

TABLE OF CONTENTS

1.	ATTENDANCE & APOLOGIES:	3
2.	PUBLIC QUESTION TIME:	3
3.	PUBLIC STATEMENT TIME:	3
4.	PETITIONS & DEPUTATIONS:	3
5.	PRESIDENT’S REPORT:	3
6.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	4
7.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	4
	SD033/09/09 RETROSPECTIVE APPLICATION FOR TRANSPORT DEPOT – LOT 353 (#904) KARNUP ROAD, HOPELAND (P01509/04).....	5
	SD034/09/09 PROPOSED LOCAL STRUCTURE PLAN – LOTS 61 & 62 THOMAS ROAD AND LOTS 59 & 60 BRIGGS ROAD, BYFORD (A1663)	15
	SD028/09/09 PROPOSED RETROSPECTIVE APPLICATION FOR INDUSTRY – NOXIOUS (SHEEP MANURE PACKAGING) LOT 717 (254) BOOMERANG ROAD, OLDBURY (P01542/03).....	26
	SD029/09/09 PROPOSED FAST FOOD/TAKEAWAY SHOP, OFFICE, SHOWROOM, WAREHOUSE AND SHOP – LOT 101 (#1) BEENYUP ROAD, BYFORD (P05238/02)	36
	SD031/09/09 PROPOSED BOUNDARY FENCE – LOT 6 (12) OLD BRICKWORKS ROAD, BYFORD (P01237/03).....	65
	SD032/09/09 PROPOSED PRIVATE RECREATION – (TWO HANGARS) – LOT 164 YANGEDI ROAD, HOPELAND (#7,P02909/25) (#1,RS0008/12)	72
	SD035/09/09 SUBMISSION ON DISCUSSION PAPER – SOUTHERN METROPOLITAN AND PEEL SUB-REGIONAL STRUCTURE PLAN (A1630)	76
	CGAM019/09/09 HEAVY VEHICLE ACCESS – POULTRY MANURE TRANSPORT VEHICLE PERMIT - POCKET ROAD TRAIN (A0512-03).....	80
	CGAM020/09/09 APPROVAL OF SERPENTINE JARRAHDAL SHIRE BIKE PLAN (A0360) 83	
	CGAM022/09/09 REMOVAL OF OVERSIZE VEHICLES FROM ROAD TRAIN PERMIT ROUTES (A0512-03)	86
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	86
	OCM007/09/09 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER RENEWAL OF CONTRACT (H0053)	86
9.	CHIEF EXECUTIVE OFFICER’S REPORT	87
	OCM008/09/09 INFORMATION REPORT	87

10.	URGENT BUSINESS:	88
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	88
12.	CLOSURE:	89
13.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	90
SD027/09/09	DEVELOPMENT SERVICES INFORMATION REPORT – BUILDING, HEALTH & RANGERS AND PLANNING SERVICES	90
SD030/09/09	PROPOSED OVERSIZE OUTBUILDING OUTSIDE THE BUILDING ENVELOPE – LOT 822 (6) MOUNT EDEN LANE, OAKFORD (P06103/05)	90
CGAM016/09/09	MONTHLY FINANCIAL REPORT – JULY 2009 (A0924/07).....	91
CGAM017/09/09	MONTHLY FINANCIAL REPORT – AUGUST 2009 (A0924/07)	92
CGAM018/09/09	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	92
CGAM021/09/09	INFORMATION REPORT	93

- 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, 29TH SEPTEMBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.04PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

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

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 3

2. PUBLIC QUESTION TIME:

Nil

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

As this may be my last report as Shire President I would like to thank you all, Councillors, for the fantastic effort and commitment you have made to the community of Serpentine Jarrahdale. I will not single you out individually because I may embarrass you when I tell you how proud I am of you and how proud you should be of yourselves. I'll bet there is not a more visionary, creative and hardworking Council in WA. However I will single this man out because it is his last Ordinary Council Meeting as Deputy Shire President. Councillor John Price is retiring from Council and he should be very satisfied with what he has achieved. He held up the Serpentine Jarrahdale Tourist Association almost single handedly for a long time, he has been passionate about the environment and the beautiful natural bushland that we are custodians of and his photography has been wonderful. He was a prime mover in

getting the Telecentre up and going and making it the success it is today and also the Serpentine Jarrahdale Grammar, which we all know would not have been able to get started without the Council's support and use of facilities for 3.5 years. John has also left a legacy of bike riding around the Shire and I'm sure if Serpentine Jarrahdale becomes the "Amsterdam" of WA, John's passion will have been a big part of the vision. John has also been a terrific Deputy to me, always willing to step in and take the reins and a very solid and strong supporter and a wise advisor when times have been tough. I thank you John and wish you and Phyl a wonderful time together in your next phase of life.

At this time I would also like to sincerely thank Joanne who I think is the smartest, most hardworking and committed Chief Executive Officer in the State – we have worked really well together and I believe we are really lucky to have her and to her Directors and staff I know you all give above and beyond. The Councillors really appreciate how hard you work, how much you care about the community you work for and I know you will be proud, in the future of the wonderful communities you are creating.

Thank you.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer declared a financial interest in item OCM007/09/09 as it deals with her employment contract and advised she will leave the Chamber whilst this item is discussed.

Cr Harris declared an interest of impartiality in item SD032/09/09 as her brother is a member of the Sports Aircraft Builders Club of WA Inc. and advised that this will not affect the way in which she votes on this matter.

Cr Needham declared an interest of impartiality in item SD033/09/09 as she has purchased hay from the proponent in the past and advised that this will not affect the way in which she votes on this matter.

Cr Harris declared an interest of impartiality in item SD033/09/09 as a member of the proponent's family has been a client of hers and advised this will not affect the way in which she votes on this matter.

The Chief Executive Officer declared an interest of impartiality in item SD033/09/09 as the wife of one of the proponents was a school friend of hers and advised that this did not affect the preparation of the Officer's report.

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

7.1 Ordinary Council Meeting - 24 August 2009

Moved Cr Harris, seconded Cr Price
The *attached (E09/5318)* minutes of the Ordinary Council Meeting held on 24 August 2009 be confirmed.
CARRIED 10/0

7.2 Special Council Meeting - 1 September 2009

Moved Cr Harris, seconded Cr Price
The *attached (E09/5491)* minutes of the Special Council Meeting held on 1 September 2009 be confirmed.
CARRIED 10/0

REPORTS OF COMMITTEES:

COUNCIL DECISION

**Moved Cr Twine, seconded Cr Brown that item SD033/09/09 be discussed out of order whilst a member of the gallery is present to hear the item.
CARRIED 10/0**

SD033/09/09 RETROSPECTIVE APPLICATION FOR TRANSPORT DEPOT – LOT 353 (#904) KARNUP ROAD, HOPELAND (P01509/04)		
Proponent:	Dykstra Planning	In Brief Retrospective application for a transport depot at #904 (L353) Karnup Road, Hopeland. It is recommended the application be approved with conditions.
Owner:	Phillips Agricultural Contractors	
Author:	Robina Crook - Senior Planner	
Senior Officer:	Simon Wilkes - Executive Manager Planning	
Date of Report	29 September 2009	
Previously	N/A	
Disclosure of Interest	Chief Executive Officer declares that she attended Primary School and High School with the wife of one of the applicants.	
Delegation	Council	

Date of Receipt: 17 July 2009
 Advertised: Yes
 Submissions: One
 Lot Area: 64.865ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Rural (minimum 40ha lots)
 Rural Strategy Overlay: Map 2: Rural Policy Area, Map 3: Environmental Repair Policy Overlay, Map 8: Peel-Harvey Coastal Plain Catchment

Background

The application is for a retrospective approval for a transport depot located at #904 (L353) Karnup Road, Hopeland. The property is 64.864ha and is predominantly used for rural purposes. A large portion of the southern part of the property is used for the grazing of cattle. To the north of the property there are a number of improvements made to the site that are used for the parking and minor servicing of agricultural machinery, sheds, a caretaker's dwelling, single dwelling, parking and testing areas on site. It is from the northern portion of the site that the landowner has been conducting an agricultural contracting business.

There is a range of machines associated with the agricultural contracting business such as tractors, semi trailers, super spreaders, hay balers and machinery associated with the ploughing and spreading of super. The applicant advises that the machines are hired by the local farmers in the district to assist with the operations of their farms. For the last 22 years the landowner has operated an agricultural contracting business from the subject site.

A copy of the location and site plan is with attachments marked SD033.1/09/09.

