and defend this portion. The 'Discovery Forest' project being advanced by the Serpentine Jarrahdale Shire is aimed at research, education, and recreation with a Memorandum of Understanding having been signed by the Shire and Department of Environment and Conservation. Three sections of the Discovery Forest takes place in Mundlimup.
- Cr Hoyer, myself and officer Deon Van der Linde attended the "Water Re-cycling for Community Benefit" seminar on Monday 13th September at Fremantle. The seminar was organized jointly by the Water Corporation and WALGA. Amongst the presentations, the most important for Serpentine Jarrahdale was from Chris Higgs, the Manager for Water Recycling. His mission is to distribute free, treated, recycled water for community use, such as keeping ovals green. Officer Deon Van der Linde has since met with Mr Higgs and has invited him to talk with us here in Chambers. This 'free' water, of course, comes with costs, such as piping and pumping, but has great potential for using the State's waste water.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Hoyer declared an interest of impartiality in item SD032/09/10 as he is a member of one of the applicant groups. This will not affect the way Cr Hoyer votes on the matter.

Cr Petersen declared an interest of impartiality in item SD032/09/10 as she wrote the grant application for the barbeque. Cr Petersen will leave the room when this item is discussed.

Cr Randall declared an interest of impartiality in item SD032/09/10 as she is part of an applicant group. This will not affect the way Cr Randall votes on the matter.

Cr Twine declared an interest of impartiality in item SD032/09/10 as she is part of an applicant group. This will not affect the way Cr Twine votes on the matter.

Cr Harris declared an interest of impartiality, in item SD032/09/10 as she is part of an applicant group. This will not affect the way Cr Harris votes on the matter.

Cr Buttfield declared an interest of impartiality in item SD022/09/10 as members of her family live in the district. This will not affect the way Cr Buttfield votes on the matter.

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

Moved Cr Brown, seconded Cr Hoyer
That confirmation of previous minutes be carried en bloc.
CARRIED 9/0 EN BLOC

7.1 Corporate Governance & Asset Management Committee Meeting – 17 August 2010

Moved Cr Brown, seconded Cr Hoyer
The attached minutes (E10/4266) of the Corporate Governance & Asset Management Committee Meeting held on 17 August 2010 be confirmed.
CARRIED 9/0 EN BLOC

7.2 Ordinary Council Meeting – 23 August 2010

Moved Cr Brown, seconded Cr Hoyer
The attached (E10/4359) minutes of the Ordinary Council Meeting held on 23 August 2010 be confirmed.
CARRIED 9/0 EN BLOC

7.3 Special Council Meeting – 7 September 2010

Moved Cr Brown, seconded Cr Hoyer
The attached (E10/4615) minutes of the Special Council Meeting held on 7 September 2010 be confirmed.
CARRIED 9/0 EN BLOC

REPORTS OF COMMITTEES:

SD022/09/10 PROPOSED TATTOO AND ART (BODY PIERCING) STUDIO – LOT 100 (2) ELLIOT ROAD, KEYSBROOK (P00209/05)		
Proponent:	Tony Burnett	In Brief Application for a Tattoo and Art (Body Piercing) Studio. Approval subject to conditions is recommended.
Owner:	Ed & Liz Shanley	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 July 2010	
Previously	None	
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: 3 April 2010
 Lot Area: 1712.44m²
 Advertised: Yes
 Submissions: Yes
 MRS Zoning: Rural
 TPS Zoning: Rural
 Use Class & Permissibility: Shop – Non Conforming Use
 Rural Strategy Policy Area: Agricultural Protection Area Living
 Rural Strategy Overlay: Landscape Protection Area

Background

An application has been lodged with the Shire to convert a portion of the existing Keysbrook General Store into a Tattoo and Art (Body Piercing) Studio. The applicant has advised that there will be no major structural changes to the existing building as the business will occupy a portion of the existing store. The only change to the external features of the building will be a security door replacing a window on an external wall.

The proposal is presented to Council for consideration as officers do not have delegated authority to determine the application.

A copy of the location plan, aerial photograph floor plan and location of signage are with attachments marked SD022.1/09/10.

Sustainability Statement

Effect on Environment: The proposal will not impact on existing vegetation on the site.

Social Diversity: The proposed development will not disadvantage any social groups and does provide for social diversity in the community.

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

Policy/Work Procedure**Implications:**

LPP8 Landscape Protection Area

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

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

Community Consultation

The application was referred to all landowners within the locality of Keysbrook for a period of 21 days in accordance with the requirements set out in TPS 2. As a result of the advertising one (1) letter of no objection, one (1) letter of objection and one (1) letter of general comment were received.

Affected Property	Summary of Submission	Officer Comment
A398989	DBNGP (WA) Nominees Pty Ltd as the owner and operator of the Dampier to Bunbury Natural Gas Pipeline has no objection to the proposed development	Comment noted



Affected Property	Summary of Submission	Officer Comment
	application at Elliott Road.	
A41202	<p>Objects for the following reasons:</p> <p>The tattoo parlour is not compatible with the general store. These establishments are usually confined to back streets/red light districts of cities and/or industrial areas.</p> <p>The people who frequent these establishments are not the type of people we wish in and around Keysbrook.</p> <p>The General Store is the main area where school children are picked up and dropped off by a number of school buses from a number of schools, both primary and high schools. Do we want these kids to be subjected to/or curious about the comings and goings of tattooed persons and/or persons with metal sticking out of their face.</p> <p>I also have health concerns about the premises. How can a tattoo/body piercing parlour where blood is spilt and surgical procedures are taking place, and chances of catching blood borne diseases such Hepatitis A, B, or C or HIV are a real risk, be compatible with a food preparation area where food is being prepared for the public?</p> <p>I don't know the current state of the proposed rooms but I know previously there was a serious termite problem and rising damp and those rooms were virtually uninhabitable. How are they going to bring them up to a standard that would meet the health standards of a "medical centre" where medical procedures are taking place?</p>	<p>Comment dismissed. Tattoo parlours are generally located in Commercial areas and main streets. (for example along Albany Highway in Victoria Park and Beaufort Street in Mount Lawley).</p> <p>Comment dismissed. This comment is not related to the planning merits of the proposal.</p> <p>Comment noted. The proposal is for one (1) customer at a time with up to three (3) customers per day with access via an external door. This is unlikely to negatively impact on the school children frequenting the General Store.</p> <p>Comment noted. The proposal is required to be licenced by the Department of Health and inspected by Shire staff. As part of the licencing requirement, the potential impact on the food preparation areas will be assessed. This portion of the existing store for the proposed studio will be leased, however, both business will operate as separate entities.</p> <p>Comment noted. The premises is required to be constructed in accordance with the Health (Skin Penetration Procedure) Regulations 1998 and Code of Practice for Skin Penetration Procedures. For example all floors, floor coverings, walls, ceiling, shelves, fittings and other furniture shall be constructed of materials suitable for the procedures undertaken and shall be kept clean and in good repair.</p>

Affected Property	Summary of Submission	Officer Comment
	<p>For some reason these places are often a target for break-ins, the one in Byford has bars on the doors and windows and all kinds of security signs on the windows. Why are they such a target? This one is isolated with no one on the premises at night and no passive surveillance, it is a sitting duck if anyone wanted to break in they could do a full body tattoo before the police would arrive.</p> <p>Tattoo parlours are also linked with the outlaw bkie gangs and the drug trade, why would we want to encourage either of those elements to our community?</p> <p>Do tattoo/body piercing places need to be registered? licensed? or inspected by the health inspectors? or checked/audited to ensure they are legitimately a business?</p>	<p>Comment dismissed. It would be up the proponent and/or landowner to ensure that the building is secure.</p> <p>Comment dismissed. This comment has no impact on the planning merits of the proposal.</p> <p>Comment dismissed. This comment has no impact on the planning merits of the proposal.</p>
Unknown	<p>Provides the following comments:</p> <p>Not all landowners or residents received a letter advising of the proposal.</p> <p>As a resident I have a legal, moral and ethical right to be notified of any intentions that may have a positive or negative effect within the community.</p>	<p>Comments dismissed. The proposal was referred to all ratepayers within the Keysbrook locality.</p>

External Government Agency Comments

The application was referred to Main Roads WA (MRWA) as the subject site abuts the South Western Highway, which is identified as a 'Primary Regional Road' under the Metropolitan Region Scheme (MRS). MRWA advise as follows:

Main Roads has no objections to the proposed development provided no vehicle access is permitted to or from South West Highway reserve.

The advice from MRWA is included within the officer recommendation.

COMMENT

Proposal

The applicant has submitted the following summary of the proposal:

The Tattoo and Art (Body Piercing) Studio will occupy a portion of the existing General Store with no major structural changes to the building proposed. The only change to the external features of the building will be a security door replacing a window.

The proposed development application includes the following:

- *Proposed operation 9am to 6pm Monday to Friday (occasional weekend work);*
- *2 staff(including proponent);*
- *1 customer at a time; and*
- *Maximum of 3 customers per day.*

Statutory Environment

TPS 2

The first issue that needs to be addressed with this proposal is the permissibility of this use on the subject site under the Shire's TPS 2.

The General Store is located on 'Rural' zoned land under the Shire's (TPS 2). The existing General Store has been in operation for many years and the Shire has no records of any planning approval ever being granted. The likely reason for this is that the General Store was constructed prior to the Shire's Town Planning Scheme No.1 which was gazetted on 26 November 1971. As such, there was no requirement to obtain planning approval from Council for this use. It is therefore considered that the current use of the land, being for the General Store, exhibits non-conforming use rights.

As the proposal is to convert a portion of the existing General Store into the Tattoo and Art (Body Piercing) Studio, clause 4.3 of the Shire's TPS 2 is relevant:

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

The use of the land for a Tattoo and Art (Body Piercing) Studio does not fall under a specific use class within TPS 2 and would therefore generally be considered as a 'use not listed'. When considering a 'use not listed', the following clause of TPS 2 is relevant:

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

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

However, as the existing use of the land is a 'non conforming use', the consideration of the proposed Tattoo and Art (Body Piercing) Studio needs to be considered in light of clause 4.3 as opposed to clause 3.2.5, although they both require the application to be assessed on its merits.

In accordance with clause 4.3 of TPS 2, Council has the ability to approve the proposed Tattoo and Art (Body Piercing) Studio if the proposal is, in the opinion of Council, less detrimental to the amenity of the locality than the existing non-conforming use. It is

considered that there will not be any impacts on the amenity of the locality as a result of the proposal.

Register of Non-Conforming Uses

Although the existing General Store is considered to be a non conforming use, it has not been entered onto the Shire's register of non-conforming uses as required by clause 4.6.1 of TPS 2. However, the failure of the owner of the General Store to effect the registration of the non-conforming use is not a reason to refuse the proposal. Clause 4.6.1 of TPS 2 is in essence an administrative provision designed to facilitate the timely and accurate recording of non-conforming use rights in order to provide certainty and assist in the administration of the Scheme. A failure to register non-conforming use rights does not lead to the loss of those non-conforming use rights. As clause 4.1 of TPS 2 states, "no provision of the Scheme shall prevent the continued use of any land or building" for the relevant non-conforming use.

With respect to the issues of non-conforming use rights legal advice has been obtained from the Shire's solicitors. A summary of the advice is provided below:

- *The failure to register a non-conforming use does not mean that the non-conforming use right is lost and does not prevent the Shire from determining an application of an extension or change of non-conforming use pursuant to Part IV.*
- *The application to convert a portion of the existing General Store into a Tattoo and Art (Body Piercing) Studio can be considered by the Council.*

The above advice demonstrates that the current proposal can legally be considered by Council.

Officer Comment

It is considered that the proposed use of the land can be approved by Council under clause 4.3 of TPS 2 which allows Council to grant consent to a change of use from one non-conforming use to another if:

"the proposed is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve".

The proponent indicated that the outside of the building (external door) is not proposed to be altered, only additional signage on the outside. Officers are of the view that the proposal is not likely to result in any negative or detrimental effects to the amenity of the locality. It is therefore considered that a Tattoo and Art (Body Piercing) Studio could be approved within a portion of the existing Keysbrook General Store.

Options

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

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

Conclusion

Based on the matters outlined in this report, it is recommended that planning approval for the Tattoo and Art (Body Piercing) Studio be conditionally approved.

Voting Requirements: Simple Majority

New Motion:

Moved Cr Harris, seconded Cr Buttfield

That Council refuse the application for the establishment of a Tattoo and Art (Body Piercing) Studio on Lot 100 (2) Elliot Road, Keysbrook as this proposal does not support the Shire's Plan for the Future objectives in regard to maintaining the distinct characteristics of the locality of Keysbrook and fostering a strong sense of belonging and pride of place in our community.

LOST 4/5

Cr Randall voted for the motion.

SD022/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

That the application for the establishment of a Tattoo and Art (Body Piercing) Studio on Lot 100 (2) Elliot Road, Keysbrook be approved subject to the following conditions:

1. The activities approved are restricted to Tattoo and Art (Body Piercing) Studio only.
2. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
3. The hours of operation of the business are restricted to 9:00am to 6:00pm Monday to Saturday.
4. A maximum of 3 customers are permitted to be treated at the premises per day.
5. Not more than 1 customer being treated at the premises at any one time.
6. Not more than 2 customers to view artwork at the premises at any one time.
7. All proposed signage requires separate approval and shall comply with the Shire's Local Planning Policy No.5 *Control of Advertisements*.

Advice Notes:

1. The development is to comply at all times with the requirements of the *Health (Skin Penetration Procedure) Regulations 1998 and the Code of Practice for Skin Penetration Procedures at all times*.
2. Main Roads WA advise that no vehicle access is permitted to or from the South Western Highway reserve.
3. A new application for planning approval will be required if additional services are added, customer numbers are increased or hours of operation are to be extended.
4. A building licence is to be obtained prior to commencement of development (shop fit out).

Committee Note: Conditions 4 and 5 were amended to clarify the intent of the conditions relating to customers attending the premises. Condition 6 was inserted to clarify the intent of the conditions relating to customers attending the premises. The Presiding Member deemed these as minor changes and does not change the intent of the Officer's Recommended Resolution.

CARRIED 5/4

Cr Harris & Cr Randall voted against the motion.

Director Engineering left the room at 7.37pm and returned at 7.39pm.

Cr Geurds left the room at 7.39pm and returned at 7.41pm.

SD024/09/10 PROPOSED LOCAL STRUCTURE PLAN – REDGUM BROOK ESTATE NORTH - LOTS 9020 & 9023 THOMAS ROAD, BYFORD AND PROPOSED MODIFICATION TO THE BYFORD DISTRICT STRUCTURE PLAN (A1621)		
Proponent:	Gray & Lewis Land Use Planners	In Brief A. To consider whether the Local Structure Plan prepared for Lots 9020 & 9023 Thomas Road, Byford is satisfactory for advertising. It is recommended that the Local Structure Plan be deemed satisfactory for advertising subject to modification. B. To consider a modification to the Byford District Structure Plan to recommend to the Western Australian Planning Commission to remove the red hatching from Lots 9020 and 9023 Thomas Road, Byford..
Owner:	Thomas Road Developments Pty Ltd	
Author:	Michael Daymond - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 June 2010	
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	Council	

Date of Receipt:	31 March 2010
Advertised:	Not yet commenced
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

On the 17 July 2005, the Shire adopted the proposed Local Structure Plan (LSP) for the Redgum Brook Estate. This LSP excluded the land on the north side of the proposed Multiple Use Corridor (MUC) as this land was identified as being subject to further investigation under the Byford District Structure Plan (BDSP).

A LSP has now been submitted to Council for the land on the north side of the MUC, being Lots 9020 & 9023 Thomas Road, Byford. The LSP is intended to provide a framework for the future development of the site.

This report provides Council with the opportunity to consider whether the LSP is satisfactory for advertising pursuant to clause 15.18.3.2 of Town Planning Scheme No.2 (TPS 2). In addition, this report also provides Council with the opportunity to consider a proposed modification to the BDSP to remove the red hatching over the subject site as the proposed LSP cannot be adopted until the hatching is removed.

A location plan, a copy of the location plan, proposed LSP map and statutory text is with attachments marked SD024.1/09/10.

A copy of the current adopted LSP for Redgum Brook (south) is with attachments marked SD024.2/09/10.

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 with the draft LSP demonstrates general compliance with the DWMP, however there are a few changes that are required to the documentation. It is considered that these changes can be undertaken during the advertising of the draft LSP.

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) to implement the Shire's adopted Community Facilities and Services Plan. A DCP has been adopted by Council for traditional infrastructure (roads, POS etc.) and will soon be advertised for comment.

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.

At this time, issues relating to noise impacts from the future extension of Tonkin Highway have not been addressed satisfactorily. However, the land abutting the Tonkin Highway reservation has been excluded from the LSP and is identified as being 'subject to further investigation'. It is considered that issues associated with noise impacts from Tonkin Highway could be adequately addressed through this further investigation.

Social and Environmental Responsibility: The draft LSP needs to be 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:

Planning and Development Act 2005
TPS 2
BDSP

Policy/Work Procedure Implications:

Western Australian Planning Commission (WAPC)
Operational Policy - Liveable Neighbourhoods
State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
State Planning Policy 3 – Urban Growth and Settlement
Local Planning Policy (LPP) 2 – Subdivision within the Byford Structure Plan Area
LPP 19 - Byford Structure Plan Area Development Requirements
LPP 22 – Water Sensitive Urban Design

Financial Implications:

The costs associated with formal advertising of the LSP are within the current budget and an application fee was paid by the applicant in accordance with the Planning and Development Regulations 2009.

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



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				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.
		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.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		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.

Government Agency Referral

The proposed LSP was referred in the first instance to Main Roads WA (MRWA) and the Water Corporation for comment given the potential impacts that the proposed LSP may have on existing drainage infrastructure and the Thomas Road and future Tonkin Highway road network. In addition and in accordance with standard administrative arrangements for the Byford Area, the LSP and the LWMS was also referred to the Department of Water (DoW) for parallel initial assessment.

MRWA

MRWA provided the following advice:

- The positioning of traffic signals at Thomas Road and Malarkey Road is contrary to the BDSP which indicated a staggered T intersection. Staggered roads are not preferred as it may result in future realignment or placement of traffic signals at both staggered legs.
- The installation of traffic signals at the Thomas Road/Malarkey Road intersection is supported.
- It is imperative that both intersections (Thomas Road/Kardan Boulevard and Thomas Road/Malarkey Road) are constructed to its ultimate dual carriageway configuration with dedicated turn pockets.

- The existing intersection layout of Thomas Road/Kardan Road has been a long standing problem and this situation also requires remedial action and shall form part of the intersection modifications.
- GHD's traffic report only forecasts traffic volumes to 2011 and does not accurately reflect the future forecasted traffic volumes for 2031 which will result in a significant increase in regional and heavy vehicle traffic.
- Access onto Thomas Road from the Local Centre at Malarkey Road will compromise the safety and efficiencies of this road network and is not supported.
- Any agreed access into the Local Centre from Malarkey Road shall be positioned at the maximum distance from the controlled intersection and shall not be positioned within the dedicated turn pocket.
- Consideration should also be given whether the access into the Local Centre shall be a full movement access.
- The developer shall be responsible for all costs involved in the road network modifications required at both intersections.
- Thomas Road serves as an important east-west Primary Freight Route function and its integrity must not be compromised.
- MRWA have suggested that the Shire of Serpentine-Jarrahdale develop a vehicle access strategy for Thomas Road from Tonkin Highway to South Western Highway which will sets out to rationalise the number of accesses onto this road network. This is also in line with the objectives set out in the WAPC State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
- The applicant is required to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.