Subdivision

The owner has lodged a request for subdivision with the Western Australian Planning Commission (WAPC) to create two lots, 10ha and 54.865ha. The first lot proposes to be

large enough to accommodate the agricultural contracting business within a 10ha lot. The remainder of the lot is proposed to be used for rural purposes as is currently the case.

The Shire recommended refusal, in accordance with the Shire's Rural Strategy, as one lot proposed to be created was less than the 40ha minimum. In accordance with the Shire's recommendation the WAPC refused the subdivision. The applicant has lodged an appeal and the matter is now currently before the State Administrative Tribunal (SAT) for determination. As part of the appeal process the applicant and the WAPC are encouraged to take part in mediation. From that mediation process there were a number of orders made.

The SAT has ordered the applicant to lodge a development application with the Shire to assist SAT in determining the application of subdivision. The outcome of the Shire's determination of the development application is required for mediation purposes on the 23 September 2009.

Below is an extract of the SAT orders.

Matter Number: DR 107 of 2009

"Notice of Mediation

Order

On the application heard before Member Peter McNab on 9 June 2009, it is ordered that...

1. The parties and the Tribunal request that the interested third party, the Shire of Serpentine-Jarrahdale ('the Shire'), expedite a proposed development application that would seek to regularise, assuming that that is required, the current business conducted on the north-western corner of the subject land ('the business').

2. The mediation is adjourned upon the basis that without prejudice to the position of the applicant:

(a) a development application will be lodged with the Shire as soon as is practicable, as is contemplated by paragraph 1 of these orders"

The resolution of Council in relation to the development application will inform SAT with their determination of the subdivision application. The Council is required to determine the development application based on the existing land uses. It needs to be considered outside of the context of the subdivision application, which is the subject of mediation, and as a separate matter. The SAT will however use the resolution of Council to inform their determination of the subdivision application.

It is important to note that the subdivision application is the subject of mediation and is therefore a confidential matter.

The following report will consider the matters associated with determining the land use identified in the development application and provide a recommendation to Council.

Sustainability Statement

Effect on Environment: The application is retrospective in nature and therefore does not propose any additional adverse affects on the environment. The development application provides the Council with an opportunity to put in place measures through planning conditions to protect the environment such as bunding to contain any hazardous material spills.

Use of Local, Renewable or Recycled Resources: The application does not propose to use any additional resources.

Economic Viability: The existing development provides a locally based service that reduces the need for local farmers to source machinery from other districts therefore reducing emissions derived from transporting machinery large distances.

Economic Benefits: The existing development provides a local service to a local community.

Social – Quality of Life: Based on the community consultation that has taken place the existing development does not detrimentally affect the quality of life of the neighbours.

Social Diversity: The existing business provides employment opportunities for a number of people and assists in promoting a social diversity.

Statutory Environment: Town Planning Scheme No 2 (TPS 2)

Policy/Work Procedure Implications: There is no work procedure implications directly related to this application.

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

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

The Shire is required to determine the suitability of the land use associated with the contracting business located on the lot.

Proposal

The application is retrospective in nature as the landowner has been conducting an agricultural machinery business on site for 22 years. The proposal outlines the land use within the application as:

- Parking and minor servicing of agricultural machinery;
- Hardstand area of approximately 3,500m² for parking and manoeuvring of vehicles;
- Workshop (320m²), with wash down area;
- Office;
- Sheds for storage of equipment;
- Storage of hay baler, hay, silage and mixer;
- Informal car parking;
- Water tanks and
- Caretaker's dwelling and single dwelling

The applicant states the following:

Area of operation	Currently 4.2ha of land is used for the agricultural contracting business, however a total of 10ha is required to complete all vehicle manoeuvring and cleaning.
Vehicle movements	Approximately 10 heavy vehicle movements per day on and off the site. Movement internally is for testing, parking and cleaning of machinery.
Staff	6 full time staff (including 3 family members)
Servicing of vehicles	Minor servicing and cleaning conducted on site. Major servicing conducted off site in qualified mechanics workshop.
Vehicle type and Machinery	<ul style="list-style-type: none"> 7 Tractors 4 Truck Units 4 Trailers (semi's) 3 Super-spreaders 3 Hay Balers 2 Hay Rakes 1 Pay Loader (front end loader) 2 Mowers 1 Mixer 1 Plough 2 Horse Floats 7 Motor Vehicles (3 utilities and 4 cars)

The application states that there is no storage of fuel on site.

Land Use and Planning Considerations

The subject site includes an office and areas for staff and machinery to be parked. For the purposes of this application, it is considered that the proposed use of the land represents a 'Transport Depot', pursuant to the definition provided within the Shire's TPS 2, as follows:

"Land or buildings designated or used for one or more of the following purposes:

- (a) *parking or garaging of more than one commercial vehicle used or intended for the use for the carriage of goods (including livestock) or persons.*
- (b) *The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) *The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

The above uses (a) to (c) inclusive, singularly or collectively may, with Council's planning consent, include as an incidental use overnight accommodation or patrons of the facilities. "

A transport depot is a 'SA' use in the Rural zone, which means a use that Council may, at its discretion, permit the use after notice has been given in accordance with Clause 6.3 of the Scheme.

In relation to land use within a Rural zone, TPS 2 provides little specific land use guidance, Clause 5.10 states;

Town Planning Scheme No. 2 Clause 5.10 Rural Zone

5.10.1 The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities in the Scheme Area.

The parking and minor servicing of agricultural machinery within a rural zone could be considered to be a land use that is associated with the full range of rural pursuits.

The key consideration is the scale of the associated activities within the rural zone. A use that is low intensity, small scale, isolated and appropriately located such as the parking and minor servicing of agricultural machinery would be considered to be an activity associated with a rural pursuit. It is also in keeping with the rural amenity of the area. A condition is proposed to ensure that the existing scale of land use remains constant, and therefore an associated land use on the property and not primary land use on the property.

Community Consultation

The application was referred to affected landowners for a period of 21 days in accordance with Scheme requirements. During the advertising period no objections were received from adjacent neighbours. There was one submission that was in support of the application.

Based on the community submissions and the continued use of the land for 22 years it appears that the intensity, location, scale and location of the operation is not having a detrimental affect on the amenity of the locality. Currently the nature of the operation could be considered incidental or associated with the overall use of the land.

Environmental Considerations

To the south of the property there are a number of environmental assets such as the conservation category wetland that slightly intrudes into the property boundary. It is important that environmental assets are not placed under any additional stress from any emissions from the use of the land to the north of the property. It is recommended that appropriate arrangements are put in place for the management of operations on-site to ensure that any emissions, particularly oil and fuel spills, are dealt with appropriately.

Emergency Services Considerations

While the application indicates that there is no storage of fuel on site it is reasonable to expect that a certain amount would be required for the movement of vehicles. It is considered preferable to ensure that appropriate bunding is put in place to ensure that any risk associated with spills is appropriately dealt with. It is also recommended that suitable storage of water be provided on-site, pursuant to the Shire's guidelines to assist the emergency services personnel in the advent of fire.

Engineering Considerations

The current access way to the site has, over time, shown signs of wearing associated with the heavy machinery movements on and off site. It is recommended that the cross over and

a certain portion of the road abutting the crossover be reinforced to ensure that the integrity of the road is guaranteed.

Conclusion

While SAT has required the development application be determined by Council to inform their determination of the subdivision application, Council must consider the development application on its own merits. The matter being considered by Council is the suitability of the existing land use, not the suitability of the proposed subdivision. It is important to keep the two matters separate.

While there may be an increased risk that an approval of the development application may be perceived as supporting the proposed subdivision application before SAT, that is not necessarily the case. The proposed approval has been specifically considered in the context of the current intensity, scale and scope of land uses. The landowner has been conducting the existing land use for an extended period of time with no identified adverse impacts on the community. Importantly the existing land use is associated with the rural land use across the site, not a primary land use.