Officer Comment

The applicant has subsequently advised that all of the design issues as raised by MRWA have been noted and will be considered as part of the future development of the site. With respect to traffic volumes, the current analysis was based on the best available data at this time by the Shire and MRWA. Once the additional forecast for 2031 is completed by MRWA, the traffic data will be updated to provide a more accurate analysis.

MRWA have advised that a transport noise assessment is required to be undertaken, given the site's proximity to the Tonkin Highway and Thomas Road reserves. The proposed LSP identifies that the land adjacent to these reserves are subject to further investigation but could potentially cater for commercial and employment generating activities. It has generally been agreed that this land may not be suitable for standard residential development.

It is recommended that a transport noise assessment be undertaken as per WAPC policy requirements, this can occur during the advertising period and prior to final approval being granted for the LSP.

Water Corporation

The Water Corporation have advised that they have no objection to the advertising of the proposed LSP. In addition, they provide the following comments:

- Most of the land covered by the LSP is currently not provided with sewerage or water services. The developers of this land will therefore need to undertake works to provide services to the proposed lots.
- Wastewater conveyance for the site will need to be designed to gravitate towards the Byford No.1 wastewater pump station.
- The need for upgrades to off-site mains will be assessed at the subdivision stage.

- Drainage systems in the urban part of Byford must be designed and managed to ensure that post-development flows into the Water Corporation's rural main drains do not exceed pre-development flows.
- The Water Corporation supports the monitoring program described in the Byford DWMS, which must be undertaken to test the effectiveness of the drainage approach within the Byford urban development area and any impacts downstream. The Shire and the DoW are responsible for ensuring compliance with the requirements of the DWMS.

Officer Comment

The comments provided by the Water Corporation do not affect the ability of Council to deem the LSP satisfactory for advertising. The comments relate more to design and servicing aspects of the development which can be addressed during the subdivision stage.

DoW

After an assessment of the proposed LSP and initial LWMS, the DoW provided advice in respect to drainage design and lot connections and requested additional information with respect to groundwater modelling.

A number of the comments raised by the DoW have since been addressed through the submission of the revised LWMS. Any outstanding issues will need to be addressed during the advertising period as the adoption of the LWMS is intended to occur in parallel with the adoption of the LSP itself.

Community Consultation

Should Council determine that the LSP is satisfactory for advertising, in accordance with the provisions of Section 5.18 of TPS 2, Council is required to seek public comment on a structure plan for a period of not less than 21 days before making a decision to adopt the structure plan. To ensure that stakeholders have sufficient opportunity to provide comment, it is recommended that the advertising of the LSP include the following:

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

COMMENT

Proposal

The proposed LSP aims to create a residential neighbourhood in line with the Shire's vision for the area, as set out in the BDSP. Accordingly, the LSP:

- Provides a range of residential lot sizes, including traditional housing lots over the majority of the site and smaller cottage lots adjacent to public open space and Kardan Boulevard;
- Provides for the creation of a Local Centre (identified as Neighbourhood Centre on the BDSP) and potential for other employment generating commercial/mixed use activities adjacent to Thomas Road;
- Incorporates the Oaklands drain into the MUC; and



- Incorporates best practice stormwater management principles into the proposed subdivision design and development.

The main land uses proposed in the LSP generally accord with those identified in the BDSP being:

- Residential R20 and R30;
- Local Parks;
- Multiple Use Corridor;
- Local Centre; and
- Mixed Use.

The use of the land adjacent to Thomas Road is yet to be finally determined and is the subject of further detailed investigations. A summary of the current land use areas as proposed on the LSP is provided below:

Land Use	Area (ha)
Residential	8.91
Local Parks	0.18
Multiple Use Corridor	2.25
POS / Buffer	1.23
Local Centre	1.14
Mixed Use (2 nodes)	0.9963
Local Roads	4.35
Areas subject to further investigation (2 areas)	5.90
TOTAL	24.96

Residential

The LSP proposes a mix of Residential R20 and R30 lot sizes, consistent with Liveable Neighbourhood Edition 3 (LN 3), TPS 2 and the BDSP. Lots adjacent to Kardan Boulevard will be accessed via rear laneways and created as cottage lots at R30 density. Some group housing sites are also provided, including a larger site at the eastern end of Ballawarra Avenue.

POS & Drainage

With respect to POS, the applicant advises that across the entire Redgum Brook Estate (south and north combined), the amount of POS provided is 9.689 hectares. This represents 15.94% of the total land area, above the 10% usually required under Liveable Neighbourhoods.

Two small local parks of area 1,104m² and 704m² have been provided as minor widenings to the existing MUC. The location of these parks will help to retain additional trees in the cell east of Kardan Boulevard and are provided in addition to the active areas that will be provided within the MUC.

An area of POS 1.02 hectares in area is also provided adjacent to the Tonkin Highway reserve. The POS has been located in this position to help provide a buffer between the Tonkin Highway and the adjacent Residential R20 lots together with serving a drainage function. The entire area of this proposed POS has been identified to cater for a 1:100 year storm event and is identified as such on the LSP map. This area of POS would only be inundated in rare occasions and can be developed for active and passive recreational uses.

In addition to the existing and proposed drainage basins within the MUC and the basin located within the above area of POS, one other large drainage basins adjacent to Thomas Road is proposed as storage overflow detention areas for the 1:100 year event.

The proposed LSP incorporates water sensitive urban design principles for urban water management, consistent with the requirements of the BDSP and the DWMP.

MUC

The LSP proposes to incorporate the Oaklands Drain and associated vegetation within a MUC in accordance with the requirements of the BDSP. The MUC will continue to provide a drainage function as well as providing POS. The proposed dimensions of the MUC accord with the typical cross sections set out in the BDSP and includes the retention of riparian vegetation.

Officer Comment

Since the LSP was originally lodged, the LSP map has been amended to address some of the initial concerns raised by officers. These concerns related primarily to lot layout and the preservation of existing vegetation. The revised LSP map has been assessed by officers and forms part of this report. Given that some of the information within the LSP 'text' has been superseded by the revised LSP map, it is a requirement that the operative part be updated prior to advertising.

Statutory Framework

TPS 2

The site is zoned 'Urban Development' under the Shire's TPS 2. In respect to the 'Urban Development zone', TPS 2 states:

"The purpose of the Urban Development zone is to provide for orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances".

Pursuant to Clause 5.18 and Appendix 15 of TPS 2, a detailed Structure Plan for the whole or part of a precinct within the Byford Development Area is required to be prepared, advertised and adopted by the Council and the WAPC prior to the subdivision of the land. The proposed 'Redgum North' LSP forms part of the precinct of the Byford Development Area.

With respect to the assessment of the LSP, TPS 2 contains the following requirement:

5.18.3.2 Upon receiving a Proposed Structure Plan, the local government is to either:

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

This report gives Council the opportunity to determine whether or not the proposed LSP is satisfactory for advertising.

Metropolitan Region Scheme (MRS)

The subject site is zoned 'Urban' under the MRS. Land adjacent to the western boundary of the site is reserved under the MRS as 'Primary Regional Roads' for the future Tonkin Highway extension. Adjacent to the northern boundary of the site Thomas Road is reserved as 'Other Regional Roads' under the MRS. The full reservation width has been acquired from the original property.

Redgum Brook Estate (South) LSP

A LSP for the area south of existing creek line was adopted by the Shire and endorsed by the WAPC in 2005. Due to more recent changes to the BDSP, in particular the location of the town centre district distributor road (San Simeon Boulevard) and the intersection of this road to Thomas Road, the eastern part of this plan is proposed to be superseded by this LSP for Redgum North.

Through a series of subdivision approvals for various stages within the Redgum Brook Estate, the adopted LSP does not match the current layout of the estate. The main difference with specific regard to the eastern edge of the LSP area was that the Neighbourhood Centre and surrounding residential R30/60 lots as shown on the adopted LSP were replaced with residential R20 development.

A copy of a current cadastral plan showing the lots already developed within Redgum Brook (south) is with attachments marked SD024.3/09/10.

Liveable Neighbourhoods (LN3)

LN 3 was prepared by the WAPC to implement the objectives of the State Planning Strategy and provides a community design code for urban developments. As an operational policy of the WAPC, LN 3 guides the design and assessment of structure plans (regional, district and local), subdivision and development for new urban areas.

LN 3 contains a number of key initiatives that are covered under a series of design elements including community design, lot layout, urban water management and activity centres and employment. The implementation of each of these elements and the fulfilment of the overall principles of LN will be fundamental to ensuring that development of 'Redgum North' and the wider metropolitan region occurs in a thoughtful and sustainable manner.

BDSP

The subject site is located within the BDSP area. The BDSP was adopted by the Council and the WAPC in 2005 to guide the development of land in the Byford area for urban purposes. The BDSP was subsequently modified in 2007. The BDSP aims to accommodate future urban growth while maintaining the area's identity and lifestyle. The BSP as adopted identifies the following uses for 'Redgum North':

- Residential development generally at a density of R20;
- A Local Centre adjacent to the eastern boundary of the property;
- A MUC reserve following the Oaklands drain water course; and
- A future road network including a new north-south road linking Abernethy Road and Thomas Road (Kardan Boulevard).

Proposed Variations to the BDSP

Hatching – Area A

The land subject to the draft LSP is hatched and covered by notation 'A' on the BDSP which states:

"Land subject to further study to address the requirements for drainage and detailed structure planning. Consideration to be given to the preferred alignment of the Tonkin Highway Primary Regional Road Reservation".

In order to facilitate the proposed LSP, there is a key modification to the existing BDSP required to remove this hatching and notation from over the subject land. This hatching can only be removed through a modification to the BDSP.

In respect to this notation, the land requirements for the Tonkin Highway Primary Regional Road Reservation have been defined under the MRS and the land acquired. Further, the requirements for drainage and detailed structure planning have been addressed in this LSP document and the appended LWMS.

It is expected that the modification to the BDSP will be progressed concurrently with the proposed LSP.

Location of Neighbourhood Centre

The BDSP identifies a Local Centre at the eastern boundary of the subject land adjacent to Malarkey Road. The Shire's LPP 19 *Byford Structure Plan Area Development Requirements* classifies the centre as a medium neighbourhood centre, defined as follows:

"Medium Neighbourhood Centre – shopping floor space of between 1500m² to 2500m² and comprising a supermarket of between 1500m² to 2000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency) as set out in the Land Use/Zoning table..."

The applicant advised that the total retail floor space of the centre will therefore be in the order of 3,000m² to 4,000m², requiring a land area of approximately 2.0ha based upon the standard ratio of 1:5 to allow sufficient area for car parking and access etc. Due to the constraints imposed by the extent of existing subdivision at Redgum Brook South and the location of the proposed new town centre entry road – San Simeon Boulevard, it is very difficult to locate the Neighbourhood Shopping Centre south of the Multiple Use Corridor.

From an accessibility and exposure point of view, it is also desirable to locate the centre closer to Thomas Road. The applicant therefore proposes to create a 'main street' shopping centre straddling San Simeon Boulevard with a local centre site of approximately 1.0ha to the west of the road within Redgum North and 1.0ha to the east of San Simeon Boulevard on the adjoining Lot 7 Thomas Road.

The centre will overlook the landscaped MUC within which existing mature trees will be retained to provide an attractive and environmentally responsible design outlook. A traffic analysis has been undertaken by GHD which supports the road design.

Officer Comment

The location of the proposed local centre and 'mixed use' zones are consistent with the objectives of the Shire's draft Activity Centres Strategy which include ensuring that activity centres include a mix of uses and are located in areas with high levels of accessibility.

An important consideration is to ensure that the location of these centres do not compromise the development of the Byford Town Centre, as identified under the BDSP. The proposed local centre and 'mixed use' nodes also comply with this requirement.

Commercial/Mixed Use Land Use Adjacent to Thomas Road/Tonkin Highway

An important consideration in the development of new communities is the issue of sustainability, in particular the provision of local based employment. The adopted BDSP has a relatively limited designation of land uses that are capable of generating employment for the anticipated ultimate population of 30,000 people.

Given that the amenity for residential use adjacent to Thomas Road, especially west of Kardan Boulevard extending to Tonkin Highway, is likely to be detrimentally affected by traffic noise, this area provides an opportunity to allow for non residential uses that will not be adversely impacted upon by the traffic noise whilst at the same time provides for a range of employment generating activities. The applicant originally advised that the potential uses proposed east and west of Kardan Boulevard could include businesses such as plant nurseries, landscape supplies, home wares and furniture stores.

Kardan Boulevard is anticipated to provide a significant and direct route to the proposed new neighbourhood centre in Abernethy Road and is designated as the main integrator distributor road. The applicant advises that the intersection of Kardan Boulevard and Thomas Road presents an opportunity to create a commercial node that could include uses such as a service station and fast food outlets. Final uses will be determined at a later stage during the preparation of Detailed Area Plans (DAPs) that will be required for the precinct.

The 'statutory planning' section of the LSP will need to be amended to include a requirement that any subdivision and/or development application for land identified as 'Mixed Use' be accompanied by a Detailed Area Plan.

An indicative concept plan for the Kardan Boulevard/Thomas Road commercial precinct is included as attachment SD024.4/09/10.

As part of the assessment of the proposed LSP, the most efficient and compatible use of the land adjacent to Thomas Road and the intersection of Thomas Road and Kardan Boulevard needs to be determined. The BDSP identifies the land as having a residential zoning, whereas the LSP identifies two (2) Mixed Use nodes on the corner of Thomas Road and Kardan Boulevard with possible commercial uses extending along Thomas Road. Recognising that the land adjacent to Thomas Road will require further investigation, this land has noted as such on the LSP.

Land West of Kardan Boulevard

The land west of Kardan Boulevard could potentially be used as a 'composite' zone, incorporating a mix of residential and mixed use/light industrial development. This would be similar to the existing Darling Views Estate in Mardella, where a single residential dwelling could be constructed at the front of the lot with a mixed business/light industrial use developed at the rear. The benefit of this type of use would be that the mixed business/light industrial use will create a buffer between the future residential dwellings and the Tonkin Highway and Thomas Road intersection.

Land East of Kardan Boulevard

The proponent has suggested that this area could be incorporated as a 'residential' zone. Although this strip of land also abuts Thomas Road and the potential for noise impacts remain, the noise issues could be addressed through the preparation of a transport noise assessment report.

Although some discussion has occurred with respect to the land uses within these two areas, further investigation is still required. It is considered that potential zonings for these two areas need to be identified on the LSP map prior to advertising so that the LSP map is complete when it is referred for public comment.

Drainage & Consistency with the DWMP

A LWMS was submitted with the proposed LSP was assessed against the DWMP by both the Shire and the DoW. Initially, the Shire requested further information regarding the following issues:

- Drainage connection to the Oaklands main drain;
- Additional detail in the bio-retention areas;
- Maintenance responsibilities;
- Maximum groundwater levels; and
- Cross sections for the flood storage areas and treatment bio-retention basins to be provided.

The LWMS was subsequently updated to address the above issues. One of the objectives of the LWMS is to keep the pre and post-development water flows out of the site at constant levels. The pre-development flows are relatively high as the site is relatively impermeable with little opportunities for inundation across the site. The LWMS is not based on soakwells but on a combination of retention, storage and treatment that allows post development flows to be attenuated to pre-development flows. In this way the regional catchment is not affected.

While not having concern about the general principles of the revised LWMS, Officers still require additional information to be provided in relation to the Thomas Road drainage and regional flows, specifically in regard to how this will impact on the adjoining land to the east. Officers are satisfied if this additional information is provided during the advertising of the LSP as it is not required prior to initiation. In accordance with the framework established under the DWMP, the adoption of the LWMS is intended to occur in parallel with the adoption of the LSP itself, post-advertising.

Vegetation

There is some remnant vegetation on-site, predominantly adjacent to the existing MUC and in the north-eastern portion of the site towards Malarkey Road and Thomas Road. A preliminary site visit identified this vegetation as comprising of a combination of Redgums (*Corymbia calophylla*), WA Christmas Trees (*Nuytsia floribunda*) and *Kingia Australis*.

Since the initial lodgement of the draft LSP, the LSP map has been redesigned to retain as much vegetation as possible within areas of POS. Given that filling of the land will be likely at subdivision stage in order to achieve suitable separation distance to the groundwater levels, the vegetation that is not able to be retained within areas of public open space are likely to be removed. However, there may be an opportunity through the detailed design of the subdivision to retain additional trees within road reserves or within the grouped housing sites. In addition, the 'statutory planning' section of the LSP states that significant vegetation will be retained within POS areas and within road reserves where possible.

Should the LSP be progressed, it would be recommended that further investigation be progressed to identify opportunities to retain additional vegetation within the indicative subdivision layout.

Development Area

The Byford development area is divided into 12 precincts with the subject site located within Development Area 1. These development areas were incorporated into the scheme under Amendment 152 which was gazetted on 15 February 2008.

A copy of the plan showing the 12 precincts and the location of Development Area 1 is with attachments marked SD024.5/09.10.

In relation to these development areas, the scheme states:

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

The proposed LSP covers a portion of Development Area 1 and not the whole precinct. There is a logical reason for this being that the remainder Development Area 1 is already covered by the adopted LSP for the Redgum Brook Estate (south). Council is therefore requested to resolve to allow the LSP to cover a portion of Development Area 1 only.

Options

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

- Option 1 - to determine that the LSP, and therefore the proposed modification to the BDSP, is satisfactory for advertising without modification;
- Option 2 - to determine that the LSP, and therefore the proposed modification to the BDSP, is satisfactory for advertising subject to modifications; or
- Option 3 - to determine that the LSP, and therefore the proposed modification to the BDSP, is not satisfactory for advertising, providing reasons to the proponent.

In the instance that Council decides to deem the LSP as satisfactory for advertising, a further report will need to be presented to Council, post-advertising, to determine whether to adopt the LSP before forwarding the matter to the WAPC for approval. Once approved by the WAPC, the LSP will need to be brought back to Council for final approval.

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

Conclusion

The proposed modification to the BDSP to remove the hatching over the subject land represents one of a number of steps involved in making the land ready for future urban development. The proposed modification, in itself, has no impact on the land and nor does it provide any guidance for future planning, as this is provided through the proposed LSP.

With respect to the LSP and having regard to the matters outlined in this report, the provisions of TPS 2 and relevant local planning policies and statutory documents, it is

recommended that the LSP be deemed satisfactory for advertising subject to modification. The preliminary design issues that were initially raised with the applicant have since been amended and are reflected on the LSP map.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council:

- A. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 adopt a modification to the Byford District Structure Plan to remove the 'red-hatching' from the area bounded by the multiple-use corridor, Tonkin Highway and Thomas Road (and including the deletion of notation 'A' in the legend).
- B. Forward the modification to the Western Australian Planning Commission pursuant to clause 5.18.4.2 of Town Planning Scheme No. 2.
- C. Upon the receipt of advice from the Western Australian Planning Commission, concurring with Council that the modification does not alter the material intent of the Byford Structure Plan advise landowners, current local structure plan proponents and relevant government agencies of the modification.
- D. That in the instance that the Western Australian Planning Commission determine that the proposed modification alters the material intent of the structure plan, the Director Development Services be authorised to determine that proposed modification is satisfactory for advertising pursuant to clause 5.18.3.2. of Town Planning Scheme No.2.
- E. Resolve to allow the Local Structure Plan for Lots 9020 & 9023 Thomas Road, Byford to cover a portion of Development Area 1 only.
- F. Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 9020 and 9023 Thomas Road, Byford dated March 2010 and revised 'map' dated 6 July 2010, is satisfactory for advertising subject to the following modifications being undertaken to the satisfaction of the Director Development Services.
 - a) The Local Structure Plan map being amended to identify potential zonings for the two strips adjacent to Thomas Road identified as 'subject to further investigation'.
 - b) The Local Structure Plan text dated March 2010 being updated to reflect the layout and land use classifications as indicated on the revised Local Structure Plan 'map' dated 6 July 2010.
 - c) The Local Structure Plan 'statutory planning' section being amended to include a requirement that any subdivision and/or development application for land identified as 'Mixed Use' be accompanied by a Detailed Area Plan.
- G. Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:
 - a) A notice being placed in a local newspaper circulating within the district;
 - b) A notice being placed in the Shire's Administration Centre;
 - c) A notice being placed on the Shire's internet website;
 - d) A letter being sent to all landowners within the Structure Plan area;

- e) A letter being sent to all surrounding landowners that are considered to be affected by the proposed LSP; and
 - f) A letter being sent to all relevant state government agencies.
- H. Advise the proponent that a Transport Noise Assessment is to be undertaken in accordance with the Western Australian Planning Commission's State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning prior to the Local Structure Plan being granted final approval by Council.

SUPPLEMENTARY REPORT

Since the Committee meeting, the applicant has submitted a revised Local Structure Plan (LSP) dated 21 September 2010. This revised plan has identified new zonings for the land adjacent to Tonkin Highway/Thomas Road. These zones are:

1. West of Kardan Boulevard – Zoned: Composite Lots
2. East of Kardan Boulevard – Residential R20/R30.

A copy of the revised LSP is attached at SD024.1/09/10.

The composite lot zone was suggested by staff to allow for some small business/light industry to develop on lots adjacent to the two major roads, yet allow for a single dwelling to be constructed at the front of the property (similar to Darling Views estate, Mardella).

The residential zone east of Kardan Boulevard comprises of standard R20 and grouped housing site (R30). Some changes will be required to the layout of this area to improve connectivity, legibility and community safety.

The revised LSP is considered suitable for advertising.

Mixed Use zone

Concern is expressed about the size of the Mixed Use zone on Kardan Boulevard and the impact that this may have on the neighbourhood centre to the east. The applicant will need to provide further justification and details on the size of the centre, land uses and likely floor area that could developed on this site, prior to final approval by Council of the LSP.

SD024/09/10 COUNCIL DECISION/Alternate Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Randall

That Council:

- A. Pursuant to clause 5.18.4.1 of Town Planning Scheme No. 2 adopt a modification to the Byford District Structure Plan to remove the 'red-hatching' from the area bounded by the multiple-use corridor, Tonkin Highway and Thomas Road (and including the deletion of notation 'A' in the legend).**
- B. Forward the modification to the Western Australian Planning Commission pursuant to clause 5.18.4.2 of Town Planning Scheme No. 2.**
- C. Upon the receipt of advice from the Western Australian Planning Commission, concurring with Council that the modification does not alter the material intent of the Byford Structure Plan advise landowners, current local structure plan proponents and relevant government agencies of the modification.**

- D.** That in the instance that the Western Australian Planning Commission determine that the proposed modification alters the material intent of the structure plan, the Director Development Services be authorised to determine that proposed modification is satisfactory for advertising pursuant to clause 5.18.3.2. of Town Planning Scheme No.2.
- E.** Resolve to allow the Local Structure Plan for Lots 9020 & 9023 Thomas Road, Byford to cover a portion of Development Area 1 only.
- F.** Pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determine that the Local Structure Plan for Lots 9020 and 9023 Thomas Road, Byford dated March 2010 and revised 'map' dated 21 September 2010, is satisfactory for advertising subject to the following modifications being undertaken to the satisfaction of the Director Development Services.
- a) The LSP map being modified to change the 'Composite Lots' zone, to a 'Special Use' zone.
 - b) The Local Structure Plan text dated March 2010 being updated to reflect the layout and land use classifications as indicated on the revised Local Structure Plan 'map' dated 21 September 2010.
 - c) The Local Structure Plan 'statutory planning' section being amended to include a requirement that any subdivision and/or development application for land identified as 'Mixed Use' be accompanied by a Detailed Area Plan.
- G.** Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:
- a) A notice being placed in a local newspaper circulating within the district;
 - b) A notice being placed in the Shire's Administration Centre;
 - c) A notice being placed on the Shire's internet website;
 - d) A letter being sent to all landowners within the Structure Plan area;
 - e) A letter being sent to all surrounding landowners that are considered to be affected by the proposed LSP; and
 - f) A letter being sent to all relevant state government agencies.
- H.** Advise the proponent that a Transport Noise Assessment is to be undertaken in accordance with the Western Australian Planning Commission's State Planning Policy 5.4 *Road and Rail Transport Noise and Freight Considerations in Land Use Planning* prior to the Local Structure Plan being granted final approval by Council.
- I.** Advise the proponent that they will need to provide further justification and details on the size of the 'Mixed Use' zone, land uses and likely floor area that could developed on this site, prior to final approval by Council of the LSP.

CARRIED 9/0

Council Note: The committee recommended resolution was modified to reflect the updated local structure plan submitted and requirements for further justification and details on the mixed use zone to be submitted to Council.

SD025/09/10 LOCAL PLANNING POLICY NO. 51 - OAKFORD RURAL ECONOMIC LIVING AREA PLANNING FRAMEWORK (A1836)		
Proponent:	Kargotich Industries	In Brief A local planning policy has been submitted to provide a framework for the future development of the Oakford Rural Village and Economic Area. It is recommended the local planning policy be advertised in accordance with Town Planning Scheme No. 2.
Owner:	N/A	
Author:	Colleen Murphy – Acting Executive Manager Planning	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	17 August 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Shire of Serpentine Jarrahdale Rural Strategy (the Rural Strategy) foreshadows a series of rural villages, the northern most one being located at Oakford. The Strategy envisaged the village at Oakford forming part of a future settlement pattern that concentrates development in identified nodes as a means to avoid a loss of rural character by avoiding a rolling urban front.

Subsequently, the Western Australian Planning Commission in the Jandakot Structure Plan, identified a 'Rural Economic Living Area' in the surrounding locale to the Oakford village site, however does not provide further guidance for its development.

Kargotich Industries has previously provided presentations to Council on its vision for the creation of a Rural Village on its landholdings in the Oakford locality, most recently at the May Policy Forum. Subsequent to these briefings, Kargotich Industries prepared a draft Local Planning Policy (LPP) to provide a planning framework to achieve that vision. Through consultation with Shire officers, the draft LPP No 51 – Oakford Rural Economic Living Area Planning Framework has been developed to also encompass the Rural Economic Living Area of the Jandakot Structure Plan.

A copy of the draft Local Planning Policy No 51 – Oakford Rural Economic Living Area Planning Framework is with attachments marked SD025.1/09/10.

Policy Elements

The intent of draft LPP51 is to provide a planning framework for future development, not to provide the specific development intent or detail. To this end, the draft LPP includes the following objectives:

- Provide a framework to support implementation of the Jandakot Structure Plan and Shire of Serpentine Jarrahdale Rural Strategy in the Oakford locality,
- Provide a framework explore opportunities for innovation in the development of a rural village and economic living area in the Oakford locality, and
- Provide guidance for the sequencing of planning and outlining matters to be addressed in planning for the Oakford locality.



To achieve these objectives, draft LPP51 identifies and provides specific planning objectives for five precincts, including:

- a rural village;
- a defined business area;
- an expansion area for the rural village; and
- two defined rural economic precincts.

The draft LPP51 also provides specific timing, area, and information requirements for subsequent planning stages required in each precinct. This includes:

- Scheme amendments;
- Local Structure Plans;
- Detailed Area Plans;
- Subdivision; and
- Development Applications.

Sustainability Statement

The draft LPP51 itself does not provide specific objectives related to sustainability aspects, as it is designed to act as a planning framework listing requirements and relevant matters for future planning. However, the draft LPP51 includes as Schedule 1, a list of requirements for subsequent planning stages and proposals to undertake particular investigations and develop strategies and plans regarding:

- Effect on environment;
- Resource implications;
- Use of local, renewable, or recycled resources;
- Economic viability;
- Economic benefits;
- Social – quality of life;
- Social and environmental responsibility; and
- Social diversity.

Statutory Environment:

The draft policies have been developed and will be advertised in accordance with Clause 9.3 of Town Planning Scheme No. 2 (TPS 2).

Policy/Work Procedure Implications:

The draft policies will provide a policy framework to effectively plan for the rural village and rural economic area proposed by the Rural Strategy and Jandakot Structure Plan.

Financial Implications:

Costs associated with reviewing and advertising draft LPP51 will be charged to the proponent.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		12		Promote the vision of the Shire being the 'food bowl' of Perth.
		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.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.

Community Consultation:

In accordance with Clause 9.3 of TPS 2, draft LPP51 will be advertised for public comment for a period of not less than 21 days by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all landholders within the policy's area of influence;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

After advertising, the draft LPP51 will be presented to Council along with details of submissions received to determine whether to adopt the policy with or without modification, or not proceed with the draft policy.

Comment:

The draft LPP51 provides clear guidance on the planning requirements and objectives for a rural village and rural economic area in the Oakford locality. This guidance is supported by clearly outlined information levels required from proponents when pursuing strategic and statutory planning proposals in the policy area. The draft policy promotes the orderly and proper planning of the Oakford rural economic area identified by the Jandakot Structure Plan, and will guide planning to achieve built form and development consistent with the Shire's rural character, ultimately contributing to a sense of place.

Progressing and advertising draft LPP51 will provide all stakeholders with an opportunity to be involved in the future development of the Oakford locality.

Options

There are three options are available to Council in considering the draft policies:

- 1) to endorse draft LPP51 as satisfactory for advertising, without modification;
- 2) to endorse draft LPP51 as satisfactory for advertising, with modification/s;
- 3) to not endorse draft LPP51 as satisfactory for advertising.

Voting Requirements: Simple Majority.

SD025/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Hoyer

That Council:

- A. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 endorse draft Local Planning Policy No 51 – Oakford Rural Economic Area Planning Framework as satisfactory for advertising.**
- B. Invite public comment on the draft Local Planning Policy No. 51 for a period of not less than 21 days, by way of:**
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;**
 - b) Notice being placed in the Shire's Administration Centre;**
 - c) Notice being placed on the Shire's internet website;**
 - d) Letter being sent to key developers within the policy area;**
 - e) Letter being sent to all relevant state government agencies.**

CARRIED 9/0

SD026/09/10 LOCAL PLANNING POLICY NO. 55 – INTERIM DEVELOPMENT CONTRIBUTIONS – EASTERN BYFORD (A1912)		
Author:	Peter Varelis – Planning Officer	In Brief To adopt Local Planning Policy No. 55 - Interim Development Contributions Eastern Byford for advertising.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	August 2010	
Previously	SCM029/01/10; SD088/12/09; SD129/04/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Sustainable Development Committee Meeting on 15 December 2009, the following resolution was passed:

“That subject to legal advice being received and a report being presented to the January Sustainable Development Committee meeting, Council considers the return of the excess developer contribution funds, presently held in the designated trust account, which

represents the difference between the amount collected from certain ratepayers in Byford East and the amount determined by the Draft Byford Structure Plan - Byford Developer Contribution Plan."

A Special Council Meeting was then held on the 29 January 2010 where Council formally considered the matter and passed the following resolution:

"Moved Cr Hoyer, seconded Cr Kirkpatrick

That Council:

- 1. Notes the legal advice provided by McLeods at Attachment SCM021.1/01/10.*
- 2. Notes the financial risks associated with the administration of development contribution arrangements and associated interim arrangements, as outlined in this report.*
- 3. Acknowledges that the final amount payable by landowners can only be determined at the time of the contribution arrangement becoming operational, upon finalisation and gazettal of an Amendment to the Shire's Town Planning Scheme No. 2.*
- 4. Acknowledges that landowners, in entering into legal agreements at the time of subdivision and development, have accepted the financial risks and uncertainty surrounding the Byford Development Contribution Arrangement.*
- 5. Requires, as an interim position for the Byford east area from this date forward, that any interim arrangement that is entered between a landowner and Council shall require the payment of the estimated cost contribution in cash and additional security, to the value of not less than 50% of the estimated contribution in the form of a cash payment or bank guarantee. All costs associated with establishing an interim arrangement shall be borne by the proponent.*
- 6. Acknowledges the need to treat all affected landowners in an open, transparent, consistent and fair manner.*
- 7. Provides to those landowners to the east of South Western Highway, who have already entered into a legal agreement, with an update on the Byford Development Contribution Arrangement and invite those landowners to make arrangements with Officers of the Shire for a partial refund to be made to the extent to which the level of funds/security provided is not less than those landowners now wishing to proceed with subdivision and development, as outlined in part 5 of this resolution.*
- 8. Acknowledges that all costs associated with establishing supplementary legal agreements to enable any adjustment to occur, estimated to be in the order of \$500 for each agreement shall be the responsibility of the relevant landowner and shall not be recoverable through the Byford Development Contribution Arrangement, either now or upon finalisation.*
- 9. Notes that the resources allocated by Council to the finalisation of the Byford Development Contribution Arrangement are not unlimited and that these resources would be most effectively utilised in finalising the Contribution Arrangement at the earliest opportunity.*
- 10. Notes that further reports will be presented to Council at the earliest opportunity in order to progress the Byford Development Contribution Arrangement towards finalisation.*
- 11. Notes that a further report will be presented to Council at the earliest opportunity to formally consider a policy position for interim arrangements for development contribution arrangements.*

CARRIED 7/0"

Council at its Ordinary Meeting of 27 April 2010 resolved to adopt Council Policy No.11 for the Interim Developer Contributions Byford East, which formalized the above resolution.

Local Planning Policy (LPP) No. 55 - Interim Development Contributions Eastern Byford (the Policy) has been developed to ultimately replace Council Policy 11 and provide guidance for

interim development contribution refunds and the preparation of interim development contribution arrangements prior to finalisation of the Byford Development Contribution Arrangement (DCA).

A copy of the Policy is with the attachments marked SD026.1/09/10.

Sustainability Statement

Effect on Environment: LPP 55 and resultant interim DCA are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, LPP 55 and the Byford DCA have no impact on the environment, as they are principally ‘administrative’ and ‘financial’ arrangements. Indirectly, however, LPP 55 and resultant interim DCA can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment.

Resource Implications: LPP 55 and resultant interim DCA can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire’s natural, human and financial resources to be efficiently and effectively used.

Economic Viability: LPP 55 and resultant interim DCA have the potential to significantly impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to LPP 55 and resultant interim DCA have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development.

The financial implications (and risks) for Council are very significant. Local Governments are required to effectively ‘underwrite’ contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a contribution arrangement. The financial impacts of LPP 55 and resultant interim DCA on all stakeholders should not be underestimated.

The financial risks associated with establishing and implementing LPP 55 and resultant interim DCA needs to be carefully considered. Should Council have to invest significant funds into LPP 55 and resultant interim DCA (for example, to pre-fund infrastructure or to make good a loss), its ability to fund other obligations or projects may be compromised.

Economic Benefits: LPP 55 and resultant interim DCA, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, LPP 55 and resultant interim DCA does not offer any direct economic benefits to an area. LPP 55 and resultant interim DCA can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Social – Quality of Life: The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single person will be able to be satisfied. Roads, paths and public open space are some of the key considerations.

Social and Environmental Responsibility: It is important that LPP 55 and resultant interim DCA are easily understandable by all stakeholders in terms of what they are and what they are not. Infrastructure needs to be carefully designed, costed and ultimately delivered to



ensure that social and environmental impacts are minimised and that benefits are maximised.

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

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Statement of Planning Policy 3.6
Byford District Structure Plan
Local Government Act

**Policy/Work Procedure
Implications:**

A number of policies and work procedures will need to be developed and implemented to support the finalisation of the Byford Developer Contribution Plan.

Financial Implications:

There are significant financial implications associated with DCAs. The implications are discussed in detail later in this report.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Infrastructure			
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
	Strategy and Planning			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		31	The Planning Process	Develop comprehensive governance policies and strategies.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		33		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.

Comment

Interim DCA

In the interim and until such time as the formal DCA is finalised, Clause 5.19.1.5 of TPS 2 provides provision for other arrangements, satisfactory to the Shire, being established to attain contributions. Interim arrangements through draft LPP 55 are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to finalisation of the DCA. Interim arrangements also ensure that sufficient funds are collected to facilitate the delivery of associated infrastructure and lands. Contribution rates applied in the interim are almost certain to evolve by the time of finalisation. Interim arrangements through draft LPP 55 will be the legal mechanism by which the Shire can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who have already developed as per rates depicted at the time the DCA is finalised.

Through draft LPP 55, Council provides the broader community with an understanding of what the Shire considers to be a satisfactory arrangement.

Interim Refunds

Council in the past has engaged a number of consultants to provide advice and undertake works relating to the DCA. Cost estimates supporting draft LPP 55 were provided to the Shire with the best available information at that given point in time. These estimates were applied to previous interim arrangements and were considerably higher than those estimates currently applied. For this reason the draft Policy provides for provisions which facilitate an interim refund of previous estimates with current cost estimates being applied and any excess of previous contributions refunded. Although refunds are available to those landowners who had paid higher cost estimates it is important to note that there will be further revisions to the cost estimates prior to finalisation.

Financial Risks

Interim arrangements through draft LPP 55 are intended to protect the financial and community interests of the Shire and all landowners within a contribution area. Interim arrangements as outlined above become the legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation. If no mechanism was put in place to ensure finalised contributions were paid a number of outcomes may result including but not limited to:

- Infrastructure not being provided, either in a timely manner or at all,
- A significant financial burden on the Shire, that may need to be addressed through the allocation of municipal funds;
- A financial burden on future landowners, that may need to be addressed through the establishment of a rating-mechanism;
- A financial burden on other existing landowners, through higher contributions at the time of subdivision and development.

Although interim arrangements are not popular, require resources to establish and administer and do not completely eliminate financial risk to stakeholders, the benefits of having interim arrangements generally outweigh the negative aspects.

Policy Context and Conversion

The advertising of draft LPP 55 in accordance with the provisions of TPS 2 will provide a formal forum to receive submissions and feedback from the broader community. This

process provides Council with the opportunity to consider this feedback and attune the policy in an open and transparent manner.

The provisions of draft LPP 55 do not permanently bind Council to this interim approach and other arrangements may be considered on their merits should they arise or circumstances change over time.

Community Consultation:

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft LPP for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A notice being placed in the Shire's Administration Centre
- A notice being placed on the Shire's internet website
- A letter being sent to key landowners within the policy area
- A letter being sent to all relevant state government agencies

Options

There are three primary options that are available to Council in considering the draft LPP, as follows:

- (1) to adopt the draft LPP, without modification;
- (2) to adopt the draft LPP, with modification/s; and
- (3) to not adopt the draft LPP.