Based on the information provided, community comment and the site visits conducted by Council Officers, it is recommended that the application be approved subject to a number of conditions. These conditions will adequately address the planning, environmental, engineering and emergency services concerns mentioned above. The current intensity, scale, location and scope of land uses demonstrated in the application can be considered to be a land use that is associated with rural land use and is therefore not considered detrimental to the overall amenity of the area.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That the application for retrospective development approval for a Transport Depot on #904 (L353) Karnup Road, Hopeland be approved with the following conditions:

1. The approval is limited to the parking and minor servicing of 37 vehicles. The existing office; silage storage; 3,500m² hardstand; workshop (320m²); bunded wash down area; bunded refuelling area; low permeability compounds for storage of hazardous materials; shed for storage of equipment; storage of hay baler; hay, silage and mixer shed; informal car parking area for 6 staff, water tanks and caretaker's dwelling within the existing development foot print.
2. A single 'Industrial Bitumen Crossover' shall be designed and constructed as the designated business commercial vehicle access point on to Karnup Road for heavy and large scale machinery associated with the existing land use to the satisfaction of the Director of Engineering.
3. A portion of Karnup Road abutting the designated 'Industrial Bitumen Crossover' shall:
 - a) be designed and upgraded to a minimum of 15m left and 15m right of the centre line of the 'Industrial Bitumen Crossover' with 50mm asphalt surface (30m in total);
 - b) be tied into the 'Industrial Bitumen Crossover' with a 2 x 12m radius;
 - c) be blended to the existing bituminous driving surface;
 - d) have design drawings demonstrating the above submitted to the Shire for approval prior to works commencing; and
 - e) be designed and constructed to the satisfaction of the Director of Engineering.
4. Prior to works commencing on the upgrade of the crossover and the portion of Karnup Road, a traffic management plan shall be submitted to the Shire for approval, demonstrating that Karnup Road during the undertaking of works will, at all times, remain partially open and will not be subject to full road closure;

5. Environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons, (where the total volume of each substance stored on the premises exceeds 250 litres) shall be stored within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound to the satisfaction of Director Strategic Community Planning.
6. The storage of chemicals, pesticides and other toxic or hazardous substances on site is to be in accordance with the Department of Water's Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances – Storage and Use.
7. An approved hardstand refuelling and a hardstand washdown area that is bunded and drained to a pollutant receptor to prevent any environmentally hazardous chemicals, including spilled fuel, entering the natural ground shall be provided on site to the satisfaction of the Director Strategic Community Planning. All refuelling and washdown shall take place within the respective hardstand areas.
8. The landowner shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Serpentine Jarrahdale Shire.
9. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
10. A Fire Management Plan is required that demonstrates, to the satisfaction of the Director of Engineering that:
 - a) the installation and maintenance of firebreaks is in accordance with councils firebreak notice, firebreaks around all hazardous buildings including all storage areas, workshops, hay sheds, equipment shed, dwellings and fuel ramps if not already provided;
 - b) a static water supply conforms to standard council requirements;
 - c) hardstand and access is provided to all structures including static water supplies for fire fighting vehicles of up to 11.5 tonne GRV, 10.5m length with a turning circle of not less than 19m;
 - d) any fuel/flammable liquid stored in any quantity on the property has appropriate bunding and fire equipment installed; and
 - e) appropriate drainage, bunding and an oil/grease separator with storage for transportation off site for washdown and refuel areas is provided.
11. Any drainage inflows from the development site into the palusplain environments should be managed through an appropriate drainage management plan to the satisfaction of the Director of Strategic Planning.
12. Panel repairs, painting and major mechanical servicing shall not occur on site only servicing or minor repairs to vehicles is permitted.
13. A Revegetation Plan to screen the existing development, the subject of this approval, must be submitted and approved by the Director Strategic Community Planning within 90 days of the date of this approval. The landscaping and timed reticulation is to be established in accordance with the approved plans by 30 September 2010 and thereafter maintained to the satisfaction of the Shire.

Advice Note:

1. The requirement to ensure a buffer distance of 100 metres or greater to Conservation Category Wetlands from development to minimise edge effect on the wetland.
2. Any demolition, upgrading/extending of structures, additional structures or lighting proposed on site is required to obtain a planning approval prior to commencement of development to enable the Shire to ensure that the intensity, scale, scope and location of the land use is in keeping with the intent of the rural zone that requires development to be associated with rural land use.
3. A supervision fee of 1.5% of the value of above mentioned construction works for the 'Industrial Bitumen Crossover' and upgrade of Karnup Road shall be payable to the Shire, if the applicant has engaged the services of a Consultant Engineer, or 3% of

- the value of construction works if no consultant is engaged shall be payable to the Shire.
4. Any structures required as part of this approval are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
 5. The storage, use and disposal of all hazardous materials is to comply with the manufacturer's recommendations.

Committee Recommended Resolution:

That the application for retrospective development approval for a Transport Depot on #904 (L353) Karnup Road, Hopeland be approved with the following conditions:

1. The approval is limited to the parking of 37 commercial and farm vehicles and implements that are associated with the activities of an agricultural contracting business. The existing office; silage storage; 3,500m² hardstand; workshop (320m²); bunded wash down area; bunded refuelling area; low permeability compounds for storage of hazardous materials; shed for storage of equipment; storage of hay baler; hay, silage and mixer shed; informal car parking area for 6 staff, water tanks and caretaker's dwelling within the existing development foot print.
2. A single 'Industrial Bitumen Crossover' shall be designed and constructed as the designated business commercial vehicle access point on to Karnup Road for heavy and large scale machinery associated with the existing land use to the satisfaction of the Director of Engineering.
3. Environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons, (where the total volume of each substance stored on the premises exceeds 250 litres) shall be stored within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound to the satisfaction of Director Strategic Community Planning.
4. The storage of chemicals, pesticides and other toxic or hazardous substances on site is to be in accordance with the Department of Water's Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances – Storage and Use.
5. An approved hardstand refuelling and a hardstand washdown area that is bunded and drained to a pollutant receptor to prevent any environmentally hazardous chemicals, including spilled fuel, entering the natural ground shall be provided on site to the satisfaction of the Director Strategic Community Planning. All refuelling and washdown shall take place within the respective hardstand areas.
6. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
7. A Fire Management Plan is required that demonstrates, to the satisfaction of the Director of Engineering that:
 - a) the installation and maintenance of firebreaks is in accordance with councils firebreak notice, firebreaks around all hazardous buildings including all storage areas, workshops, hay sheds, equipment shed, dwellings and fuel ramps if not already provided;
 - b) a static water supply conforms to standard council requirements;
 - c) hardstand and access is provided to all structures including static water supplies for fire fighting vehicles of up to 11.5 tonne GRV, 10.5m length with a turning circle of not less than 19m;
 - d) any fuel/flammable liquid stored in any quantity on the property has appropriate bunding and fire equipment installed; and
 - e) appropriate drainage, bunding and an oil/grease separator with storage for transportation off site for washdown and refuel areas is provided.
8. Any drainage inflows from the development site into the palusplain environments should be managed through an appropriate drainage management plan to the satisfaction of the Director of Strategic Planning.

9. Panel repairs, painting and major mechanical servicing shall not occur on site only servicing or minor repairs to vehicles is permitted.
10. Tree planting is required to screen the existing development around the Transport depot to the satisfaction of the Director Strategic Community Planning.

Advice Notes:

1. The requirement to ensure a buffer distance of 100 metres or greater to Conservation Category Wetlands from development to minimise edge effect on the wetland.
2. Any demolition, upgrading/extending of structures, additional structures or lighting proposed on site is required to obtain a planning approval prior to commencement of development to enable the Shire to ensure that the intensity, scale, scope and location of the land use is in keeping with the intent of the rural zone that requires development to be associated with rural land use.
3. A supervision fee of 1.5% of the value of above mentioned construction works for the 'Industrial Bitumen Crossover' shall be payable to the Shire. If the applicant has engaged the services of a Consultant Engineer, or 3% of the value of construction works if no consultant is engaged shall be payable to the Shire.
4. Any structures required as part of this approval are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
5. The storage, use and disposal of all hazardous materials is to comply with the manufacturer's recommendations.

Committee Note: The Officer Recommended Resolution was changed by deleting conditions 3, 4 and 8 and amending the wording of conditions 1 and 10.

SD033/09/09 COUNCIL DECISION/New Motion:

Moved Cr Murphy, seconded Cr Price

That the application for retrospective development approval for a Transport Depot on #904 (L353) Karnup Road, Hopeland be approved with the following conditions:

1. **The approval is limited to the parking of 37 commercial and farm vehicles and implements that are associated with the activities of an agricultural contracting business. The existing office; silage storage; 3,500m² hardstand; workshop (320m²); bunded wash down area; bunded refuelling area; low permeability compounds for storage of hazardous materials; shed for storage of equipment; storage of hay baler; hay, silage and mixer shed; informal car parking area for 6 staff, water tanks and caretaker's dwelling within the existing development foot print.**
2. **Environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons, (where the total volume of each substance stored on the premises exceeds 250 litres) shall be stored within low permeability (10⁻⁹ metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound to the satisfaction of Director Strategic Community Planning.**
3. **The storage of chemicals, pesticides and other toxic or hazardous substances on site is to be in accordance with the Department of Water's Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances – Storage and Use.**
4. **An approved hardstand refuelling and a hardstand washdown area that is bunded and drained to a pollutant receptor to prevent any environmentally hazardous chemicals, including spilled fuel, entering the natural ground shall be provided on site to the satisfaction of the Director Strategic Community Planning. All refuelling and washdown shall take place within the respective hardstand areas.**

5. The landowner shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.
6. A Fire Management Plan is required that demonstrates, to the satisfaction of the Director of Engineering that:
 - a) the installation and maintenance of firebreaks is in accordance with councils firebreak notice, firebreaks around all hazardous buildings including all storage areas, workshops, hay sheds, equipment shed, dwellings and fuel ramps if not already provided;
 - b) a static water supply conforms to standard council requirements;
 - c) hardstand and access is provided to all structures including static water supplies for fire fighting vehicles of up to 11.5 tonne GRV, 10.5m length with a turning circle of not less than 19m;
 - d) any fuel/flammable liquid stored in any quantity on the property has appropriate bunding and fire equipment installed; and
 - e) appropriate drainage, bunding and an oil/grease separator with storage for transportation off site for washdown and refuel areas is provided.
7. Any drainage inflows from the development site into the palusplain environments should be managed through an appropriate drainage management plan to the satisfaction of the Director of Strategic Planning.
8. Panel repairs, painting and major mechanical servicing shall not occur on site only servicing or minor repairs to vehicles is permitted.
9. Tree planting is required to screen the existing development around the Transport depot to the satisfaction of the Director Strategic Community Planning.
10. This approval is specific to the applicant and does not run with the land.

Advice Notes:

1. The requirement to ensure a buffer distance of 100 metres or greater to Conservation Category Wetlands from development to minimise edge effect on the wetland.
2. Any demolition, upgrading/extending of structures, additional structures or lighting proposed on site is required to obtain a planning approval prior to commencement of development to enable the Shire to ensure that the intensity, scale, scope and location of the land use is in keeping with the intent of the rural zone that requires development to be associated with rural land use.
3. Any structures required as part of this approval are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
4. The storage, use and disposal of all hazardous materials is to comply with the manufacturer's recommendations.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed by deleting conditions 3, 4 and 8 and amending the wording of conditions 1 and 10.

Council Note: The Committee Recommended Resolution was changed by deleting condition 2 and advice note 3 and adding condition 10.

COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Twine that item SD034/09/09 be discussed out of order whilst a member of the gallery is present to hear the item.

CARRIED 10/0

SD034/09/09 PROPOSED LOCAL STRUCTURE PLAN – LOTS 61 & 62 THOMAS ROAD AND LOTS 59 & 60 BRIGGS ROAD, BYFORD (A1663)		
Proponent:	TPG Town Planning & Urban Design	<p>In Brief</p> <p>Report on the outcome of public consultation with regard to the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford.</p> <p>It is recommended that the Local Structure Plan and the Local Water Management Strategy be adopted with modifications.</p>
Owner:	Oyster Reef Holdings Pty Ltd & Valma Hicks	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	14 August 2009	
Previously	SD097/04/09	
Disclosure of Interest	An Officer of the Shire that was previously employed by the Proponent has not had involvement in the assessment of the Local Structure Plan whilst employed at the Shire.	
Delegation	Council	

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

Background

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

Council at its meeting of 28 April 2009 considered a draft LSP for Lot 9 Abernethy Road, passing the following resolution.

“SD097/04/09 COUNCIL DECISION/New Motion:

*Moved Cr Price, seconded Cr Murphy
That Council:*

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

- (a) *The ‘statutory text’ for the LSP to include the following:*
 - (i) *Information clearly outlining the extent of vegetation to be retained on-site, revegetation and management arrangements;*
 - (ii) *A requirement that any subdivision and/or development application be accompanied by a full fire and emergency management plan; and*

- (iii) *A requirement that any subdivision and/or development application be accompanied by design guidelines for the future development of the site.*
 - (b) *The LSP map including a clear notation outlining the purpose of the ‘dotted lines’.*
 - (c) *The Local Water Management Strategy be amended to include the following information:*
 - (i) *Information regarding the proposed fill material;*
 - (ii) *Information regarding stormwater quality; and*
 - (iii) *Information regarding stormwater quantity and flood protection.*
- 3. *Invite comment on the Local Structure Plan for a period of not less than 21 days by way of:*
 - *A notice being placed in a local newspaper circulating within the district;*
 - *A notice being placed in the Shire’s Administration Centre;*
 - *A notice being placed on the Shire’s internet website ;*
 - *All landowners within the Structure Plan area;*
 - *All surrounding landowners that are considered to be affected by the proposed LSP; and*
 - *A letter being sent to all relevant state government agencies.*
- 4. *The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the need to obtain all relevant approvals.*
- 5. *The applicant be advised that Council has identified a number of expectations for the development of this site, including:*
 - a) *Maintaining the character of the area through site planning that is sensitive to the existing topography and that meets the Shire’s expectation of a high quality, sustainable urban environment.*
 - b) *The protection of mature trees and native vegetation to guide the site plan development especially roads.*
 - c) *Creating shady/leafy green public spaces and streets that are pedestrian and “people activity friendly”, diverse in their presentation to the street and include extensive plantings and mature street trees that enhance “air conditioning” and solar access.*
 - d) *The use of open style and alternative fences on private lots, where fencing is potentially visible from public road reserves.*
 - e) *The creation of sustainable “waterwise” gardens on private lots.*
 - f) *The incorporation of water sensitive urban design principles into all road, wide verges and open space areas by using permeable paving, flush kerbing, intermittent kerbing and appropriate plantings.*
 - g) *A variety of residential densities, lot types, housing choices, heights and setbacks.*
 - h) *Providing extensive pedestrian and movement networks that connect in a legible way with all open space areas and multiple use corridors, including footpaths on every road and narrow road pavements.*
 - i) *Providing community facilities in accordance with the Shire’s Community Services and Facilities Plan.*
 - j) *Providing community gardens as part of open space area provision for the site.*
 - k) *A range of community facilities being provided ie heated swimming pool, clubroom, library, commercial grade kitchen and dining room, hall with stage and dance floor, library, bowling green, vegetable gardens and a men’s shed and the consideration of a high care hostel, provision of communal activities, shady streetscapes, protection of significant vegetation including Marri trees and recognising the significant environmental values of this site.*
 - l) *The question of security for elderly residents is of primary importance, other examples of modern retirement villages provide a security fence with controlled*

- access gates enclosing the village with entrance restricted to residents, especially after dark, the Shire expects a similar arrangement in this case.*
- m) *The lots facing Briggs Road and the unnamed public road on the south side of the development cannot be enclosed by a safety fence and gates and are considered by the Shire to be not part of the retirement village and therefore subject to an application for a subdivision, the density code is R20 without a special elderly care bonus and will need to conform to the usual requirements of the Shire pertaining to subdivisions in this locality.*

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

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

CARRIED 10/0"

In accordance with the previous Council resolution, the required modifications were undertaken and the LSP was advertised for public comment. This report provides Council with the opportunity to consider whether to adopt the LSP, having regard to the submissions received during the advertising period.

A copy of the LSP as advertised for public comment is with attachments marked SD034.1/09/09.

Sustainability Statement

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

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

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

Social – Quality of Life: The LSP seeks to provide aged or dependent persons' dwellings with communal amenities and support services which will support the quality of life for local residents. The development will allow residents to age within their community rather than being relocated to other areas. The proposal also provides a MUC to the south of the

subject site which contributes to an interconnected public open space and urban water management network across the Shire. The MUC will provide pedestrian and cycle footpaths and areas within which to recreate.

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

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

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

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

Financial Implications: Planning fees have been paid by the proponent.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation

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

The submissions received have been compiled and are included in the attachments to this report. The details of those submitters who made comment on a particular issue are listed, together with the applicant's response to each issue and relevant officer comments.

A schedule of submissions is with attachments marked SD034.2/09/09.

Submission from Applicant

Part 5 of Council's previous resolution contained a number of expectations that Council has identified for the development of this site. As part of the submission period, the applicant lodged a submission identifying how each of these expectations is to be addressed. A copy of this submission is included as an attachment to this report.

A copy of the submission from the applicant addressing Council's expectations is with attachments marked SD034.3/09/09.

Comment

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

- Impacts on existing vegetation;
- Fire Management;
- Water Management;
- Designing Out Crime; and

- The future form, function and design of Thomas Road.

Each of these matters is discussed in further detail below.

Vegetation

The issue of vegetation protection was considered by Council when the LSP was deemed satisfactory for advertising. The operative part to the local structure plan was modified to include a notation requiring the protection of vegetation, generally consistent with the Landscape Concept Plan.