In the instance that Council decides to adopt the draft LPP, a further report will need to be presented to Council, post-advertising, to determine whether to grant final adoption of the LPP.

Conclusion

Draft LPP 55 provides clear guidance to developers on interim developer contributions and those that have already developed on how to obtain a partial refund. The Shire's officers are committed to progressing the Byford DCA in a timely manner. However, it is important for Council to establish a formal policy position in the interim, as the pace of development continues to grow and matters relating to interim development contributions arise. Adoption of the Policy for advertising in accordance with the above is recommended.

Voting Requirements:

Simple Majority

SD026/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Randall

That Council:



- A. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 55 – Interim Developer Contributions – Eastern Byford as satisfactory for advertising.**
- B. Invites public comment on draft Local Planning Policy No. 55 – Interim Development Contributions – Eastern Byford for a period of not less than 21 days by way of a:**
- a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area**
 - b) Notice being placed in the Shire's Administration Centre**
 - c) Notice being placed on the Shire's internet website**
 - d) Letter being sent to key developers within the policy area**
 - e) Letter being sent to all relevant state government agencies**

CARRIED 9/0

SD027/09/10 REVIEW OF DELEGATED AUTHORITY – FOOD ACT 2008 (A1047)		
Proponent:	Serpentine Jarrahdale Shire	In Brief This report provides Council with an opportunity to establish a notice of delegation with respect to the <i>Food Act 2008</i> .
Owner:	Not applicable	
Author:	Melanie Watson – Senior Environmental Health Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	20 August 2010	
Previously	None	
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 established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making. There are a number of existing delegations that are administered by Health Services.

This report provides Council with the opportunity to establish a new notice of delegation in respect of the Food Act 2008. The notice of delegation is intended to provide for the timely appointment of authorised officers and execution of functions under the Act.

Statutory Environment:

Food Act 2008
Food Regulations 2009

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
PEOPLE AND COMMUNITY					
	Wellbeing				
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.	1.1 HPFSQ - Ensure food provided to the public is safe for its intended use
		13	Safe	Achieve a high level of community safety	13.3 HPPHAM - Minimise unwanted exposure to hazards that are offensive and/or a risk to health

Community Consultation:

Not required.

Comment:

Under the provisions of the Food Act 2008, a Local Government is the “enforcement agency” for the majority of food businesses within its municipality. It is important for community food safety outcomes that the functions of the Act be discharged in a timely manner. The functions of the Act are separated into two types; those to be conducted by “authorised officers” and those by the “enforcement agency”.

There are two parts to the proposed delegation, as follows:

- (1) the administration of the functions of the Serpentine Jarrahdale Shire as the “enforcement agency”; and
- (2) the appointment of “authorised officers”.

With respect to part 1, the proposed notice of delegation relates to the functions of an “enforcement agency” set out in the Act. This includes, but is not limited to, the issuing of food business registrations, the issuing of prohibition orders and the appointment of “authorised officers”. At present, the discharge of all functions must be presented to Council for formal consideration.

It is proposed that the notice of delegation enables the Chief Executive Officer of Serpentine Jarrahdale (CEO) on behalf of Council, to perform the functions of the Act. It is further proposed that the CEO delegates these functions to the Manager Health and Ranger Services, to enable the discharge of these functions in a timely manner.

With respect to part 2, the proposed notice of delegation relates to the specific function of an “enforcement agency” to appoint persons to be an “authorised officer”. The Chief Executive Officer of the Department of Health (CEO DoH) may issue guidelines from time to time, which advises on the appropriate qualifications for “authorised officer”. All of the Shire’s appointed Environmental Health Officers are suitably qualified to be appointed as “authorised persons” under the Food Act 2008.

It is proposed that the notice of delegation enables the CEO, on behalf of Council, to appoint “authorised officers” under the Act. These appointments shall be in accordance with the

guidelines issued by the CEO DoH. It is proposed that this function not be included in the delegation to the Manager Health and Ranger Services.

The proposed delegation (DS-29) is with attachments marked SD027.1/09/10.

Conclusion

The proposed notice of delegation will assist with achieving food safety outcomes in a timely manner, improving both efficiency and effectiveness. On this basis, adopting the notice of delegation is recommended.

Voting Requirements:

ABSOLUTE MAJORITY

SD027/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Hoyer

That Council:

A. In accordance with Section 118 of the Food Act 2008, authorises and grants the delegations of authority, powers and duties as listed and detailed in attachment SD027.1/09/10 entitled:

- **DS29 - Food Act Administration;**

B. Requests the delegated authority register be updated accordingly.

CARRIED 9/0

SD028/09/10 PROPOSED DRAFT LOCAL PLANNING POLICY NO. 47 – MUNDIJONG-WHITBY INTERIM DEVELOPMENT (A1729)		
Author:	Heleen Muller – Senior Strategic Planner	In Brief To adopt Local Planning Policy No. 47 – Mundijong-Whitby Interim Development for advertising.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	24 August 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Draft Local Planning Policy No. 47 (LPP47) – Mundijong-Whitby Interim Development has been created to provide guidance to all applications for development or use other than a single house within the Mundijong-Whitby Urban Development zones' District Structure Plan Area. This policy is only applicable prior to a Local Structure Plan (LSP) being adopted by Council for the relevant part of the zone and will guide development in the interim.

Council at its Ordinary Council Meeting held 27 April 2010 resolved to adopt Local Planning Policy No. 29 (LPP29). LPP47 should be read in conjunction with LPP29. The purpose of this report is to introduce LPP47 and request consent for advertising.

A copy of the Policy is with the attachments marked SD028.1/09/10.

Sustainability Statement

Effect on Environment: LPP47 will have an indirect effect on the environment as it will establish a framework guiding development and land use in the interim. When development and/or land use applications are received, they will still be evaluated on the existing criteria which exist within the Shire.

Resource Implications: LPP47 will not create additional impact on the current budget and may reduce the workload of the Statutory Planning team.

Economic Viability: LPP47 will guide development in the DSP area and ensure land owners have the potential to develop their land in the interim until such time as when a LSP has been developed for the relevant precinct.

Economic Benefits: The financial implications for the Shire of not having LPP47 are very significant. When applicants contest the Shire's decision at the State Administrative Tribunal (SAT), LPP47 will be a statutory mechanism to justify the Shire's stance. LPP47 has the potential to minimise potential legal costs.

Social – Quality of Life: Currently landowners pay rates and taxes on their land but does not have the potential to develop or use the land. LPP47 will provide landowners with the potential to develop or use their land, and possibly increase the value of their property.

Social and Environmental Responsibility: LPP47 set criteria on development and the impact it has on the environment and the surrounding community, ensuring no development will have an adverse effect on the environment or the community.

Social Diversity: Providing the potential for development or land use can assist with meeting the needs of a diverse community, both existing and into the future.

Statutory Environment:

Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme No. 2 (TPS 2)
Statement of Planning Policy 3.6
Draft Mundijong-Whitby District Structure Plan
Local Planning Policy 29 – Mundijong-Whitby Planning Framework

Policy/Work Procedure Implications:

The LPP is intended to provide guidance for the interim development of the Mundijong-Whitby Urban Development Area, complimenting both existing and future LPPs that are being progressed through the Shire's on-going policy development program. It is not anticipated that any new work procedures will need to be established to facilitate the implementation of the LPP.

**Financial Implications:**

There are no significant financial implications associated with LPP47, however advertisement cost, stationary and mail-out fees will be required.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning	2	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail development.
PEOPLE AND COMMUNITY				
	Wellbeing	5	Happy	Promote respect, responsibility and resilience in our community.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		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				
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
	Knowledge and Information	45	Generating collecting and	Ensure the full costs are known before decisions are made.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			analysing the right data to inform decision making	

Comment

Interim Development

The Shire is in the process of formalising the Mundijong-Whitby District Structure Plan (DSP). The DSP has been formally advertised from 1 June 2010 – 12 July 2010, requesting comments from all stakeholders. Subsequently the Mundijong-Whitby DSP will be presented to Council for adoption in the near future. As LPP29 guides development to occur in an orderly and proper manner, LPP29 requires various planning requirements that need to be addressed, including amendments to the Town Planning Scheme No. 2 (TPS2), the preparation of a DSP, the preparation of LSP and applications for subdivision and development. At the time the DSP is formally adopted, as per requirements set by LPP29, a LSP will be required before any development may commence in Mundijong-Whitby DSP Area.

The Shire is however under no obligation to develop a LSP for any of the identified precincts in the DSP area and ultimately expect landowners to drive this process. As there are various precincts with fragmented ownership, the development of a LSP may be very complex, time consuming and have a financial burden on landowners. Due to the aforementioned factors, the development of LSP's for various precincts may be a couple of years away, leaving landowners with no development potential in the interim. LPP47 addresses these constraints by considering certain land uses within the DSP area before a LSP is adopted.

LPP47 provides guidance on development and uses that may be considered within the Urban Development Zone in Mundijong-Whitby DSP Area and ensures that any proposed development is consistent with the Mundijong-Whitby DPS. Furthermore, LPP47 also ensures that infrastructure and services may be provided to serve the existing community.

The Shire has a general presumption against subdivision in an area undergoing structure planning and clause 5.18.1.1 of TPS2 does not recommend subdivision of land prior to the adoption of a LSP. LPP47 however, does provide the opportunity for landowners to apply to Council to consider excising their dwelling from a larger tract of land, provided they address all the design criteria as set in LPP47. Should all the design criteria be met, Council may recommend to the Western Australian Planning Commission to consider the subdivision application. This will allow landowners to excise their existing house from a larger tract of land.

Community Consultation:

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft LPP for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A notice being placed in the Shire's Administration Centre
- A notice being placed on the Shire's internet website
- A letter being sent to key developers within the policy area
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia
- A letter being sent to all relevant state government agencies, including but not limited to, the Department of Planning.

Options:

There are three primary options that are available to Council in considering the draft LPP47, as follows:

- (1) To adopt the draft LPP, without modification;
- (2) To adopt the draft LPP, with modification/s; and
- (3) To not adopt the draft LPP.

Conclusion:

The Shire's officers are committed to progress the Mundijong-Whitby DSP in a timely manner. However, it is important for Council to establish a formal policy position on interim development, as there are no current timeframes for the development of LSP for the various precincts.

The adoption of the LPP47 for advertising in accordance with the above is recommended.

Voting Requirements:

Simple Majority

SD028/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

That Council:

- 1. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 endorse draft Local Planning Policy No. 47 – Mundijong-Whitby Interim Development as satisfactory for advertising.**
- 2. Invites public comment on draft Local Planning Policy No. 47 – Mundijong-Whitby Interim Development for a period of not less than 21 days by way of a:**
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;**
 - b) Notice being placed in the Shire's Administration Centre;**
 - c) Notice being placed on the Shire's internet website;**
 - d) Letter being sent to key developers within the policy area;**
 - e) Letter being sent to all relevant state government agencies.**

CARRIED 9/0

SD029/09/10 PROPOSED DRAFT LOCAL PLANNING POLICY NO. 53 – GEORGE STREET CONSTRUCTION COSTS (A1907)		
Author:	Louise Howells – Senior Projects Planner	In Brief To adopt Local Planning Policy No. 53 – George Street Construction Costs for the purposes of guiding the contribution of funding for the construction of George Street from Pitman Way to Larsen Road in a coordinated manner by detailing the costs, method of apportionment and method of collecting contributions.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	26 July 2010	
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	

Proposal

Draft Local Planning Policy No. 53 – George Street Construction Costs, has been prepared to guide the contribution of funding for the construction of George Street from Pitman Way to Larsen Road in a coordinated manner by detailing the costs, method of apportionment and method of collecting contributions.

Background

George Street from Pitman Way to Larsen Road is currently unconstructed. Vehicles accessing lots backing on to George Street are therefore required to have access from South Western Highway. This creates a road safety issue and is not supported by Main Roads Western Australia.

A petition was received on the 7 April 2010 from Byford Family Practice requesting the extension of George Street from Pitman Way to Larsen Road (or alternatively at least from Pitman Way to Evans Way). The petition attained 700 signatures and requested Council to make the construction of George Street a priority to improve local traffic flow and avoid accidents at the Larsen Road, Highway intersection. An item in this regard was presented to the Ordinary Council Meeting on 26 July 2010 where the following decision was made.

CGAM002/07/10 COUNCIL DECISION/Committee Recommendation Resolution:

*Moved Cr Geurds, seconded Cr Brown
That Council;*

- 1. Commence preliminary design and costing on the George Street Link utilising the Shire's internal resources.*
- 2. Investigate how the project can be incorporated into the Shire's forward financial plan (fully costed Plan for the Future) and determine a realistic timeframe for project commencement as well as other potential income sources such as grants and developer contributions.*

CARRIED 9/1

Without a policy to guide cost contributions it has been and will be difficult for the Shire to seek cost contributions for George Street in a coordinated and equitable manner. This policy

will provide a clear framework on costs and apportionment methodology to provide a consistent approach for cost contributions for all lots along George Street.

A copy of the Policy is with the attachments marked SD029.1/09/10.

Sustainability Statement

Effect on Environment: Directly, this policy has no impact on the environment, it is principally to guide the ‘administrative’ and ‘financial’ arrangements for the construction of George Street. The construction of George Street as a result of this policy, may however, have an impact on the environment as there is significant vegetation along George Street.

Resource Implications: This policy proposes a coordinated approach to the collection of contributions for George Street and may enable the Shire’s natural, human and financial resources to be efficiently and effectively used.

Economic Benefits: The policy may assist in the timely, efficient construction of George Street which will improve access to various businesses and may, in turn, facilitate economic growth and employment creation.

Social – Quality of Life: The ability to obtain contributions and construct George Street in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future land and business owners.

Social and Environmental Responsibility: It is important that the policy is easily understandable by all stakeholders in terms of what they are and what they are not required to contribute to. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

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

Statutory Environment:

Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme No. 2 (TPS 2)
Byford Structure Plan
Byford Town Centre Local Structure Plan

Policy/Work Procedure

Implications: N/A

Financial Implications: N/A

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK				
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and	27	Strategic Direction	Prepare effectively for future development.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Planning			
	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.

Comment

There is a need to construct this section of George Street to provide access to the business, banking and shopping precinct, especially for residents living in the area from Byford Central through to the Byford Trotting area. There is also a road safety advantage to having access from George Street.

Until the construction of George Street, residents and businesses along South Western Highway are required to have access to South West Highway. Main Roads Western Australia and the Shire are also progressing with an access strategy which will seek to prohibit access from South West Highway and place greater emphasis on the need to construct George Street.

Although Council may assist with the funding of construction in the interim, the cost will ultimately need to be recovered from landowners of the adjoining properties. The requirement to pay the associated costs for George Street construction will be triggered by the application of a development application or subdivision application from the adjoining properties.

Community Consultation:

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft Local Planning Policy (LPP) for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A notice being placed in the Shire's Administration Centre
- A notice being placed on the Shire's internet website
- A letter being sent to key developers within the policy area
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia
- A letter being sent to all relevant state government agencies, including but not limited to, the Department of Planning.

Conclusion

The proposed policy will provide a framework to assist the Shire in seeking contributions towards the construction of George Street in a coordinated manner. The policy also provides

transparency to landowners who can be aware upfront of the costs associated with the construction of George Street when they choose to either develop or subdivide their land.

Adoption of the Policy for advertising is recommended.

Voting Requirements: Simple Majority

SD029/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

That Council:

1. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 53 – George Street Construction Costs
2. Invites public comment on draft Local Planning Policy No. 53 – George Street Construction Costs for a period of not less than 21 days by way of a:
 - a) notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area
 - b) notice being placed in the Shire's Administration Centre
 - c) notice being placed on the Shire's internet website
 - d) letter being sent to all landowners within the policy area
 - e) letter being sent to all relevant state government agencies

CARRIED 8/1

SD030/09/10 RESOLUTION NOT TO PROCEED WITH AMENDMENT NO. 148 AND INITIATION OF AMENDMENT NO. 171 (A1902)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To recommend to Council that they resolve not to proceed with Scheme Amendment 148 and initiate Amendment No. 171 to insert additional zones within the zoning table and land use permissibility into TPS 2.
Owner:	N/A	
Officer:	Louise Howells - Senior Planner Projects	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	16 July 2010	
Previously	SD116/03/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Proposal

Amendment No.171 proposes to introduce new zones into Town Planning Scheme No.2 (TPS No.2). This is required due to there being a number of land use classifications contained within the Byford Structure Plan (BSP) and Local Structure Plans that are not contained within TPS 2.

Local Planning Policy 19 (LPP 19) – Byford Structure Plan Area Development Requirements was prepared and includes a zoning table for the Byford Area as an interim measure to



provide land use permissibility for the various land use classifications not contained within TPS 2. A policy is not, however, considered an appropriate means of controlling land use permissibility and LPP 19 also only covers the Byford Structure Plan area. Upon Gazettal of Amendment No. 171 LPP 19 would need to be amended to remove inclusion of the zoning table.

Proposed Amendment 171 would replace existing Amendment 148 which aimed to add a second zoning table to TPS 2 for the BSP area.

Background

At its Ordinary Council Meeting held on 22 August 2005, Council resolved to initiate Amendment 148 to Town Planning Scheme No. 2. The purpose of Amendment 148 is as follows:

1. *Adding the new zones proposed by the BSP to the scheme text.*
2. *Adding a second Land Use/Zoning table to the Scheme to identify the land uses that will be permissible in each of the new zones proposed by the BSP.*
3. *Amending various clauses of the scheme text to tie in with the new Land Use/Zoning table for the Byford urban area.*
4. *Adding a new development requirements table after Table IV of the Scheme for the new Neighbourhood Nodes and Neighbourhood Centre zones within the BSP area as detailed below.*

Following advertising, the Amendment was adopted on 27 March 2006 subject to various modifications.

Following adoption, the Amendment was never referred to the Western Australian Planning Commission (WAPC)/Minister for a number of reasons, including the 2006 review of the BSP (BSP). A comprehensive review of Amendment No. 148 was completed in parallel with the review of the operation of the BSP in a statutory environment. This identified the following issues

- the TPS amendment would introduce inconsistencies within the TPS 2; and
- the TPS amendment was inconsistent with the model scheme text provisions, including zoning and structure planning.

Due to the issues detailed above, it is recommended that Council resolve not to proceed with the Amendment and forward its resolution to the WAPC. Once received by the WAPC, the Amendment would be put to the Minister of Planning with a recommendation not to approve the amendment. This course of action is in accordance with r.25AA(6)(a)(iii) of the Town Planning Regulations 1967.

Concurrent with the resolution not to proceed with Amendment 148, Amendment No. 171 should be progressed. Amendment No. 171 is consistent with the TPS, model scheme text provisions and follows the required statutory process.

Sustainability Statement

Social – Quality of Life: In determining the uses that should be permissible in the various zones and the level of permissibility (ie permitted, discretionary etc), the following issues have been taken into account:

1. The intent and objective of each of the zones as detailed in the BSP;
2. The compatibility of each of the land uses within a particular zone; and



3. The amenity expectations of each of the zones (ie not allowing potentially noisy uses such as Nightclubs within the Residential zone).