Fire Management

Issues of fire management were considered by Council in April 2009. The operative part to the LSP was amended as a result, to formally require a Fire Management Plan. Sufficient information has been provided by the proponent to demonstrate that fire risks can be adequately managed at the detailed design stage.

Water Management

Consistent with the Byford Town site Drainage and Water Management Plan and the state-wide framework titled 'Better Urban Water management', a Local Water Management Strategy (LWMS) is required to be progressed in parallel with a LSP. At each point in the statutory process for a local structure plan, both Council and the Western Australian Planning Commission need to make concurrent determinations on the LWMS document.

Council at its meeting in April 2009 considered a draft LWMS, identifying that the following additional information needed to be provided:

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

The applicant subsequently revised the LWMS to address the matters identified by Council and the revised LWMS was advertised concurrently with the LSP.

This report provides Council with the opportunity to determine whether the LWMS is satisfactory for advertising, in parallel with the LSP. Officers are of the opinion that the LWMS satisfactorily demonstrates compliance with the Byford Town site Drainage and Water Management Plan.

Department of Water Comment

Since providing their submission, additional recommendations have been received from the Department of Water (DoW) in respect to the LWMS. The additional comments have been made by the DoW in the interest of progressing the structure planning process with most outstanding issues to be addressed through the preparation of an Urban Water Management Plan (UWMP) at subdivision stage. The DoW have deemed the LWMS to be satisfactory subject to the following modifications being undertaken:

- The LWMS to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Town site Drainage and Water Management Plan to inform the UWMP and further investigate the management of perched water on the site;
- The LWMS to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
- The LWMS to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and

- The LWMS to contain a schedule of information to be provided at the UWMP stage.

These recommended changes are supported and are included within the officer recommendation. To ensure that the UWMP is prepared at the subdivision and/or development stage, a modification to the 'statutory text' is recommended to reflect this requirement.

Designing Out Crime

A matter raised during the advertising of the LSP was the extent to which the proposed development addressed the principles of 'designing out crime'. With urban developments such as that proposed for this site, there are two primary options that are available, being (1) to turn the development 'inwards' and the other being (2) to present a more conventional streetscape and maximise passive surveillance. Research completed for other planning authorities in the past has indicated that by turning the development inward has the effect of increasing the incidence of criminal activity.

The proposed development is considered to generally achieve the objectives outlined in the Western Australian Planning Commission's (WAPC) Designing Out Crime Guidelines, notably:

- To promote attractive, legible and well orientated development;
- To facilitate safe and efficient movement of vehicles, cyclists and pedestrians;
- To encourage surveillance of spaces from surrounding buildings and land uses; and
- Provide active frontages of overlooked streets

Based on the above, the proposed form of development is considered to be appropriate.

Thomas Road

The exact form, function and design of Thomas Road is yet to be finalised. Officers have been progressing investigations and preliminary designs for a number of roads within the Byford area, including Abernethy Road, Thomas Road and Orton Road. At the earliest opportunity, each road is being progressively presented to Council for consideration. Based on the information available, the proposed widening of Thomas Road will not adversely impact on the proposed development. It is important, however, that both Council and the proponent note that the detailed designs have not been finalised and the exact interface will need to be considered as the time of development application.

Options

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

- Adopt the LSP (as advertised) without modification;
- Adopt the LSP (as advertised) with modifications;
- Defer consideration of the LSP; and
- Refuse to adopt the LSP.

The second option, to adopt the LSP with modification, is recommended to Council for consideration. Part of the recommendation to Council is also to adopt the Local Water Management Strategy with modifications.

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

Conclusion

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

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:
 - (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
- C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SD034.4/09/09 subject to the following modifications:
 - (i) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site;
 - (ii) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
 - (iii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
 - (iv) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.

New Committee Motion:

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:

- (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
 - (ii) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site.
 - (iii) The layout of the blocks upon which the dwellings are to be located is to be redesigned so that no residence faces onto a public street, that a safety fence, to the satisfaction of the Shire, be constructed to protect all residences from unauthorised entry especially after dark that only one entry fitted with an electric gate controlled by the residents be provided with an emergency entry/exit with its locking arrangements and location to the satisfaction of the Shire's Emergency Services Manager.
 - (iv) The facilities for residents are to include, to the satisfaction of the Shire, a heated indoor/outdoor swimming pool, a lawn bowls facility with synthetic turf, a men's workshop, a ladies craft, a clubhouse with dining facilities including a kitchen with commercial grade appliances and a dance floor with a stage, a common residents vegetable garden and a library with internet facilities.
 - (v) A landscape and tree protection plan is to be made to the satisfaction and upon prior advice from the Shire's Manager Environmental Services to protect and preserve the maximum number of native trees presently located on the land the subject of the Local Structure Plan.
- C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SD034.4/09/09 subject to the following modifications:
- (i) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
 - (ii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
 - (iii) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.

LOST 3/4

AMENDMENT

That condition B (v) be amended to the following:

A landscape and tree protection plan is to be made to the satisfaction and upon prior advice from the Shire's Manager Environment Services to protect and preserve no less than 75% of native trees presently located on the land the subject of the Local Structure Plan.

LOST 3/4

Committee/Officer Recommended Resolution:

That Council:

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:
 - (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
- C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SD034.4/09/09 subject to the following modifications:
 - (i) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site;
 - (ii) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall;
 - (iii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
 - (iv) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.
- D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.
- E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.
- F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.

Cr Price foreshadowed that he would move the Committee/Officer Recommended Resolution to include a minimum 75% of native trees being retained if the motion under debate is defeated.

New Motion:

Moved Cr Murphy, seconded Cr Kirkpatrick

- A. Note the submissions received during the formal advertising of the Local Structure Plan.
- B. Pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopt the Local Structure Plan for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, Byford as advertised for public comment, subject to the following modification:
 - (i) The 'statutory text' for the LSP to include a requirement that any subdivision and/or development application be accompanied by an Urban Water Management Plan.
 - (ii) The layout of the blocks upon which the dwellings are to be located is to be redesigned so that no residence faces onto a public street, that a safety fence, to the satisfaction of the Shire, be constructed to protect all residences and facilities from unauthorised entry especially after dark that only one entry fitted with an electric gate controlled by the residents be provided with an emergency entry/exit with its location and locking arrangements to the satisfaction of the Shire's Emergency Services Manager.

- (iii) The facilities for residents are to include, to the satisfaction of the Shire, a heated indoor/outdoor swimming pool, a lawn bowls facility with synthetic turf, a men's workshop, a ladies craft room, a clubhouse with dining facilities including a kitchen with commercial grade appliances and a dance floor with a stage, a residents common vegetable garden and a library with internet facilities.
- (iv) A landscape and tree protection plan is to be made to the satisfaction and upon prior advice from the Shire's Manager Environmental Services to protect and preserve the maximum number as practically possible of native trees presently located on the land the subject of the Local Structure Plan and to provide vegetative screening of the security fence.

C. Adopt the revised Local Water Management Strategy for Lots 61 & 62 Thomas Road and Lots 59 & 60 Briggs Road, as provided in attachment SD034.4/09/09 subject to the following modifications:

- i) The Local Water Management Strategy to clearly describe where subsoil drainage is to be directed and water quality treatment measures to be applied at points of outfall
- ii) The Local Water Management Strategy to detail the commitment of the proponent to obtain a minimum of two peaks/winters of pre development groundwater data (levels and quality) in accordance with the Byford Drainage and Water Management Plan to inform the Urban Water Management Plan and further investigate the management of perched water on the site;
- (iii) The Local Water Management Strategy to clearly present within the one document all relevant information to pre-development conditions, groundwater management, surface water management, pre and post development monitoring; and
- (iv) The Local Water Management Strategy to contain a schedule of information to be provided at the Urban Water Management Plan stage.

D. Forward the Local Structure Plan to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.

E. Advise those persons who lodged a submission during the advertising period of Council's decision to adopt the Local Structure Plan.

F. The applicant is reminded of their obligations under the Environmental Protection and Biodiversity Conservation Act and the Aboriginal Heritage Act of the need to obtain all relevant approvals.

LOST 2/8

Cr Price withdrew his foreshadowed motion.

SD034/09/09 COUNCIL DECISION/New Motion:

Moved Cr Randall, seconded Cr Twine

That Item SD034/09/09 Proposed Local Structure Plan – Lots 61 & 62 Thomas Road And Lots 59 & 60 Briggs Road, Byford be deferred pending:

1. A presentation by the Developer being arranged as soon as possible in order to explain and justify the plan submitted to Council ie layout and tree retention.
2. A workshop being held with elected members and Council officers in order to discuss Council's requirements so that a desired outcome may be reached.