Social and Environmental Responsibility and Social Diversity: The range of land uses proposed in the Zoning table aims to provide for a diverse range of future residents. The uses encompass the wide spectrum of residential, shopping, services, entertainment and employment opportunities that will encourage future residents to shop, work and play locally as much as possible.

Statutory Environment:

Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)
Town Planning Scheme No.2

Policy/Work Procedure Implications:

There are no policy or work procedure implications associated with this proposal.

Financial Implications:

Advertising costs – newspaper and Government Gazette

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning	2	Rural Villages	Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development	1	General	Attract and facilitate appropriate industrial, commercial and retail development.
PEOPLE AND COMMUNITY				



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	Wellbeing	5	Happy	Promote respect, responsibility and resilience in our community.
	Places	29	Vibrant	Create vibrant urban and rural villages.
		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				
		15		The Shire will set policy direction in the best interests of the community.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
	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

If Council resolves to initiate the new Amendment No. 171, the Amendment is to be referred to the Environmental Protection Authority (EPA) and Western Australian Planning Commission in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

If Amendment No. 171 complies with the provisions of the EPA Act, the Shire is to advertise the Amendment for a period of at least 42 days. The Amendment will be advertised in the local newspaper and displayed in the Shire Offices. On completion of the advertising the Council is to consider the submissions and resolve to forward the Scheme Amendment documentation to the Commission or resolve not to continue and provide the Commission written notice. Once a Scheme Amendment has been initiated then the Minister has the ability to progress the Amendment through the adoption process.

Comment

Amendment No. 148 recommended various modifications to the scheme text. The majority of these modifications have not been included within the proposed Amendment No. 171 and reasons why are detailed within this report.

A copy of the proposed Amendment No. 171 incorporating the suggested changes below is with attachment marked SD030.1/09/10.

Amending Clause 3.1.1

1. *Amending clause 3.1.1 of the Scheme to insert the following additional zones after "URBAN DEVELOPMENT":*

*RURAL-RESIDENTIAL
TOWN CENTRE
NEIGHBOURHOOD CENTRE
HIGHWAY COMMERCIAL*

*NEIGHBOURHOOD NODE
MIXED BUSINESS
MIXED USE*

Neighbourhood Node is not considered appropriate as a zone. Neighbourhood Nodes are located within the BSP as localised Walkable Catchment Nodes which allow for the potential for “corner stores” to be accommodated with a floor area of 100m² – 200m² Net Lettable Area (NLA). It is considered more appropriate if Neighbourhood Nodes are allocated a Residential coding and have the ability to convert into retail space once retail is commercially feasible.

LPP 19 currently provides guidance on land uses that can occur within a Neighbourhood Node. LPP 19 should be amended to provide guidance as to how neighbourhood nodes may be developed in a manner that allows conversion to retail at a later stage.

Amendment No. 171 excludes Neighbourhood Node from the zones to be inserted into clause 3.1.1 of TPS 2.

Changing reference to ‘Table’ to ‘Tables’

2. *Amending clauses 3.2.1 to 3.2.5 and 4.3 by changing the word "Table" wherever it appears in the clauses to "Tables".*

Amendment No. 148 proposed to add an additional table into TPS 2. This is likely to create confusion and is not consistent with the Model Scheme Text which does not provide for multiple zoning tables.

Amendment No.171 incorporates the additional zones into the existing Table 1 and does not propose to amend various clauses to refer to ‘Tables’.

Proposed modifications to TPS 2 clauses 5.3.5 and 5.4.2(a)

Amendment No. 148 proposes to enable the BSP zones to prevail over the Scheme through the following:

3. *Amending clause 5.3.5 by inserting the words "or on any structure plan adopted by the Council in accordance with the provisions of clause 5.18.3" after the words "...on the Scheme Map".*
4. *Amending clause 5.4.2 (a) by inserting after the words "...except in", the words "any area covered by a structure plan adopted by the Council in accordance with the provisions of clause 5.18.3 where the applicable Residential Density Codes shall be as depicted on the relevant structure plan, and".*

A Structure Plan should not be able to prevail over a scheme and is not proper planning practice.

Amendment No. 171 does not include the proposed modifications listed above.

Insertion of Rural Residential Zone into Scheme Text

5. *Amending clauses 5.8, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5 and 5.8.6 of the scheme by inserting the words "and Rural-Residential Zone" after the words "Special Residential Zone" wherever they appear throughout that clause.*



Amendment No. 148 proposes to insert Rural-Residential Zone after the words Special Residential Zone so that the Scheme text provisions for Special Residential Zone also apply to the Rural-Residential zone.

The intention of the Rural-Residential Zone is to retain existing vegetation and, at the far eastern edge of the Structure Plan, act as a buffer transition to the adjoining Darling Scarp Regional Parks and Recreation reservation.

It is considered more appropriate that the Local Structure Plan provide the appropriate provisions, standards and requirements relating to these lots, rather than applying the provisions contained within the Special Residential Zone.

In this regard, TPS 2 Clause 5.18.6.3 states:

“5.18.6.3 Without limiting the generality of clause 5.18.6.2, under a Structure Plan:

- (e) any other provision, standard or requirement in the Structure Plan has the same force and effect as if it were a provision, standard or requirement of the Scheme.”*

Amendment No. 171 does not include the above modification to clauses 5.8, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5 and 5.8.6 of TPS 2.

Proposed modifications to TPS 2 clause 5.18.6.3(a)

6. Amending clause 5.18.6.3 (a) by:

- i) inserting after the words “in the areas designated as zones,” the words “which are the same as zones which exist under the Scheme,”;
- ii) deleting the word “zoning” and inserting after the word “Table” the number “1” and;
- iii) inserting after the words “...the same designation”, the words “and in the areas designated as zones which are not the same as zones which exist under the Scheme, the permissibility of uses is to be as set out in Table 1A”.

The above amendments seek to enable a Structure Plan to prevail over the scheme and to enable the insertion of a second zoning table. This is not in accordance with proper planning and the model scheme text.

Amendment No. 171 does not include the above modification to clause 5.18.6.3 (a).

Proposed Table V

7. Inserting after Table IV in the Scheme a new Table “Table V Non-residential development - Neighbourhood Node and Neighbourhood Centre Zones” as follows:

Non-residential developments in Neighbourhood Node and Neighbourhood Centre Zones

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
Neighbourhood Centre	9	Abutting Residential: as per R Codes Other: Nil	Abutting Residential: as per R Codes Other: Nil	50%	15% of site

8. Renumbering "Table V Parking Requirements" to be "Table VI Parking Requirements".

The above table is not considered necessary as development requirements are to be covered by the Residential Design Codes or relevant detailed area plans and local structure plans which have the same force and effect as TPS 2 (unless a provision is inconsistent with TPS2). Local structure plans and detailed area plans are able to be site specific and ensure that suitable setbacks and site coverage are provided.

It is preferable for building setbacks not to be specified within the TPS 2 as proposed through the above table, as where there is an inconsistency between the structure plan or detailed area plan and the scheme, the scheme prevails. In a centre, where lesser setbacks are generally encouraged to provide greater land use efficiency and streetscape activation, a 9m street setback imposed by the scheme is likely to have undesirable consequences.

Amendment No. 171 to the TPS 2 does not include the proposed modifications to incorporate the above Table V into TPS 2.

Proposed second Zoning Table within Amendment No.148

9. Inserting into the scheme after Table 1 a new Table "Table 1A Byford Structure Plan Area Zoning/Land Use Table" as follows:

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						AA	P
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA		AA	P	P		
Civic Buildings			P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises					AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA		AA	AA	P		
Exhibition Centre				P	P	P	P

The symbols used in the cross reference in the Zoning Table have the following meanings:

- 'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA' means that the Council may, at its discretion, permit the use;
- 'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA
Radio & TV Installation				AA	AA	AA	AA

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P IP SA	IP IP IP	SA (See note 3) SA (See note 3) IP	SA (See note 3) SA (See note 3) IP AA	IP	IP
Restaurant				P	P	AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot							AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			AA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

The provision of a second zoning table would cause confusion and is not in accordance with the model scheme text. The model scheme text refers to a zoning table and does not make provisions for the creation of a second zoning table.

The existing zoning table is, however, able to be modified through an Amendment process to include additional zonings as sought to be included in a second zoning table within Amendment No.148. The existing zoning table already includes the Residential zoning, and as noted previously a Neighbourhood Node is not appropriate as a zone. These zones have therefore been excluded from Amendment No.171.

A Mixed Use zone and land use permissibility is proposed to be incorporated into the TPS 2 zoning table. The land use permissibility is proposed to be the same as the Commercial zone with the following exceptions:

The following are included as AA uses:

- Residential – Single House
- Residential –Grouped Dwelling
- Residential – Multiple Dwelling
- Shopping Centre

The following are included as SA uses;

- Educational Establishment
- Residential Building

Amendment No. 171 also includes the following differences in the zoning table to that proposed within Amendment No.148:

1. Aged and Dependent Persons Dwelling to be an AA use and not a P use in Rural Residential

Rationale: Discretion should be provided in considering the appropriateness of Aged and Dependent Persons Dwelling within

2. Automotive Repairs to be an AA use in Highway Commercial Zone rather than not permitted use

Rationale: Automotive Repairs is considered to be an appropriate use within a Highway Commercial Zone.

3. Betting Agency not included

Rationale: Not in Table 1 of TPS 2.

4. Caretakers Dwelling to Be AA use in Mixed Business and Highway Commercial and not permitted in Mixed Use, Town Centre and Neighbourhood Centre.

Rationale: Caretakers dwellings are not considered appropriate in Mixed Use, Town Centre and Neighbourhood centre as they are not associated with uses contained within these zonings. In Mixed Business and Highway Commercial areas they should be considered as an AA use.

5. Car Park to be an AA use in Neighbourhood Centre, Highway Commercial and Mixed Use

Rationale: A Car Park should be able to be considered in all the above zones as there may be the need to consider parking as a predominant use to provide for other uses within an area (ie. The provision of park and ride for a future train station).

6. Civic Buildings to be AA uses in Highway Commercial and Mixed Business rather than P uses.

Rationale: Civic Buildings should ideally be located within or in proximity to a centre and although they might be considered appropriate in Highway Commercial or Mixed Business areas, some discretion on the suitability of these uses in these zones should be given.

7. Cinema Theatre not included

Rationale: Not in TPS 2.

8. Commercial Vehicle Parking to be a AA use in Neighbourhood Centre, Town Centre, Highway Commercial and Mixed Business

Rationale: Commercial Parking is considered an appropriate use in these zones which are likely to contain commercial uses.

9. Craft Workshop to be included as an AA use in Rural Residential rather than not permitted use

Rationale: A Craft Workshop is considered to be an appropriate use for a Rural Residential area, and shouldn't be prohibited. Similar zoned areas such as Special Residential and Special Rural also have Craft Workshop listed as an AA use.

10. Display Home not included

Rationale: Not in TPS 2.

11. Educational Establishment to become an AA use in Town Centre rather than P use

Rationale: Some discretion should be given to the provision of an educational establishment within the town centre, as the size and function of the establishment will determine its desirability within a Town Centre location.

12. Exhibition Centre not included

Rationale: Not in TPS 2

13. Garden Centre not included

Rationale: Was deleted from TPS 2 by AMD 99

14. Home Office not included

Rationale: Not in TPS 2

15. Home Business to be AA use not IP use in Rural Residential and included as AA use in Neighbourhood Centre and Mixed Use

Rationale: Home Business automatically assumes an incidental use.

16. Home Occupation to be AA use not IP use in Rural Residential and included as AA use in Neighbourhood Centre and Mixed Use

Rationale: Home Occupation automatically assumes an incidental use.

17. Lunch Bar not included

Rationale: Not in TPS 2

18. Night Club to be SA use not AA use

Rationale: Residents should have the ability to provide comment on a Night Club proposal within a town centre due to potential impact on residents.

19. Public Recreation not included

Rationale: Was deleted from TPS 2 by AMD 92

20. Radio and TV installation to read Radio, TV and Communication Installation

Rationale: Radio and TV installation was deleted from TPS 2 by AMD 92

21. Recreation Public to be a P use in Rural Residential, Neighbourhood Centre and Town Centre

This use was introduced by AMD 92 (following preparation of Amt 148) and is considered appropriate in these zones.

22. Residential Aged & Dependent Persons Dwelling and Caretakers dwelling to be located in Table as per location in TPS 2

Rationale: Location of uses should be consistent with TPS 2

23. Grouped Dwelling and Multiple Dwelling to be AA uses not SA uses in Neighbourhood Centre and Town Centre and not to include reference to note 3.

Rationale: Not all Grouped and Multiple Dwelling applications require advertising. The Residential Design Codes sets out the circumstance where consultation with neighbours is required.

24. Restricted Premises not included

Rationale: Not in TPS 2

Shopping Centre to be AA use not P use in Neighbourhood Centre and Town Centre

A Shopping Centre should be an AA use to allow for discretion, mainly in terms of meeting relevant design criteria.

25. Showroom to be AA use rather than P use in Town Centre

Rationale: Showrooms are not generally desired in a town centre zone as they don't often generate a large amount of activity. Some showrooms may be considered appropriate and an AA use is therefore considered to allow for discretion in considering the use.

26. Tavern to be SA use instead of AA use

Rationale: Residents should have the ability to provide comment on a Tavern proposal within a town centre due to potential impact on residents.

27. Vehicle Hire not to be permitted in Town Centre

Rationale: Vehicle hire is not a desirable use within the town centre as it is better suited to Highway Commercial and Mixed Business areas.

28. Notes 1, 2 and 3 not included

The notes under the zoning table contained within Amendment No.148 are not considered necessary and are not proposed to be included as part of Amendment No.171.

Note 1 which states 'See Residential Planning Codes for definitions of residential dwelling types' is covered by Clause 1.9 of the Scheme. Note 2 which states 'Multiple Dwellings only permitted in R40 and higher density codes' is not considered desirable as a multiple dwelling may be considered appropriate on an R40 or lower density lot. Note 3 states that 'Grouped and Multiple Dwellings are only permitted in Neighbourhood and Town Centre zones'. Grouped and Multiple Dwellings should, however, be allowed to be constructed in higher density areas and mixed use areas and is contrary to the Shire's desire to encourage higher density development particularly around future transport nodes.

29. Plant Nursery and Nursery land use permissibility

A Plant Nursery and Nursery are considered to be appropriate uses to consider in a Neighbourhood Centre, Town Centre, Mixed Use, Highway Commercial or Mixed Business area and has been provided as AA in these zones. Plant Nursery and Nursery have the same definition under TPS 2.

Amendment No.171 proposes the insertion of Rural Residential, Neighbourhood Centre, Town Centre, Mixed Use, Mixed Business and Highway Commercial with land use permissibility as per Amendment No.148 with the exception of the changes detailed above.

Insertion of definitions into TPS 2

10. *Inserting, in alphabetical order, the following new definitions into Appendix 1 – Interpretations:*

"betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;

"cinema/theatre" means premises where the public may view a motion picture or theatrical production;

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

"home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

"motor vehicle wash" means premises where the primary use is the washing of motor vehicles;

"restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

- (a) publications that are classified as restricted under the Censorship Act 1996;*
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;*

The insertion of the above uses have been removed from Table 1 as their addition into the Zoning Table will automatically result in all the existing Zones having these uses listed as prohibited, unless the Scheme Amendment adds permissibility for the other zones. This will over complicate the proposed Amendment No.171 and is more practicably dealt with through a separate Amendment to the Scheme or through the Review of the Scheme.

In the meantime these uses can still be considered under clause 3.2.5 of TPS 2 which states:

- i. If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*
 - (a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
 - (b) Determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

The insertion of the above definitions is not included in Amendment No. 171.

Modification to definitions in TPS 2

11. *Modifying the existing definitions in Appendix 1 of the Scheme for "showroom", "warehouse", "convenience store" and "fast food/takeaway food shop" in accordance with the definitions for these land uses contained in the Model Scheme Text under the Town Planning Regulations 1967 (as amended) as follows:*

"showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

"warehouse" means premises used to store or display goods and may include sale by wholesale;

"convenience store" means premises -

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
- (b) operated during hours which include, but may extend beyond, normal trading hours;*
- (c) which provide associated parking; and*
- (d) the floor area of which does not exceed 300 square metres net lettable area;*

"fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

The modification of existing definitions is not considered necessary as the existing definitions only slightly differ from that provided within the Model Scheme Text and have the same intent. Furthermore, as the model scheme text is under review definitions may change. It is considered more appropriate to consider the review of definitions within TPS 2 as part of a separate amendment following the review of the Model Scheme Text.

The proposed modification of the above definitions is not included in Amendment No. 171.

Conclusion

Amendment No. 171 does not include the inconsistencies within TPS 2 and the Model Scheme Text as contained within Amendment 148. The proposed new Amendment will instead insert additional land use zones into the zoning table within TPS 2. This will provide appropriate guidance for land use permissibility for Byford Structure Plans and future Mundijong Whitby Local Structure Plans. It is therefore recommended that the Council resolve not to proceed with Amendment 148 to TPS and initiate Amendment No. 171.

Voting Requirements: Simple Majority

SD030/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

That Council:

- A. Resolve not to proceed with Amendment No. 148 to Town Planning Scheme No. 2 for the following reasons:**
 - 1. the TPS amendment would introduce inconsistencies within the TPS document;**
 - 2. the TPS amendment is inconsistent with the model scheme text provisions, including zoning and structure planning; and**
 - 3. all other reasons detailed within this report.**
- B. Forward this resolution to the Western Australian Planning Commission with a recommendation not to approve Amendment No. 148 for the above reasons.**
- C. Resolve to initiate Amendment No. 171 to amend the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:**

1. Amending clause 3.1.1 of the Scheme to insert the following additional zones after "URBAN DEVELOPMENT":

**RURAL-RESIDENTIAL
TOWN CENTRE
NEIGHBOURHOOD CENTRE
HIGHWAY COMMERCIAL
MIXED BUSINESS
MIXED USE**

2. Inserting into the scheme Table 1 the following:

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Aged & Dependent Persons Dwelling	AA					
Amusement Parlour		AA	AA			AA
Animal Husbandry						
Apiary						
Aquaculture						
Automotive & Marine Sales				AA	P	SA
Automotive Repairs				AA	AA	
Automotive Vehicle Wash				AA	AA	
Automotive Wrecking						
Caravan or Trailer Hire				AA	P	AA
Caretaker's Dwelling				AA	AA	
Car Park		AA	AA	AA	AA	P
Caravan Park						
Cattery						
Cemetery						
Child Minding Centre		P	P			AA
Civic Buildings		P	P	AA	AA	P
Club Premises			AA	AA		AA
Commercial Vehicle Parking		AA	AA	AA	AA	SA
Consulting Rooms		P	P			P
Convenience Store		AA	P	AA	AA	SA
Corner Store						
Craft Workshop	AA				P	
Dog Kennels						
Dry Cleaning Premises		AA	AA	AA		AA
Educational Establishment		AA	AA			SA
Environmental Research Centre						
Equestrian Activity						
Farriery						
Fast Food/Takeaway		AA	P	AA		P
Feedlot						
Floriculture						
Fodder and pasture						
Fuel Depot					SA	
Funeral Parlour		AA	AA	AA	P	AA
Health Studio		AA	P	AA	P	P
Hobby Farm						
Holiday Accommodation						
Home Business	AA	AA				AA
Home Occupation	AA	AA				AA

USE CLASSES	Rural- Residential	Neighbourho od centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Hospital			AA			
Hotel			P	AA		SA
Hydroponics						
Industry: - Cottage - Extractive - General - Hazardous - Light - Noxious - Rural - Service	SA	SA	SA		P P P	SA
Marine Collectors Yard				AA	P	SA
Market		AA	AA	AA	AA	AA
Medical Centre		AA	P	P	AA	P
Motel			P	AA		SA
Nightclub			SA			SA
Nursery		AA	AA	AA	AA	AA
Office		P	P	P	IP	P
Orcharding						
Pig Farming						
Plant Nursery		AA	AA	AA	AA	AA
Poultry (Housed)						
Private Recreation		AA	P		AA	
Private Tree Plantation						
Produce Store						
Public Amusement		AA	AA	AA		P
Public Utility	AA	P	P	P	P	AA
Public Worship - Place of		SA	P	AA	AA	SA
Radio & TV Communication Installation		AA	AA	AA	AA	AA
Reception Centre		SA	AA	AA		P
Recreation Public		AA	P			
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Ancillary Accommodation	P P P IP	AA AA	AA AA			AA AA AA
Residential Building	SA		AA			SA
Restaurant		P	P	AA		P
Rural Use						
Rural Workers Dwelling						
Service Station			SA	SA	AA	SA
Shop		P	P		IP	P
Shopping Centre		AA	AA			AA
Showroom		AA	AA	P	P	AA
Stable						
Stall Wayside						
Tavern		SA	SA	AA		SA
Trade Display				AA	AA	
Transport Depot					AA	
Vehicle Hire				AA	P	
Veterinary Establishment		SA	AA	AA	AA	
Viticulture						

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Warehouse			IP	AA	P	IP

- D. That the Council of the Shire of Serpentine Jarrahdale forward Amendment No. 171 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days.**

CARRIED 9/0

Council Note: Council is aware of the discrepancy between the Committee/Officer Recommendation and the associated Attachment SD030.1/09/10 with regard to the “Neighbourhood Node” under amendment number 1 and “Plant Nursery” as per Table 1 under amendment number 2. Council notes that the amendments as per Committee/Officer Recommendation shall apply.

SD031/09/10 CLUB DEVELOPMENT OFFICER PARTNERSHIP WITH TOWN OF KWINANA (A1789)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council endorse a Partnership Agreement with the Town of Kwinana in relation to the Club Development Officer operational partnership, and to authorize the Chief Executive Office to sign the agreement.
Owner:	N/A	
Author:	Carole McKee – Manager Community Development	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	26 August 2010	
Previously	SCM024/03/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

SCM024/03/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Lowry

A. Council authorises the Chief Executive Officer to:

- Provide a letter of support to be submitted with the Town of Kwinana's Department of Sport and Recreation State-wide Club Development Officers Scheme Grant Application – outlining Council's commitment to the Club Development Officer partnership.*
- Work with the Town of Kwinana to develop an operational Memorandum of Understanding.*

B. Council notes that the Memorandum of Understanding to endorse the operational partnership between the two Local Government Authorities will be presented to Council for endorsement at a later date.

CARRIED 8/0

Since this resolution was implemented, the funding from Department of Sport and Recreation (DSR) has been granted in respect to the partnership, and in respect of a memorandum of understanding a Partnership Agreement has been drafted.

A copy of the Partnership Agreement between Serpentine Jarrahdale Shire and the Town of Kwinana in relation to the Club Development Officer operational partnership is with attachments marked SD031.1/09/10.

Sustainability Statement

Effect on Environment: This proposal will enhance the environment, particularly the social and cultural environment in which we live.

Resource Implications: The proposal is for a 4 day a week grant funded position which Serpentine Jarrahdale Shire will benefit from 2 days per week. The Town of Kwinana already provides human resource and office support for the position as well as an additional day to make the position full time. Benefits will also be realised through the shared knowledge economy between the two local governments, the wide network of Club Development Officers (CDOs) and support of the Department of Sport and Recreation. The partnership has three year commitment from July 2010 to June 2013, with a withdrawal option of 90 days should circumstances change.

Use of Local, Renewable or Recycled Resources: The proposal aims to maximize the potential and develop the sustainable growth of local resources (our clubs) committed to volunteerism in the local community.

Economic Viability: The proposal is grant funded for three years. The program costs will be relative to what is determined to be a priority and what is affordable in order to be able to maximize the benefit of the position within budget constraints and with the help of external resources where possible.

Economic Benefits: The community will benefit through the strengthening and development of local clubs, the skill development, acknowledgement and support for current and potential volunteers.

Social – Quality of Life: Providing a part time dedicated resource to foster club development will increase the potential of quality volunteering experiences and the provision of clubs to meet the needs of the increasing population.

Social and Environmental Responsibility: The program involves a holistic approach encouraging groups to be socially, environmentally and economically responsible.

Social Diversity: The CDO will work with clubs to develop their sustainability. The social sustainability element of this will include encouraging clubs to welcome diversity and be accessible to all social groups.

Statutory Environment: Local Government Act 1995 s5.42, s5.43 and s9.49A

5.42 Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Section 5.43 is quoted below:

5.43 Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties -

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

9.49A Execution of documents

- (1) *A document is duly executed by a local government if -*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer,**each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown."*

The Local Government Act provisions outlined above mean that Council cannot have a permanent delegation in place for the signing of documentation on behalf of the local government. The rationale being that Council needs to be aware of contracts and agreements entered into on its behalf. As such agreements need to be presented to Council and authorisation then given for the signing of them.

Policy/Work Procedure**Implications:**

In terms of Council position, the proposed Partnership Agreement informs the scope of the partnership. A Key Performance Schedule will be developed to guide the overall focus and priorities in relation to achieving the outcomes of the position.

Financial Implications:

The partnership provides for a three year grant which will fund the position's human resource costs. This will be administered by Town of Kwinana. In kind costs, additional expenses and program operational costs for Serpentine Jarrahdale are covered within the 2010/11 Community Development operational budget and any future allocations will be subject to annual budget deliberations.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Infrastructure			
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
		56		Continue to work with funding agencies to secure grants for projects.
		57		Develop and support key sponsorship programs for community and Council projects.
		58		Celebrate awards and achievements with partners to promote our vision.
		59		Interact with professional and industry bodies to keep abreast of best practice.
		60		Establish, implement and maintain effective developer contribution schemes.
		61		Form strategic alliances for the more effective resolution and achievement of regional land use planning and infrastructure delivery.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Assistance			
		18	Information	Provide support and guidance for local



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				activities, events and community groups.
PEOPLE AND COMMUNITY				
	Wellbeing			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
		9		Invest in the development of future community leaders.
	Relationships			
		15	Encourage	Foster positive working relationships with and between volunteers.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		25		Enable inclusive, accessible and appropriate communications.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
	Places			
		31		Build the community's capacity to create vibrant places through activities and events.
		42		Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK				
	Leadership			
		1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		3		Our structure, processes, systems and policies are based on the "keep it simple" principle.
		4		We are realistic about our capacity to deliver.
		5		We have effective meetings.
		26	Society, community and environmental responsibility	The Shire is focused on building relationships of respect with stakeholders.
	Customer and Market Focus			
		57	Gaining and using knowledge of customers and markets	Improve the accessibility of Shire services.

Community Consultation:

Community consultation is not required as the signing of the Partnership Agreement will not impact on the specifics of the Club Development Officer work program.

Comment:

During the months of May to August 2010 the DSR and the two local governments have been meeting to discuss the operational detail in terms of the memorandum of understanding, and a key results schedule (for DSR grant funding reporting purposes).

The combination of these documents and the development of project plans to enable specific actions, will inform a clearly defined work program and protocols to guide the officer in terms of how they allocate their time to both local governments.

A discussion is scheduled for 7 September 2010 Policy Forum in terms of ensuring that Council's views of the priority objectives of the position for Serpentine Jarrahdale are reflected in the work program and related project plans.

Voting Requirements:

ABSOLUTE MAJORITY

SD031/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Lowry

That Council:

- A) Accepts the terms and conditions of the Club Development Officer Partnership Agreement with the Town of Kwinana as attached at SD031.1/09/10.**
- B) Authorises the Chief Executive Officer to sign the Club Development Officer Partnership Agreement with the Town of Kwinana as attached at SD031.1/09/10.**

CARRIED 9/0

Cr Peterson declared an interest of impartiality in item SD032/09/10 and left the meeting at 8.15pm.

SD032/09/10 LOCALITY FUNDING PROGRAM (A1860)		
Proponent:	Various Community Groups	In Brief Council is asked to consider the recommendations of the Locality Funding Program Working Group in relation to the 2010/11 Budget allocation for the Locality Funding Program.
Owner:	N/A	
Author:	Julie Sansom - Community Development Officer	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	16 August 2010	
Previously	SD054/10/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In October 2009 G914 Locality Funding Policy for Townscape Projects was developed and adopted by Council to benefit the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook. A Work Procedure, Guidelines and an Application Form was developed and distributed to community groups and committees with specific dates for submission of an application. This system allows for consistent assessment of applications for funding townscape projects, based on an agreed set of criteria linked to Council's Plan for the Future. Four Councillor representatives from separate wards were also nominated to be part of the 2010/11 Working Group for the Locality Funding Program (LFP).

Four (4) funding applications, requesting a total of \$68,825.00 were received for the 2010/2011 LFP and assessed by the LFP Working Group in line with the assessment criteria outlined in *Policy G914 Locality Funding Policy for Townscape Projects*.

Council Policy G914 states:

"The nominal provision for this program is \$35,000 per annum per locality however Council will determine the actual budget provision in the annual budget process;"

"All applications will be considered by a Townscape Funding Program Working Group consisting of four Elected Members and at least two Strategic Community Planning Officers, and two Engineering Department Officers (one from Operations and one from Design)"

A copy of the Policy G914 is with attachments marked SD032.1/09/10.

Sustainability Statement

Effect on Environment: The LFP will enhance the Shire's built, social and natural environments in line with the Shire's Plan for the Future. Furthermore the LFP will encourage sustainable economic growth to address the Shire's heritage assets and will invite and celebrate diversity of each locality. The LFP selection criteria indicates that funding (including seed funding) is for place making or beautification projects and will only be considered when based on land owned by the Shire, or on land vested with the Shire; have high community benefit in the locality the project is associated with; contribute by either cash or in-kind.

Resource Implications: It is proposed that three of the four applications be funded through the 2010/2011 LFP. A Council contribution will enable projects to be accomplished across

the community far in excess of the requested amount, as each community group has embraced the concept of using the contribution for seed funding or leveraging. It should also be noted that the project proposal for Jarrahdale Community Association is part of an ongoing and larger project (Forest Green) and that Byford Progress Association's proposal is the foundation of a much larger townscape project. The Mundijong Community Association's project is also the beginning of a larger beautification vision for Mundijong. Each project aims to minimise resource use.

Use of Local, Renewable or Recycled Resources: As with the Community Funding Program, the LFP works through a capacity building model that encourages partnerships and use of local and regional resources (including volunteer labour). The LFP is only available to local groups and all proposed projects will mostly use local resources both human and material and may include renewable or recycled resources to achieve project outcomes.

Economic Viability: The proposed projects will add to the visual enhancement of each locality's built environment, resulting in attracting more visitors and increased prospects of economic viability. Each of the three recommended applicants has a business plan in place and two of the proposals have sourced other funding to further enable the ongoing success of their projects into the future. The LFP process also enables Council to identify where groups may be able to work together or share resources to accomplish outcomes.

Economic Benefits: The proposed projects seek to provide more opportunities for recreation and beautification of the Shire. The Program aims to build the capacity of the community to apply for funding from other sources and use this grant as seed funding or leveraging to attract further funds to beautify the six localities. Contributions of cash or in-kind are also encouraged to increase the chances of drawing more funds to this community. Each of the projects utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

Social – Quality of Life: The projects will address the community's need to have an aesthetically pleasing environment within which to live, work, recreate and relax. The LFP will allocate funds to projects which will have a high benefit to the built environment and will therefore make public places more aesthetically pleasing. The program encourages partnerships that enable progress towards achieving sustainability. The process has been designed to build the capacity of the community to put together funding applications for this and other programs. The Community Development team works with the groups to this end. The equitable distribution of funding encourages townscape related community development and partnerships.

Social and Environmental Responsibility: This process involves a holistic approach encouraging groups to be socially, environmentally and economically responsible. The LFP criteria seek to ensure that the determination of developments within Shire localities takes into consideration the need for townscape enhancement whilst also enhancing the environment through landscaping.

Social Diversity: The program seeks to recognise social diversity and improve living, working or visiting the Shire by allocating seed funding to stipulate townscape enhancement. The use of public art is encouraged to express the local "flavour" of each locality, in accordance with place making principles and one of the community groups is seeking funding to develop this. The program is holistic and aims to be inclusive of all social groups.

Statutory Environment:

Local Govt Act 1995;

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a

future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

- (a) changes* the purpose of a reserve account; or
- (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.

* Absolute majority required.

(3) A local government is not required to give local public notice under subsection (2) —

- (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
- (b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

Policy/Work Procedure

Implications:

G914 Locality Funding Policy for Townscape Projects is intended to provide guidance to the Townscape Funding Program Working Group processing applications for townscape seed funding. A work procedure which includes guidelines and criteria has been developed to complement the policy. The guidelines and criteria have been used when considering applications.

Financial Implications:

There are sufficient funds in the relevant reserve accounts to enable the recommendations of the Working Group.

Strategic Implications:

This proposal relates to the following Focus Areas through the numerous projects that the funding will enable.

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.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
		10	Manage	Promote and develop appropriate tourism, recreation and educational opportunities.
	Integrated Water Cycle Management	25	Natural systems	Facilitate and encourage the preservation, management and restoration of natural water systems.
	Climate Change			
		30		Minimise resource use



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		14	Buildings	Encourage built form that positively contributes to streetscape amenity.
		17		Preserve, enhance and recognise heritage values within the built form.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		31	General	Encourage innovative solutions, technology and design.
	Infrastructure			
		35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
		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.
		50		Incorporate, in selective locations, deciduous “air conditioning”, fruit and ornamental trees in streetscapes and public spaces.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development			
		9	Tourism	Develop and maintain our heritage assets to encourage visitors.
	Industry Assistance	26	Infrastructure	Facilitate the development of consistent appropriate and informative signage throughout the Shire.
PEOPLE AND COMMUNITY				
	Wellbeing			
		2	Healthy	Promote a variety of recreation and leisure activities.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		6	Happy	Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		8		Foster lifelong learning opportunities
	Relationships			
		16		Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		22	Empower	Achieve a sense of belonging through active



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				networks and community groups.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places			
		32	Vibrant	Ensure community spaces and places are accessible and inviting.
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		40	Innovative	Encourage the use of the arts to express our cultural identity.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
OUR COUNCIL AT WORK				
	Leadership			
		20	Leadership through organisational culture	We invite and celebrate diversity.

Community Consultation:

All community groups received information about the LFP when the Community Funding Program applications were sent out in January 2010, giving them equal opportunity to apply for the LFP 2010/2011. Further information was published in the May 2010 edition of Council News. However, information posted targeted community associations and committees, church groups, service groups, environment groups and heritage or historical committees. These community groups represent the interest of their membership community and were deemed to have a greater capacity than smaller groups, such as book clubs and exercise groups, to project manage the type of beautification projects that is the intent of the LFP. Community groups who did not receive a postal application were forwarded and application on request. It was a compulsory requirement that all community groups consult with a Community Development Officer prior to submitting their written application. This has ensured groups were not disadvantaged by submitting an application for which a grant could not be considered.

Comment:

Of the four applications, three are recommended for funding through the 2010/2011 LFP, and are within the budget of \$35,000 per locality. Two of these, although compliant, have conditional recommendations (Table B in recommendation). The application that has not been recommended for funding, although deemed a worthy project by the Working Group, does not fit the criteria of the LFP.

A table detailing the Locality Funding Program applications not recommended for funding in the 2010/2011 Budget is with attachments marked SD032.2/09/10.

Voting Requirements:

Simple Majority

SD032/09/10 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Lowry

That Council:

- 1) Endorses the recommendations of the Locality Funding Program Working Group in relation to the 2010/11 Budget allocation for the Locality Funding Program:

A. Recommended Projects

Organisation	Name of Project	Total Cost of Project	Grant Requested	Recommended Funding through LFP 2010/11
Byford Progress Association	Byford Townscape – Public Art Master Plan	\$35,000.00	\$35,000.00	\$35,000.00
Sub-total A		\$35,000.00	\$35,000.00	\$35,000.00

B. Projects – Conditional Approval

Organisation	Name of Project	Conditional Recommendation	Total Cost of Project	Grant Requested	Conditional Recommended Funding through LFP 2010/11
Jarrahdale Community Association	BBQ Facilities in Forest Green	This project is subject to applicable Planning and Reserves Advisory Group approval.	\$18,825.00	\$18,825.00	\$18,825.00
Mundijong Community Association	Beautification of Railway Reserve	This project is subject to applicable Reserves Advisory Group approval.	\$5,250.00	\$5,000.00	\$5,000.00
Sub Total B			\$24,075.00	\$23,825.00	\$23,825.00
Control total of A & B					\$58,825.00

- 2) Give one month local public notice of its intention to transfer:
- \$35,000 from the Byford Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Byford Progress Association.
 - \$18,825 from the Jarrahdale Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Jarrahdale Community Association.
 - \$5,250 from the Mundijong Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to Mundijong Community Association.

CARRIED 8/0

Cr Petersen was not present and did not vote.

Cr Petersen returned to the meeting at 8.17pm.

CGAM008/09/10 MONTHLY FINANCIAL REPORT – JULY 2010 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the July 2010 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Casey Mihovilovich – Executive Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	27 August 2010	
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	

Background

The Local Government (Financial Management) Regulations 1996 requires monthly financial statements to be presented to Council for their consideration. The Council has resolved to receive these statements according to business unit classification.

Sustainability Statement

This review provides an indication of current allocation of resources to provide services as adopted in the 2009/2010 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

Statutory Environment:

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

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

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
OUR COUNCIL AT WORK	Strategy and Planning	29	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.	
	Success and Sustainability	35	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.	35.2 - Encourage a culture of continuous improvement that is supported by regular debriefs past the completion of projects and document the improvements necessary for incorporation in the development of the next project and any new innovations on a standard template that is stored in a continuous improvement register.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.	36.1 - We constantly assess our capacity to deliver and communicate to our stakeholders any slippage utilising efficient reporting systems.
		38	Achieving Sustainability	Projects and goals are realistic and resourced.	38.1 - All services are reviewed against statutory requirements, financial constraints and community need. 38.3 - Develop effective milestone monitoring systems for major projects and address slippage promptly.
		39		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.	39.1 - Staff will observe strict cost control and accurately budget.