CARRIED 10/0

Council note: The Committee/Officer Recommended Resolution was changed in order that the item be deferred pending a presentation by the Developer and a workshop with elected members and Council officers.

SD028/09/09 PROPOSED RETROSPECTIVE APPLICATION FOR INDUSTRY – NOXIOUS (SHEEP MANURE PACKAGING) LOT 717 (254) BOOMERANG ROAD, OLDBURY (P01542/03)		
Proponent:	Gregory Braithwaite	In Brief Application for retrospective planning approval for Industry – Noxious - Manure Packaging. It is recommended that the application be approved subject to conditions.
Owner:	Henri Oliver	
Officer:	Helen Maruta - Planning Officer	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	20 July 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: December 2008
 Advertised: Yes
 Submissions: Four objections, three submissions of support.
 Lot Area: 18.53 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Use Class & Permissibility: Industry - Noxious – SA (Discretionary)
 Rural Strategy Policy Area: Rural
 Rural Strategy Overlay: Peel-Harvey Coastal Plain Catchment Area

Background

The property has been used as a poultry farm for a number of years, however, the poultry farm business is currently not operating.

The Shire received a complaint in respect of sheep manure packaging in one of the sheds at the subject property. A site visit to the property occurred on 16 September 2008. The site inspection confirmed the complaint and revealed that sheep manure packaging activities were being conducted from one of the chicken sheds located to the north western portion of the property.

The Shire wrote to the applicant on 3 October 2008 advising the applicant that the unauthorised sheep manure packaging business had placed the property being Lot 717 (#254) Boomerang Road, Oldbury, “in breach of the Shire’s Town Planning Scheme No 2.

It is against this background that the Shire received a retrospective application for the establishment of a sheep manure packaging business. The use of the land had already commenced and as such the applicant sought retrospective approval.

Since the application was lodged, the following has occurred:

- The applicant was requested to provide further information;
- The application was referred to nearby landowners for comment;
- The application was referred to relevant government agencies for comment; and
- A technical assessment of the application has been completed.

The subject site is located on the western side of King Road and on the northern side of Boomerang Road. The locality comprises rural zoned properties used for a variety of rural uses including grazing, equestrian activities, market gardens, extractive industries (sand

mining), poultry farms, Industry – Rural (timber processing), an authorised transport depot and rural lifestyle lots.

Submissions were received during the advertising of the proposal for public comment and as such the matter is presented to Council for consideration. This report provides Council with the opportunity to make a formal determination on the application.

A location plan, aerial photograph location plan are with the attachments marked SD028.1/09/09.

Sustainability Statement

Effect on Environment: The northern half of the property contains a ‘Multiple Use’ Wetland according to the geomorphic wetland dataset. An area of remnant native vegetation exists in the northern corner of the property and there are also areas of remnant native vegetation within the wetland area. It is considered that the proposal which is being carried out in a closed shed with a hardstand floor will not cause any adverse impacts on the wetland function area. The Department of Environment and Conservation (DEC) raised no concerns over the impacts of drainage nutrients and confirmed that the manure packaging shed is well outside the wetland’s buffer area.

Resource Implications: The proposal is being carried out in an old poultry farm shed. The subject lot has six sheds.

Use of Local, Renewable or Recycled Resources: Sheep manure collected from the Shire’s rural properties will be packed and sold to the general public and to nurseries and hardware stores.

Economic Benefits: The business will provide employment for five people in addition to the landowners.

Social – Quality of Life: There is the potential for the land use to significantly impact on the amenity of adjoining properties by virtue of odour, noise and dust.

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

Policy/Work Procedure Implications: State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment Area
Environmental Protection Authority Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses

Financial Implications: If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State Administration Tribunal (SAT). There may be financial implications for Council.

If Boomerang Road is not upgraded through contributions from landowners seeking planning approval for businesses on their land, then Council may experience pressure to upgrade the road.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Proposal

The applicant has provided the following description of the proposed business:

“The nature of the business is to package sheep manure for sale to the public at various nurseries and hardware stores. Tipper trucks bring manure to the property and empty it in the shed, where it is bagged, sealed, palletized and wrapped in plastic then distributed to clients.

There are currently 2 delivery trucks (no bigger than 5 tonnes), 2 tipper trucks, (which bring the manure to the shed for packing). Inside the shed is a hopper, a tractor used only to load the hopper and a forklift. Manure is delivered to the premises a maximum of three to five times a day. The roads leading up to and around the shed are limestone and have recently been repaired to ensure safety for the drivers. No customers come to the property; sale of the product is solely through delivery basis. No signage and advertising is placed on the property.

The machinery involved in this process includes a 35hp tractor, electric hopper, forklift and two electric hand held bag sewers. At no single time are there more than 5 people working and noise is kept to a minimum.

Rubbish is collected and removed, and all employees are advised to drive slowly down the entrance road so as not to disturb those living near by. Sheep manure is kept on the property in the shed, and if it is seen outside of the vicinity it is cleaned up. We intend to do our best to operate our company's activities, between the hours of 6am to 6pm Monday to Sunday."

Community Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period, 4 objections and three letters of support were received from adjacent neighbours.

The key issues that were raised in the public submissions were as follows:

- The potential adverse impacts to surrounding residents from the odour that will undoubtedly come with such a facility;
- The generation of dust from movement of trucks delivering manure to and from the site and the associated hours of operation;
- The potential environmental impacts on the established wetland running across the property and some remnant vegetation of paper-bark trees;
- The potential degradation of the gravel Boomerang Road created by the huge influx of traffic for the manure facility;
- The potential for noise impacts from the facility activity generated by the constant movement of trucks; and
- The suitability of the "industrial endeavour" in a rural life lifestyle of a quite, peaceful existence in an aesthetically appealing area.

Each of these issues is discussed further later in this report.

A schedule of submissions is with attachments marked SD028.2/09/09.

Comment

A technical assessment of the current application was completed by the Shire's Officers and external government agencies. The following considerations were identified as being relevant to the application:

- The potential for off-site impacts to surrounding residents as regards odour, noise, dust and from the proposed development;
- The management of drainage nutrients as regards the proximity of the proposal to the Mundijong Drainage District Drainage Area.

The above issues, combined with the issues raised during the public consultation period are discussed further in the following sections.

Suitability of the proposal in a Rural Zone (normal, quiet and peaceful existence in an aesthetically appealing area and rural lifestyle).

The proposed use of sheep manure packaging (Industry–Noxious) can be considered by the Council in the Rural zone and is also generally consistent with the Shire's Rural Strategy for the Rural Policy Area. The Rural Strategy provides the following objectives for the Rural Policy Area:

“R1. To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;

The proposed development is considered to be consistent with some elements of the planning framework for this area.

The potential for off-site impacts from the proposed development

The potential for off-site impacts from the proposed development needs to be considered in determining the application. The nearest sensitive land uses to the proposed development includes one existing dwelling which is, however, within the within the EPA’s recommended 250 metre buffer under the *Environmental Protection Authority’s (EPA) Guidance for Separation Distances between Industrial and Sensitive Land Uses*. With respect to potential off-site impacts from the proposed development, the applicant has provided the following advice:

“Sheep manure is kept on the property in the shed, and if it is seen outside of the vicinity it is cleaned up. Our aim is to operate this business with no intention of disturbing or upsetting those who live near by. We have done our best to ensure rubbish is picked up, the area kept clean and noise is kept to a minimum.”

In addition to the above, the application was referred to Department of Health for comment who provided the following advice:

“An activity of this nature (processing animal manure), would constitute an offensive trade (manure works) as defined under Section 186 of the Health Act and be subject to compliance with requirements of the Act relating to offensive trades and also, Council’s Local Health Law provisions.

As the estimated volume of manure to be processed per annum is 1,000 tons, it is likely the proponent will need to obtain a works approval and license from the DEC. Such approval may also be necessary for environmental protection reasons

Although there are no other specific requirements under the Health Act or Regulations that would apply to this activity, it is important that due consideration is given to potential adverse impacts to surrounding residents from odour, noise, dust (and airborne particulate) and pests (in particular, flies).”

The Department of Health also suggested the Shire’s Health Department could require the proponent to carry out a health impact assessment to demonstrate to the Council that the off-site impacts have been satisfactorily assessed.

However, based on the information and advice provided by the Department of Health, the Shire’s Health Service considered that the size/scale of the operation indicated minimal levels of health impacts. The proposal is not considered to require a comprehensive health assessment. The proposal was therefore assessed based on a risk-based approach.

A copy of the risk based approach Assessment of Off-Site Impacts Report are with the attachments marked SD028.3/09/09.

With respect to potential off-site impacts from the proposed development, the following is a summary of the technical assessment completed:

- The off-site impact risk assessment report demonstrates that If the proposal is allowed to continue at the current level of operation there will not be a serious health risk;
- There is the potential for amenity impacts that could result in annoyance responses or complaints, with associated resource implications;

- The current operation will be likely to have seasonal peaks in spring and early summer when the atmospheric conditions may not disperse odour from the sheep manure in the sheds; and
- Based on the size of the proposed operation, it is highly unlikely that there will be serious health impacts. The risk of amenity impacts is very low at 100 metres and only one residence is currently located within the EPA's recommended 250 metre buffer

There appears to be no reason to refuse the application based on health reasons. It would be unreasonable to require odour and dust studies to be undertaken due to the small scale of the proposed operation. The fact that the process involves only bagging sheep manure and there is no composting and stockpiles are fully enclosed in a shed with a concrete floor means that the risk of offsite impacts is very low. The proposal will also be subject to an annual licensing process and routine site assessments by the Shire's Environmental Health Officers means that it is reasonable to assume that the proposal and its impacts can be adequately managed in that locality."

Based on the information available, officers are of the view that off-site impacts from the proposed development can be appropriately managed.

The potential degradation of the gravel Boomerang Road created by an influx of traffic for the manure facility.

The proponent has provided information that trucks will bring manure to the property and empty it in the shed at a maximum of three to five times a day. Packed manure bags will be trucked to the market and no retail activities will be carried out at the subject lot. Additional traffic will be the vehicles of the five staff.

It is recommended that a specific route be identified by the applicant for accessing the property by delivery trucks (both incoming and outgoing). Vehicle types and sizes will be needed along with this information to ensure heavy goods vehicles are not being used.

This portion of Boomerang Road is currently constructed of compacted limestone/gravel that results in the generation of dust when driven on by vehicles. Consideration will be given to the upgrading of the road to cater for the increased vehicle movements from this site. Upgrading of the road has been included as condition of approval in other landuse proposals in the same area previously.

Previous Approvals

Poultry Farm – Lot 717 Boomerang Road, Oldbury

Council granted a conditional renewal approval on 18 April 2007 for the proposed extensions of the existing poultry farm. The approval was granted subject to conditions including decommissioning of all the old existing sheds, except shed number seven (#7). Condition 6 of the approval related to the upgrading of Boomerang road:

Prior to the issue of a Building Licence the proponent shall pay to the Council a contribution toward the upgrading and bituminous surfacing of Boomerang Road between King Road and the western access to the premises equal to 50% of the estimated cost of investigation, design and construction as determined by Council's Director Engineering.

The recommended conditional approval was referred by the Shire to the Western Australian Planning Commission (WAPC). The WAPC upheld the Shire's recommendations and granted conditional approval for the development under the Metropolitan Region Scheme on 20 September 2007.

After planning approvals were granted, the landowner did not proceed with the development.

Private Recreation – Lot 50 Boomerang Road, Oldbury

An application for planning approval for the establishment of a Private Recreation – Paintballing gaming facility on Lot 50 Boomerang Road was refused by Council on 27 October 2008. One of the reasons for refusal related to the current condition of Boomerang Road being unsealed and requiring substantial upgrading at the cost of the proponent to address the dust issues that would result from the significantly increased traffic volumes on the road.

Pursuant to this decision, the applicant made an application through SAT to have the decision reviewed. Through the mediation process, Council reconsidered the matter and set aside the decision to refuse the application and substituted a new decision to approve the Private Recreation (Paintballing Facility), subject to the condition relating to the upgrade of the gravel road as follows:

Arrangements being made with the Local Government for the upgrading of Boomerang Road for a distance of 1.15 kilometres west of King Road at the full cost to the landowner, to the satisfaction of Council

However, this planning condition was overturned by SAT on 14 August 2009, based on the reasons outlined below:

(a) While the proposed development will generate additional traffic which may ultimately contribute to the need for the road to be sealed if other activities on other properties along Boomerang Road intensify, the Tribunal was not satisfied the other properties are likely to be redeveloped within the foreseeable future. Therefore the nexus between the development and the road sealing condition was not established;

(b) It would not be reasonable to impose the full cost of the upgrade of the road on the Applicants and some methodology for establishing an equitable contribution would need to be established, ideally in a local contributions planning policy.

Based on the information above Officers are of the view that it is still reasonable to impose a condition regarding an appropriate contribution towards the upgrading of Boomerang Road. The applicant advises that there will be between 3-5 truck movements per day to the site.

The potential environmental impacts on the established wetland running across the property and some remnant vegetation of paperbark trees.

The northern part of the property contains a multiple use category wetland, under the geomorphic wetlands dataset. According to the DEC's wetland position statement it is described as a wetland with few important ecological attribute and functions remaining. The Use, development and management should be considered in the context of ecologically sustainable development and best management practice. The potential threats to the wetland related to this proposal that can be mitigated by buffering could be diminished water quality (nutrients, organic compounds and suspended solids). The use (sheep manure packaging) is not likely to conflict with the management objective if the site is properly managed.

The sheep manure packaging activities are being carried out in one of the seven existing former poultry sheds that have a concrete base (#7). It is important that a management plan be developed that clearly outlines how the cleaning of the packing shed will occur. Run-off from the cleaning of the shed should be captured so as to prevent pollutants entering the local stormwater and groundwater systems. Pollutant traps should be regularly serviced and a monitoring program should be established to ensure that nutrient levels in run-off do not have an adverse impact.

TPS 2

Unauthorised Development

As approval has not been granted previously for the existing Manure Packaging Activity (Industry Noxious), the carrying out of an unauthorised development constitutes an offence under the Scheme as per clause 8.3 of the Shire's TPS 2 below:

8.3 OFFENCES

8.3.1 *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

(a) otherwise than in accordance with the provisions of the Scheme;

(b) unless all consents required by the Scheme have been granted and issued;

(c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and

(d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.

8.3.2 *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.*

In accordance with the scheme, planning approval is required for all commercial activities within the Shire. The landowner did not obtain the prior planning consent of the Council and therefore committed an offence under the scheme. It is important to note, however, that Council is obligated to determine the application based on the information submitted against the existing statutory planning framework; past, current or possible future compliance-related issues are not relevant in the determination of the application.

Retrospective Application

In considering whether to grant retrospective planning consent, the TPS 2 contains the following provision:

6.8 UNAUTHORISED EXISTING DEVELOPMENT

6.8.1 *The Council may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, providing the development conforms to the provisions of the Scheme.*

It is considered that the retrospective proposal complies with the provisions of the scheme.

Use Class & Permissibility

Under TPS 2 the proposal falls into the Industry Noxious category. The use is defined under TPS 2 as follows:

Industry - Noxious - means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act, 1911* (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Under TPS 2 the Council has the discretionary power to approve of the use in the Rural zone.

Options

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions;
2. to defer consideration of the application; and
3. to refuse the application.

Conclusion

The information provided by the Department of Health and the assessment of the proposal by the Shire's Health Department demonstrates that based on the size of the proposed operation, it is highly unlikely that there will be serious health impacts caused by the minimal offsite impacts of noise, odour and dust.

The proposed uses are able to be approved under the provisions of TPS 2. The purpose and intent of the Rural zone, as defined by clause 5.10.1 of the scheme, is "*to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the scheme area*". The development is consistent with and will help to achieve the objectives of the Rural Strategy for the Rural Policy Area.

In the instance that Council approves the application, appropriate conditions may be imposed to ensure that use of the land does not unduly impact on the amenity of adjoining properties or the character of the area.

Based on the information currently available and having regard to the matters outlined in this report, it is recommended that the application be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for retrospective approval to commence development for the Industry-Noxious (Sheep Manure Packaging) on Lot 717 (#254) Boomerang Road, Oldbury is approved subject to the following conditions:

1. Approval for the Industry – Noxious is restricted to packaging of sheep manure only, up to 1000 tonnes per year. No processing or composting of any form of manure is permitted.
2. Approval for the Industry-Noxious (Sheep Manure Packaging) is limited to one shed only, being shed number seven. Further expansion of the facility requires approval from the Shire.
3. No development or earthworks shall occur within 50 metres from the edge of the wetland dependant vegetation.
4. All solid wastes should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility.
5. The proponent is required to make application to the Manager of Health and Ranger Services for an Offensive Trades licence in the form prescribed in the Health Act 1911, within 30 days of receiving planning approval.
6. The proponent shall pay to the Council a contribution toward the upgrading and bituminous surfacing of Boomerang Road between King Road and the western access (about 880 metres) to the premises equal to 50% of the estimated cost of investigation, design and construction as determined by the Shire's Director Engineering within 60 days of this approval.
7. The applicant shall construct access crossings servicing the property within 60 days of this approval with pavement strength and asphalt surface able to safely accommodate the turning movements of the largest design vehicle intended to access the property.