Community Consultation:

Required: No

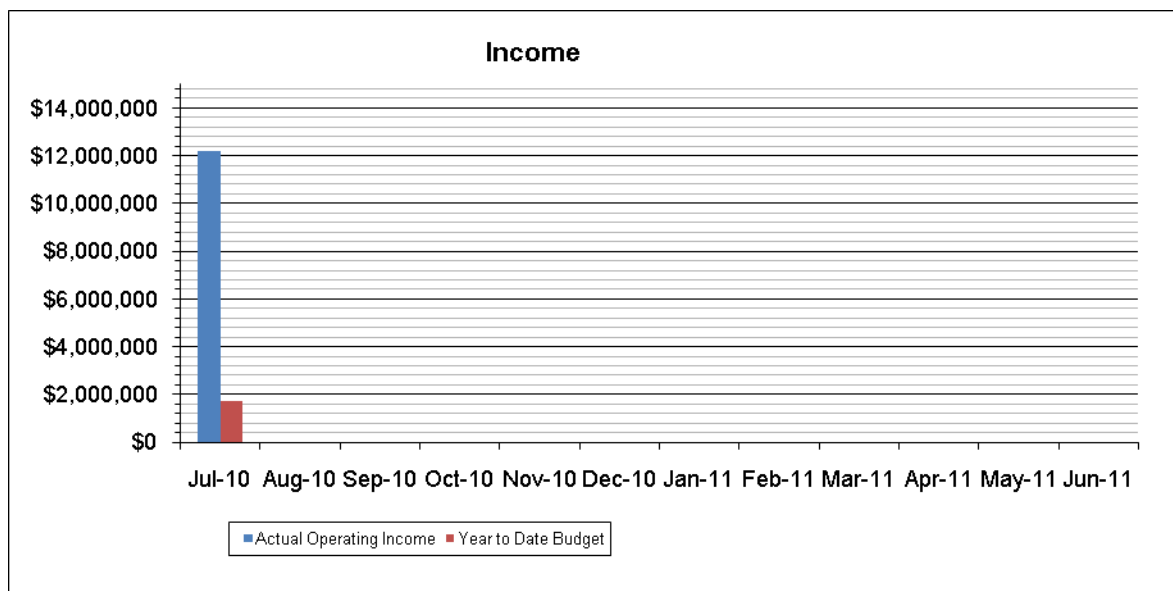
Comment:

Council adopted the 2010/11 Budget at a Special Council Meeting held on 9 July 2010. The figures provided in this report are compared to the year-to-date budget.

The period of review is July 2010. The municipal surplus for this period is \$12,322,427 compared to a budget position of \$1,720,667. This is considered a satisfactory result for the Shire.

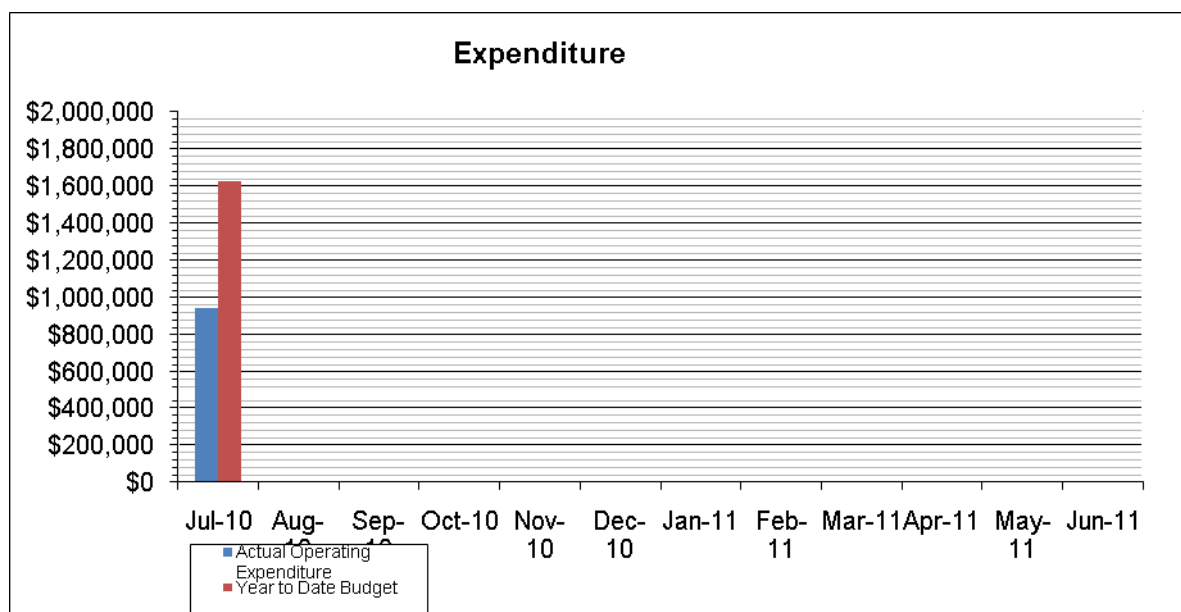
Income for the period July 2010, year to date is \$12,175,221. The budget estimated \$1,720,667 would be received for the same period. The variance to budget is \$10,454,554 and details of all significant variances are provided in the detailed business unit reports.

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



Expenditure for the period July 2010, year to date is \$1,018,649. The budget estimated \$1,826,109 would be spent for the same period. The variance to budget is (\$807,460) and details of all significant variances are provided in the detailed business unit reports.

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



A copy of the Financial Report is included with the attachments and marked CGAM008.1/09/10 (E10/4445).

Voting Requirements: Simple Majority

CGAM008/09/10 Committee / Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Buttfeld,
That Council receives the Monthly Financial Report for July 2010, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 9/0**

CGAM009/09/10 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period 21 July 2010 to 20 August 2010
Owner:	Not Applicable	
Author:	Joanne Egitto - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 August 2010	
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	

Comment:

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

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

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

Summary of creditor accounts paid and payable for the period of 21 July 2010 to 20 August 2010.

A copy of the vouchers numbered Chq 40348 – Chq 40450 and EFT 20802-21105 totalling \$1,482,745.10 for the period of 21 July 2010 to 20 August 2010 is included with the attachments and marked CGAM009.1/09/10 (E10/4355).

Voting Requirements: Simple Majority

CGAM009/09/10 COUNCIL DECISION / Committee / Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Brown

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 July 2010 to 20 August 2010, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 9/0

CGAM010/09//10		COUNCIL POLICY - OFFENCES AGAINST THE BUSH FIRES ACT 1954 (A1057/03)	
Proponent:	Emergency Services Risk Coordinator	In Brief To adopt a Council Policy for offences against the Bush Fires Act 1954.	
Owner:	Not Applicable		
Author:	Jim Johnson - Emergency Services Risk Coordinator		
Senior Officer:	Richard Gorbunow - Director Engineering Services		
Date of Report	23 August 2010		
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

Concerns have been expressed by members of the public, volunteer fire fighters and Councillors regarding persistent offenders who either burn off illegally, raise false alarms and burn off without conforming to the conditions of their Permit to Burn Notice or who allow the burn off to escape their property. These persistent offenders have in the past, escaped being held accountable for their actions because of a lack of evidence or policy to deal with them. Council's Emergency Services department has investigated the most appropriate

methodology, and after a 6 month consultation with the key stakeholders, has produced the proposed policy and corresponding procedures manual to ensure the correct evidence is collected, that the policy is clear and transparent and fair to all sides.

A copy of the Draft Policy is with attachments marked CGAM010.1/09/10 (E10/4811)

A copy of the Procedures Manual is with attachments marked CGAM010.2/09/10 (E10/4382)

Sustainability Statement

Effect on Environment:

The reduction of illegal burning will reduce the propensity for wild fires and the ensuing damage to the environment.

Biodiversity: Improve the protection of indigenous flora and fauna.

Air Quality: The reduction in illegal burning off will reduce the number of incidents of the public being affected by smoke related issues.

Resource Implications:

Reduced false alarms will reduce the number of attendances the volunteer fire brigades need to make.

Economic Viability:

The proposal will improve the quality of life of residents and reduce costs to the community and Council.

The policy will be cost neutral.

The proposal will assist in the reduction or stabilization of future costs which are funded through claims made through the Emergency Services Levy grant applied for each year.

Economic Benefits:

Any fines or costs raised as a result of the Policy goes into general revenue and will be used as part of the education program to advise landowners and the general public on fire prevention, fire safety and legal requirements.

Social – Quality of Life:

The proposal improves the amenity of life for the community by improving safety through the reduction in fires and associated smoke related issues whilst assisting in the retention of existing vegetation. Any reduction in false alarms will enhance the quality of life of the volunteers who have to leave work or family commitments to attend these false alarms and risk all manner of consequences as a result.

Social and Environmental Responsibility:

The proposal is designed in a manner that wherever possible it allows for the education, advise and caution of land owners and occupiers before legal steps are taken. It encourages responsibility of land owners and occupiers towards the broader community and the environment.

Statutory Environment:

Bush Fires Act 1954
Council's annual Firebreak Notice and Permits to set fire to the bush advice notice.

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	Climate Change			
		30		Minimise resource use
		31		Reduce the liberation of carbon into the atmosphere.
	Energy			
		36	Regional Reduction	Work in partnership with our communities as responsible members of the global community to facilitate a reduction in regional greenhouse gas emissions.
		37	Community Reduction	Reduce community emissions including all Greenhouse gas emissions that result from all commercial and residential activity within the Shire.
		38		Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
	Waste			
		39	Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		41	Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.
BUILT ENVIRONMENT				
	Land Use Planning			
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
PEOPLE AND COMMUNITY				
	Wellbeing			
		7	Happy	Encourage, support and celebrate volunteerism.
		13	Safe	Achieve a high level of community safety
	Relationships			
		15	Encourage	Foster positive working relationships with and between volunteers.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		28		Engage existing and new residents in sharing neighbourly and community values.
	Places			
		36	Vibrant	Plan and develop safe communities and places.
		42	Distinctive	Foster the sense of belonging and pride of place in our community.
OUR COUNCIL AT WORK				
	Leadership			
		1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.
		3		Our structure, processes, systems and policies are based on the “keep it simple” principle.
		4		We are realistic about our capacity to deliver.
		6		The Council and Leadership Team drive Strategy and Policy development.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
		9		All decisions by staff and elected members are evidence based, open and transparent.
		10		The elected members and staff operate from a common understanding of sustainability.
		15		The Shire will set policy direction in the best interests of the community.
		16	Leadership through organisational culture	Elected members and staff live our values and lead by example.
		18		Elected members and staff operate in an environment of trust, respect, openness and transparency.
		19		The elected members and staff have a relationship of unity and work together to achieve goals.
		22		The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
		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.
	Success and Sustainability			
		35	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		37		Create a culture where communication of



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				achievement and performance is actively promoted.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		39		Projects and goals are realistic and resourced.
		40		The culture, decision making and work systems need to be readily adaptable to change.
		41		The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	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.
		46		Understand current and future costs of service delivery.
		47		Understand the needs of stakeholders.
		48		Develop systems for data capture and analysis.
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
	Customer and Market Focus			
		52	Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
		53		Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.
		55		Improve the accessibility of Shire services.
		58		Use marketing and promotional tools to inform and manage customer expectations.
		59	Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
		60		Encourage and support staff to proactively deal with complex customer service issues.
		62	Customer perception of value	Address the barriers to doing business in a positive way.
		63		Celebrate and promote our success.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		64		Utilise marketing to promote the Shire's vision
		65		Strive to continually improve customer satisfaction and stakeholder relationships.
	People			
		77		Staff are performance managed to deliver outcomes.
		78		Staff are equipped to fulfil their role.
		81		All staff and councillors will have completed a level of training commensurate with their role and responsibilities.
	Process Management, Improvement and Innovation			
		84	Identification and Management of Processes	Undertake a systems and processes review and educate and train staff and elected members accordingly
		85		Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		86		Invest and upgrade our technology to enable us to automate processes
		91	Process Improvement and Innovation	Build staff confidence and give them the licence to drive change
		92		Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
		93		Fully utilise the skills and knowledge of elected members and staff
		94		Achieve outcomes whilst minimising use of Council resources.
		95		Capitalise on IT through enabling technology to assist staff in doing their job
		96	Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.

Community Consultation:

Community comment did occur, key stakeholders including Councillors (through the policy forum) and volunteer Emergency Service personnel have been involved in the production and practical components of this policy.

Comment:

Council receives many complaints each year regarding illegal burning off, dangerous burning off, irresponsible burning off, smoke related issues, degradation of the natural environment and false alarms to fires. In the past evidence gathering has been lacking in substance and direction resulting in many persistent offenders avoiding being held to account. The proposed Policy ensures that fires reported to 000 are followed up and where there is evidence of illegal activity this can result in the alleged offender being dealt with by education, advice, formal caution or prosecution.

Voting Requirements: Simple Majority**CGAM010/09/10 Officer Recommended Resolution:**

That Council adopt Policy AS01 – Offences Against the Bush Fires Act 1954 as per attachment CGAM010.1/09/10

CGAM010/09/10 COUNCIL DECISION/Committee Recommended Resolution:**Moved Cr Brown, seconded Cr Harris**

1. That Council adopt Policy AS01 – Offences Against the Bush Fires Act 1954 as per attachment CGAM010.1/09/10 with the following modification:

The wording 'bush fires' in the opening sentence be changed to 'all fires' and the word 'only' be deleted in the following section:

This applies only to bush fires all fires which —

- (a) have been lit or are maintained unlawfully;
- (b) have occurred accidentally;
- (c) have ceased to be under control or are not adequately controlled; or
- (d) are declared in the Bush Fires Act regulations to be bush fires to which this section applies.

Note: The Officer Recommended Resolution was changed to include the modification in the attachment.

CARRIED 9/0

CGAM011/09/10		INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report to 27 August 2010.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	27 August 2010	
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	

CGAM011.1/09/10 DELEGATED AUTHORITY (A0039-02)

Date used	Delegated Authority Reference No.	Details	Amount	Officers Signature
22/07/2010	AF-8	Payroll	182,961.17	CM & AH
22/07/2010	AF-8	Payment of EFT 20802 - 20803	20,462.52	CM & AH
22/07/2010	AF-8	Payment of EFT 20804 - 20849	191,082.18	CM & AH
22/07/2010	AF-8	Payment of Cheque 40348 - 40363	17,741.47	CM & AH
22/07/2010	AF-8	Payment of EFT 20850-20852	5,267.00	CM & AH
27/07/2010	AF-8	Payment of EFT 20853	50.00	CM & AH
29/07/2010	AF-8	Payment of EFT 20854 - 20911	203,595.80	CM & AH
29/07/2010	AF-8	Payment of Cheque 40364 - 40374	16,996.86	CM & AH
30/07/2010	AF-8	Payment of Cheque 40375	11,431.90	CM & AH
03/08/2010	AF-8	Payment of EFT 20912 – 20913	190.05	CM & AH
05/08/2010	AF-8	Payment of EFT 20914 – 20968	387,609.73	CM & AH
05/08/2010	AF-8	Payment of Cheque 40376 - 40397	22,995.84	CM & AH

05/08/2010	AF-8	Payroll	184,404.99	CM & AH
12/08/2010	AF-8	Payment of EFT 20969	159.22	CM & AH
12/08/2010	AF-8	Payment of EFT 20970 – 21038	329,286.63	CM & AH
12/08/2010	AF-8	Payment of Cheque 40398 - 40433	78,689.97	CM & AH
18/08/2010	AF-8	Payment of EFT 21039	2,543.94	CM & AH
18/08/2010	AF-8	Payment of EFT 21040	6,159.00	CM & AH
18/08/2010	AF-8	Payment of EFT 21041	5,160.45	CM & AH
19/08/2010	AF-8	Payment of EFT 21042 – 21105	169,723.71	CM & AH
19/08/2010	AF-8	Payment of Cheque 40434 – 40450	18,316.05	CM & AH
19/08/2010	AF-8	Payroll	181,546.90	CM & AH
27/07/2010	Eng 22	L165 Quiberon Link – Crossover Subsidy	150.00	U.S
03/08/2010	Eng 22	L581 Hoffman Way – Crossover Subsidy	150.00	U.S
09/08/2010	Eng 22	L612 Rubery Way – Crossover Subsidy	150.00	U.S
13/08/2010	Eng 22	L532 Fawcett Road – Crossover Subsidy	150.00	U.S
16/08/2010	Eng 22	L401 Sandalwood Avenue – Crossover Subsidy	150.00	U.S
24/08/2010	Eng 22	L239 Cranbourne Way – Crossover Subsidy	150.00	U.S
26/08/2010	Eng 22	L287 Jandu Street – Crossover Subsidy	150.00	U.S

CGAM011.2/09/10 OPERATIONS ACTIVITY REPORT (A0897/02)

A copy of the Operations Activity Report for 17 July 2010 to 19 August 2010 is with attachments marked CGAM011.2/09/10 (E10/4487).

CGAM011.3/09/10 RESERVES ADVISORY GROUP MINUTES (A1216)

A copy of the minutes from the meeting held on 20 July 2010 is with attachments marked CGAM011.3/09/10 (OC10/8714).

CGAM011.4/09/10 INFRASTRUCTURE AND DEVELOPMENT REPORT (P9000)

A copy of the Infrastructure and Development Report for 1 August to 27 August 2010 is with attachments marked CGAM011.4/09/10 (E10/4504).

CGAM011.5/09/10 NATURAL ASSETS TEAM ACTIVITY REPORT (P9000)

A copy of the Natural Assets Team Activity Report for July to August 2010 is with attachments marked CGAM011.5/09/10 (E10/4503).

CGAM011.6/09/10 EMERGENCY SERVICES ACTIVITY REPORT (P9000)

A copy of the Emergency Services Activity Report for August 2010 is with attachments marked CGAM011.6/09/10 (E10/4542).

CGAM011/09/10 COUNCIL DECISION / Committee / Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Geurds

That the Information Report to 27 August 2010 be received.
CARRIED 9/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM012/09/10 RECISSION OF COUNCIL DECISION AND INITIATION OF AMENDMENT NO. 168 TO THE SHIRE OF SERPENTINE JARRAHDAL TOWN PLANNING SCHEME NO. 2 – BYFORD DEVELOPMENT CONTRIBUTION ARRANGEMENT AND BYFORD DEVELOPMENT CONTRIBUTION PLAN (A1862)		
Author	Peter Varelis – Project Officer: Development Contribution Arrangements	In Brief It is recommended that the previous resolution made at the Special Council meeting of 7 September 2010 be rescinded due to an administrative error which resulted in the omission of essential and important elements relating to public open space and drainage within the Developer Contribution Arrangement. Upon recission of Council's decision, it is recommended that Council initiate Amendment No. 168 to Town Planning Scheme No. 2 to establish a Developer Contribution Arrangement for Byford.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 September 2010	
Previously	SCM004/09/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

BACKGROUND**Previous Council Resolution**

At the Special Council meeting of 7 September 2010, the following was resolved:

SCM004/09/10 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Ellis

That:

- The Council of the Shire of Serpentine Jarrahdale, under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 2 by:*

(a) Adding the following text into Appendix 16 of the Scheme:

'Appendix 16A – Byford Development Contribution Area – Scheme Development Contribution Plan

<i>Development contribution area name</i>	<i>Byford</i>
<i>Reference number on Scheme Map(s)</i>	<i>DCA 1</i>
<i>Boundary of development contribution area</i>	<i>Refer Scheme Map(s)</i>
<i>Items</i>	<i>Thomas Road:</i> <ul style="list-style-type: none"> <i>Land required to achieve the proposed 50m road reserve;</i> <i>Earthworks for the whole road reserve;</i> <i>The construction and upgrade of one carriageway;</i>

	<ul style="list-style-type: none"> ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including one set of traffic lights and four intersection treatments incorporating slip lanes and associated works; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>Abernethy Road:</i></p> <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including two sets of traffic lights and four roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>Orton Road New:</i></p> <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including three roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>Kardan Boulevard:</i></p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve to achieve the required road width of 25 metres from Abernethy Road to Fawcett Road and 30 metres from Fawcett Road to Thomas Road; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p><i>San Simeon Boulevard:</i></p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve width to achieve the required road width of 25 metres from Thomas Road to Larsen Road and 30 metres from Larsen Road to Abernethy Road; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive

	<p>measures;</p> <ul style="list-style-type: none"> ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p>Doley Road:</p> <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve width to achieve the required 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	<p>Warrington Road:</p> <ul style="list-style-type: none"> ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on an undivided single carriageway; ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management. <p>Note: No land is required over and above a standard 20m road reserve for Warrington Road</p>
	<p>Bridle Trails:</p> <p>Land, construction and associated costs for new bridle trails.</p>
	<p>Water Monitoring:</p> <p>All expended and estimated future costs associated with the water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</p>
	<p>Administrative:</p> <p>All expended and estimated future costs associated with administration planning and development in Byford, including:</p> <ul style="list-style-type: none"> ▪ Planning studies; ▪ Traffic studies; ▪ Drainage studies; ▪ Road design costs; ▪ Borrowing costs (including loan repayments); and ▪ Scheme Management Costs (including administration and management of the DCA).
Contribution methodology	<ul style="list-style-type: none"> ▪ Standard residential subdivision or development – the number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate. ▪ Non-standard residential subdivision or development – the number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate. ▪ Non-residential subdivision or development – the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.

	<ul style="list-style-type: none"> Mixed-use development – the R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, whichever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.
Period of operation	15 years
Priority and timing of infrastructure provision	Refer development contribution plan report'

(b) Amending the Scheme Map(s) by including Byford within the DCA 1 development contribution area special control area, as indicated on the Scheme Amendment map.

- The documentation and appendices for Amendment No. 168 be modified to refer Orton Road as Orton Road New.
- The documentation and appendices for the Development Contributions Plan be modified to refer Orton Road as Orton Road New.
- That subject to 2 and 3 above being undertaken to the satisfaction of the Director Development Services, Council endorse the Byford Development Contribution Plan report satisfactory for advertising concurrently with Amendment No.168.
- That the Council of the Shire of Serpentine Jarrahdale forward Amendment No. 168 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.
- Subject to 5 above, Council advertise Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Byford Development Contribution Plan report concurrently for a period of 42 days.

CARRIED 9/0

Council Note: The Officer Recommended Resolution was changed with the addition of parts 2 and 3 to provide clarification that it relates to the new alignment of Orton Road and not the current road reserve of Orton Road.

During debate Cr Geurds foreshadowed that he would move the New Motion with the addition of a part 7 recommending that the further particulars and options relating to the construction and upgrading of George Street is subject to further investigations and a subsequent report to Council, should the motion under debate be defeated.

Following Council's resolution, it was found that an important clause was inadvertently removed from the Council decision. This error occurred during the preparation of a modified Officer Recommendation prior to the Special Council meeting. Officers apologise for this administrative error and request Council's support to correct this matter.

The clause that was missing from the adopted Council resolution (shown in bold below) is as follows:

- The Council of the Shire of Serpentine Jarrahdale, under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 2 by:

(a) Adding the following text into Appendix 16 of the Scheme:

'Appendix 16A – Byford Development Contribution Area – Scheme Development Contribution Plan

Items	<i>Land for public open space and drainage: All land required for public open space and/or drainage purposes.</i>
--------------	--

This report is therefore presented to Council to rescind previous resolution SCM004/09/10 in order for a new decision to be made to include the reference to public open space and drainage.

A full copy of the Officer report (including attachments) presented to Council on 7 September 2010 is with attachment marked OCM012.1/09/10.

Conclusion

It is recommended that, Pursuant to the Regulation 10 of the Local Government Administration Regulations 1996, Council rescind its previous motion SCM004/09/10 made on 7 September 2010 and initiate a new Amendment No. 168 to Town Planning Scheme No. 2 to establish a Development Contribution Arrangement for Byford and to adopt a Development Contribution Plan for Byford.

Voting Requirements:

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

COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris, Cr Brown, Cr Randall
That Council consider rescinding motion SCM004/09/10.
CARRIED 9/0

COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris, Cr Brown, Cr Randall
That Council rescind the motion SCM004/09/10.
CARRIED 9/0
Absolute Majority

OCM012/09/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer, seconded Cr Harris

That:

1. The Council of the Shire of Serpentine Jarrahdale, under Section 75 and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends Town Planning Scheme No. 2 by:

- (a) Adding the following text into Appendix 16 of the Scheme:

‘Appendix 16A – Byford Development Contribution Area – Scheme Development Contribution Plan

<i>Development contribution area name</i>	<i>Byford</i>
<i>Reference number on Scheme Map(s)</i>	<i>DCA 1</i>
<i>Boundary of development contribution area</i>	<i>Refer Scheme Map(s)</i>

Items	Thomas Road: <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 50m road reserve; ▪ Earthworks for the whole road reserve; ▪ The construction and upgrade of one carriageway; ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including one set of traffic lights and four intersection treatments incorporating slip lanes and associated works; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	Abernethy Road: <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including two sets of traffic lights and four roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	Orton Road New: <ul style="list-style-type: none"> ▪ Land required to achieve the proposed 30m road reserve; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Traffic control devices including three roundabouts; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	Kardan Boulevard: <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road reserve to achieve the required road width of 25 metres from Abernethy Road to Fawcett Road and 30 metres from Fawcett Road to Thomas Road; ▪ Earthworks for the whole road reserve; ▪ Complete road construction based on a single lane split carriageway with central median. ▪ Associated drainage works including water sensitive measures; ▪ Shared paths; ▪ Utility removal, relocation and insertion; and ▪ Associated costs including design, administration, management.
	San Simeon Boulevard: <ul style="list-style-type: none"> ▪ Land required over and above a standard 20m road

	<p><i>reserve width to achieve the required road width of 25 metres from Thomas Road to Larsen Road and 30 metres from Larsen Road to Abernethy Road;</i></p> <ul style="list-style-type: none"> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p>Doley Road:</p> <ul style="list-style-type: none"> ▪ <i>Land required over and above a standard 20m road reserve width to achieve the required 30m road reserve;</i> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on a single lane split carriageway with central median.</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i>
	<p>Warrington Road:</p> <ul style="list-style-type: none"> ▪ <i>Earthworks for the whole road reserve;</i> ▪ <i>Complete road construction based on an undivided single carriageway;</i> ▪ <i>Associated drainage works including water sensitive measures;</i> ▪ <i>Shared paths;</i> ▪ <i>Utility removal, relocation and insertion; and</i> ▪ <i>Associated costs including design, administration, management.</i> ▪ <i>Note: No land is required over and above a standard 20m road reserve for Warrington Road</i>
	<p>Land for public open space and drainage: <i>All land required for public open space and/or drainage purposes.</i></p>
	<p>Bridle Trails: <i>Land, construction and associated costs for new bridle trails.</i></p>
	<p>Water Monitoring: <i>All expended and estimated future costs associated with the water monitoring programme required by the Byford Townsite Drainage and Water Management Plan.</i></p>
	<p>Administrative: <i>All expended and estimated future costs associated with administration planning and development in Byford, including:</i></p> <ul style="list-style-type: none"> ▪ <i>Planning studies;</i> ▪ <i>Traffic studies;</i> ▪ <i>Drainage studies;</i> ▪ <i>Road design costs;</i> ▪ <i>Borrowing costs (including loan repayments); and</i> ▪ <i>Scheme Management Costs (including administration and management of the DCA).</i>

Contribution methodology	<ul style="list-style-type: none"> ▪ Standard residential subdivision or development – the number of additional dwellings/lots being created at the time of subdivision/development multiplied by the applicable development contribution rate. ▪ Non-standard residential subdivision or development – the number of additional dwellings, residential units or similar created at the time of subdivision/development multiplied by the applicable development contribution rate. ▪ Non-residential subdivision or development – the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate. ▪ Mixed-use development – the R20 subdivision/development potential of the site, or the actual number of lots/dwellings being created at the time of subdivision/development, which ever is the greater (minus the equivalent of one lot or dwelling), multiplied by the applicable development contribution rate.
Period of operation	15 years
Priority and timing of infrastructure provision	Refer development contribution plan report'

(b) Amending the Scheme Map(s) by including Byford within the DCA 1 development contribution area special control area, as indicated on the Scheme Amendment map.

2. The documentation and appendices for Amendment No. 168 be modified to refer Orton Road as Orton Road New.
3. The documentation and appendices for the Development Contributions Plan be modified to refer Orton Road as Orton Road New.
4. That subject to 2 and 3 above being undertaken to the satisfaction of the Director Development Services, Council endorse the Byford Development Contribution Plan report satisfactory for advertising concurrently with Amendment No.168.
5. That the Council of the Shire of Serpentine Jarrahdale forward Amendment No. 168 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.
6. Subject to 5 above, Council advertise Amendment No. 168 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Byford Development Contribution Plan report concurrently for a period of 42 days.

CARRIED 9/0

OCM013/09/10 COUNCIL MEETINGS AND SERVICES OVER THE CHRISTMAS AND NEW YEAR PERIOD (A0023-02)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Confirm the schedule for Committee and Council meetings and arrangements for the Council Administration, Operations Centre and Library in Mundijong over the Christmas and New Year period.
Owner:	Not applicable	
Author:	Trish Kursar – Personal Assistant to Chief Executive Officer	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	14 September 2010	
Previously	OCM009/10/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

The following dates have previously been circulated for Committee and Council meetings for the month of December 2010:

21/12/09 Sustainable Development and Corporate Governance and Asset Management
tba Ordinary Council Meeting

It is proposed that Council advertise the dates for Committee and Council Meetings to accommodate the Christmas and New Year period:

14/12/09 Sustainable Development and Corporate Governance and Asset Management
20/12/09 Ordinary Council Meeting

Office Hours over the Christmas Period:

This year the Christmas Public Holidays will be Monday, 27 December 2010, Tuesday 28 December 2010, and Monday 3 January 2011.

With regard to the Mundijong Administration and Operations Centre and the Mundijong Library, in 2009 all offices were closed from 2.00pm on Thursday 24 December 2009 to 1 January 2010 (inclusive)

It is suggested that this year the office close over the Christmas period from 2.00pm on Friday, 24 December 2010 to Monday, 3 January 2011 (inclusive) with staff taking accrued leave entitlements for these three (3) days and that Council advertise the closing of the office for this period.

Council's endorsement of closing the Shire Administration Centre for this period is sought.

Sustainability Statement

It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. With the office remaining open on Monday, 20 December to Friday, 24 December 2010 this will allow residents to complete any last minute business prior to the Christmas break. It is believed that this closure will be an active

demonstration to staff of the family friendly workplace and recognition of their efforts during another year of hyper-growth.

Statutory Environment: Local Government Act

Policy Implications: CSP22 Family Friendly Workplace

Financial Implications: Staff leave has been included in the 2010/2011 budget.

Strategic Implications:

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Dates are to be advertised in accordance with the Local Government Act, at the Administration Centre, Library and a local newspaper.

Comments

♦ **Committee and Council**

The Committee and Council dates as follows will be advertised for December 2010:

2 x Committee Meetings – Tuesday, 14 December 2010
1 x Ordinary Council meeting – Monday, 20 December 2010

The Committee and Council dates as follows will be advertised for January 2011:

2 x Committee Meetings – Tuesday, 18 January 2011
1 x Ordinary Council Meeting – Monday, 24 January 2011

♦ **Christmas Period**

It is intended that the variations to opening hours for the Mundijong Administration and Operations Centre and Mundijong Library will be advertised and the offices will be well signed to indicate the closure over this period.

Over the Christmas period, as per previous years, it will again be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

Voting Requirements: Simple Majority

OCM013/09/10 COUNCIL DECISION / Officer Recommended Resolution**Moved Cr Harris, seconded Cr Petersen**

1. Council agrees to the following meeting and administrative arrangements over the month of December 2010 and January 2011 and that they be advertised accordingly to the public:
 - a) The meeting for December 2010 will be as follows:

14/12/10	Sustainable Development and Corporate Governance and Asset Management
20/12/10	Ordinary Council Meeting
 - b) The Mundijong Administration Centre, Operations Centre and the Mundijong Library to be closed from 2.00pm on Friday, 24 December 2010 to Monday, 3 January 2011 (inclusive).
 - c) The meetings for January 2011 will be as follows:

18/01/11	Sustainable Development and Corporate Governance and Asset Management
24/01/11	Ordinary Council Meeting
2. Council notes that over the Christmas period it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

CARRIED 9/0

OCM014/09/10 WATER SUPPLY TO JARRAHDAL (A0620-02)		
Proponent	Councillor Merri Harris	In Brief It is recommended that Council raise their concerns regarding the water supply to Jarrahdale and the impact this may have in an emergency incident.
Officer	Joanne Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	24 September 2010	
Previously		
Disclosure of Interest		
Delegation	Council	

Council requested a presentation from the Water Corporation, which was given at the May 2010 Policy Forum, in relation to their water infrastructure failures in Jarrahdale over a weekend that was declared as “catastrophic” fire danger.

The Water Corporation presentation did not allay councillors concerns regarding the potential consequences of the water infrastructure failures on the community, particularly given the high fire risk in Jarrahdale. The presentation demonstrated that the Water Corporation are only required to meet the licensing requirements of their regulatory authority and, as consequence, it would seem that risk mitigation or redundancy planning for emergencies is not a consideration. The Water Corporation representatives were unable to answer questions in relation to whether they had an emergency management plan or standards in place in this regard.

The presentation appeared to confirm that the systems to supply water to Jarrahdale have little redundancy and should the system fail (as it did twice) there is apparently no back up in place other than to rely on the community to lodge a complaint that they have lost water. It was also demonstrated that there is a large proportion of the infrastructure exposed between the pumping station and the header tanks which had been melted before in fires and shut the water supply to the town site down. This situation is still the case today; with apparently no remedial works being undertaken.

Council questioned whether infrastructure upgrades were planned and whether the Water Corporation had acted on Council's previous recommendations to upgrade their infrastructure in order to ensure effective water supplies to meet increased fire risk in relation to approved subdivisions in Jarrahdale. The representatives were unable to comment as it was the responsibility of another area within the Corporation but they did reiterate that their license conditions did not require them to address this. The representatives advised that there were no infrastructure upgrades planned until approximately 2013.

Council acknowledges the excellent preparedness activities undertaken by the Jarrahdale Volunteer Bushfire Brigade in liaison with Council's Chief Bush Fire Control Officer to ensure its community was protected to the best of the resources ability on that weekend.

OCM014/09/10 COUNCIL DECISION/Councillor Recommendation:

Moved Cr Harris, seconded Cr Petersen

- 1. Council writes to the Economic Regulatory Authority, WALGA and Tony Simpson MLA to request that emergency risk management and associated plans are a condition of licensing for the Water Corporation and all government agencies.**
- 2. Council writes strong letters of concern to the Ministers for Water and Emergency Services and requests that:**
 - (i) the infrastructure and capacity of the water supply in Jarrahdale be upgraded immediately**
 - (ii) infrastructure protection (i.e. earthen bunding over cables) and redundancy measures be undertaken immediately to protect critical infrastructure.**
 - (iii) emergency management plans are developed in consultation with the Local Emergency Management Committee.**
- 3. Council acknowledges and congratulates the excellent work undertaken by the Jarrahdale Volunteer Bush Fire brigade and Emergency Services team to avert the potential dangers.**

CARRIED 9/0

10. CHIEF EXECUTIVE OFFICER'S REPORT

OCM015/09/10 INFORMATION REPORT		
Proponent	Joanne Abbiss – Chief Executive Officer	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	24 September 2010	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM015.1/09/10 COMMON SEAL REGISTER REPORT – AUGUST 2010

The Common Seal Register Report for the month of August 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM015.1/09/10**

OCM015.2/09/10 POLICY FORUM – 7 SEPTEMBER 2010

The following items were discussed at the 7 September 2010 Policy Forum:

Amendment Scheme 171 and George Street policy
Mundijong District Structure Plan workshop
Shane Silcox – City of Melville CEO – Customer Service Presentation
Red Gum North Local Structure Plan
Place Based Planning Policies – Oakford Rural Village and Glades Village Centre
Proposed Optus Tower at 1432 Karnup Road, Serpentine
Planning appeals
General update

OCM015.3/09/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 29 SEPTEMBER 2010 (A1164-02)

In the attachments marked OCM015.3/09/10 (IN10/14724) is the agenda of the South East Metropolitan Zone Meeting and attachment OCM015.3a/09/10 (E10/4918) to be held on 29 September 2010.

OCM015.4/09/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA – 12 OCTOBER 2010 (A1164-02)

In the electronic attachments marked OCM015.4/09/10 (IN10/14467) is the agenda of the WALGA State Council and attachment marked OCM015.4a/09/10 (IN10/14712) is a late item for the meeting to be held on 12 October 2010.

OCM015/09/10 COUNCIL DECISION / Officer Recommended Resolution:**Moved Cr Harris, seconded Cr Brown****The Information Report to 24 September 2010 is received.****CARRIED 9/0****11. URGENT BUSINESS:**

OCM016/09/10 REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR BETH BROWN (A0024)		In Brief Councillor Beth Brown has requested a Leave of Absence for 2 months due to ill health.
Proponent	Councillor Beth Brown	
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Not applicable	
Date of Report	24 September 2010	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Officer Recommended Resolution:

Council approves Leave of Absence for Councillor Beth Brown from 28th September until 28th November 2010.

OCM016/09/10 COUNCIL DECISION/New Motion:**Moved Cr Geurds, seconded Cr Buttfield****Council approves Leave of Absence for Councillor Beth Brown from 29th September until 29th November 2010.****CARRIED 9/0****Council note: The Officer Recommended Resolution was amended by changing the dates to make the leave effective from the first day after this Council meeting.****12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

13. CLOSURE:

There being no further business, the meeting closed at 8.34pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 25 October 2010.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD023/09/10 AMENDED DETAILED AREA PLANS 1-4 - LOT 220 ABERNETHY ROAD, BYFORD (A1727)		
Proponent:	Roberts Day	In Brief Council is requested to support amendments to Detailed Area Plans (DAPs) 1 – 4.
Owner:	Australand Holdings Limited	
Author:	Peter Varelis – Planning Officer	
Senior Officer	Brad Gleeson – Director Development Services	
Date of Report	August 2010	
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**SD023/09/10 Committee Decision/Officer Recommended Resolution:****That Council:**

- A. Pursuant to Clause 5.8.5.1(c) (i) of Town Planning Scheme No. 2 adopt amendments to Detailed Area Plans 1-4 for Lot 220 Abernethy Road, Byford as provided in attachment SD023.1/09/10.**
- B. Advise the applicant and the Western Australian Planning Commission.**
- CARRIED 7/0**

SD033/09/10 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report to 23 August 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	23 August 2010	
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

SD033/09/10 Committee Decision/Officer Recommended Resolution

**That Council accept the Information Report.
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.