8. Screening of the western and southern boundaries to be in accordance with Council's Landscaping and Revegetation Policy to the satisfaction of Council. Landscaping to be implemented by and from thereon suitably maintained to Council's satisfaction.
9. The owner shall keep a register of any complaints received and remedial action taken.

Advice notes

1. In respect of Condition No. 6 the applicant is advised that Council will require a 50% monetary contribution towards the upgrading of the section of Boomerang Road between King Road and the western most entry point of the site to a sealed standard in accordance with Council's Road Standards policy.
2. Separate approval may need to be obtained from the Department of Water for a bore licence.
3. Noxious weeds are to be removed in accordance with Council's brochure titled "Weed It Out".
4. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that Council's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
5. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
6. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
7. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
8. The applicant is advised that the operations of the noxious industry are to comply at all times with the relevant state and local regulations, in particular regulations addressing noise and odour, and any non-compliance with these regulations would result in a requirement for independent testing and assessment and possible remediation strategies being imposed on the development.
9. A separate application will need to be submitted for any proposed signage for the poultry farm.
10. The Offensive Trades Licensing process will affect odour and dust management conditions to the operation of the manure bagging facility and the conditions will be audited and reviewed with the annual relicensing under the Health Act 1911.
11. The landowner shall ensure the building complies with the Building Codes of Australia within 60 days of this approval.

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

Moved Cr Price, seconded Cr Murphy

The retrospective application for the Industry-Noxious (Sheep Manure Packaging) on Lot 717 (#254) Boomerang Road, Oldbury be deferred until such time as the issues relating to the movement of trucks and private vehicles and private sales are able to be clarified.

CARRIED 10/0

Committee Note: The Committee considered that the item be deferred until such time as officers are able to clarify issues relating to vehicle movements from the property and private sales of product at the site.

SD029/09/09		PROPOSED FAST FOOD/TAKEAWAY SHOP, OFFICE, SHOWROOM, WAREHOUSE AND SHOP – LOT 101 (#1) BEENYUP ROAD, BYFORD (P05238/02)
Proponent:	Peter D Webb & Associates	In Brief The applicant seeks approval for a proposed fast food/takeaway shop, office, shop, showroom and warehouse development on Lot 101 Beenyup Road, Byford. It is recommended that the application be refused.
Owner:	Nile Enterprises Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	11 August 2009	
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: 7 July 2009
 Advertised: Yes
 Submissions: Yes
 Lot Area: 4293m²
 L.A Zoning: Commercial
 MRS Zoning: Urban
 Byford Structure Plan: Town Centre
 Rural Strategy Overlay: Landscape Protection
 Date of Inspection: July 2009

Background

The applicant seeks approval for a commercial development on Lot 101 Beenyup Road, Byford. The proposal is for two separate buildings which consist of the following:

- Building 1 – A proposed Hungry Jack’s fast food restaurant; and
- Building 2 – A proposed two storey Mixed Use commercial building consisting of offices, shops, showroom and warehouse.

The application also includes the construction of a sixty-three (63) bay car park with associated landscaping.

A copy of an aerial photograph of the current site is with attachments marked SD029.1/09/09.

A copy of the site and elevation plans of the proposed development are with the attachments marked SD029.2/09/09.

Sustainability Statement

Effect on Environment: The proposal will not impact on the existing environment as the subject site is already clear of vegetation. If the application is approved, conditions relating to landscaping of the site will be included.

Economic Benefits: Additional facilities within the Byford Townsite will help to make the community more sustainable by providing local employment, local services and goods and reducing the need for local residents to travel to other centres outside the Shire.

Social – Quality of Life: The development will propose an extended range of retail and ancillary facilities in close proximity to new and existing residential areas in Byford. The development will also provide additional activity and employment within the Town Centre as is intended under the Byford Townsite Detailed Area Plan (BDAP).

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Byford Structure Plan 2007 (BSP)
BDAP

Policy/Work Procedure Implications: Local Planning Policy 8 (LPP8) *Landscape Protection*
Local Planning Policy 5 (LPP5) *Control of Advertisements*
Local Planning Policy 19 (LPP19) *Byford Structure Plan Area Development Requirements* provides guidance in respect of the permissibility of different land uses within the Byford Structure Plan Area.

Financial Implications: Possible financial implications to Council related to this application if the applicant seeks a review of the Council's decision by the State Administrative Tribunal (SAT) if the development is either refused, not dealt with within the required timeframes under TPS 2 or the applicant objects to any conditions if the development is approved.

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The application was referred to twenty-two (22) surrounding landowners as well as the Byford Progress Association and the Byford Community Link Group for comment in accordance with clause 6.3 of the TPS 2.

As a result of the advertising, five (5) letters of objection and one (1) letter of support and one (1) letter of general comment were received.

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

SUMMARY OF OBJECTIONS

1) Location & Traffic

- The intersection of South Western Highway and Beenyup Road, even with traffic lights, currently deals with a large volume of traffic per day. The proposal to add a fast food outlet to the situation will make this situation even worse.
- The adjoining Lot 2 Nettleton Road is proposed to be developed as a 55+ (retirement community) which will include some 210 homes equating to upwards of 400 residents. With such a proposed client base (i.e. aged and varying degrees of ambulatory capacity), there is a potential for incompatibility between high volumes of vehicular and pedestrian traffic such a development will no doubt generate.
- Concern has been raised regarding proposed entrance off Beenyup Road, only a few metres away from nearby residential driveways. This will increase traffic in an otherwise quiet residential area.
- Traffic turning into Hungry Jack's could cause queuing on the Highway both north and south of the traffic lights.

Applicant's Response

- *The site is specifically zoned to accommodate a range of Commercial uses (including fast food) so it is implicit that this has been planned for. It is also understood that, from Planning terms, direct access onto South Western Highway is not permitted, so the alternative access onto Beenyup Road represents the most appropriate solution which is consistent with the principles of orderly and proper planning.*
- *It is further understood that traffic lights have recently been installed at this intersection. The installation of traffic lights will effectively and safely manage the existing and expected traffic at this intersection, recognising the zoning of adjacent land.*
- *In regard to the subject site, it is proposed that traffic be further managed and controlled by a single shared crossover on to Beenyup Road for the Hungry Jack's outlet and the mixed use development. Further, traffic is also able to enter and exit the site by a crossover to be constructed to intersect with the future proposed road to the east of the site.*
- *Concern is raised about the potential impact that the traffic generated by this development will have on the future residents of the adjacent proposed retirement village, to the south. It is not clear how this development is likely to impact upon the adjacent residents, particularly when the vehicular access is off Beenyup Road. However, the development proposes the construction of a footpath along the South Western Highway and Beenyup Road frontages. The continuous footpath network around the site will provide safe passage for the future residents of the retirement village, should they wish to walk around the site.*
- *The final issue raised refers to the proposed crossover onto Beenyup Road and the impact of increased traffic on nearby residential properties. In response, we can advise*

that the proposed crossover for the site onto Beenypup Road accords with the requirements of the Shire's BDAP which states that access to car parks shall not be provided directly from South Western Highway should alternate access exist. The subject land is zoned 'Commercial' and is situated on a busy corner. It is not a 'quiet residential area'.

Officer Comment

- The issues regarding traffic and access to the property are acknowledged. Although the land is zoned appropriately for the types of uses proposed, the impacts that the proposal will have on the Regional Road network will not be known until a traffic impact study is prepared.
- If the property is ever subdivided, access to both the Hungry Jack's building and the Mixed Use building can be assured through a reciprocal right of access agreement between relevant parties.
- The impacts on the residents of the proposed retirement community on the adjoining lot are likely to be mainly noise and odour although it is noted that no information relating to noise and odour has been submitted by the applicant. However, it is considered that by relocating the Hungry Jack's building closer to the intersection of South Western Highway and Beenypup Road and away from the southern boundary of the lot, that any potential issues can be addressed. In addition, if the application is approved any issues relating to noise and odour can be satisfactorily addressed through conditions of approval.

2) Design

- From Byford, there is a lovely view of the Darling Scarp. No matter what colour scheme is proposed, a two-storey building is going to be detrimental to the visual amenity of the Town Centre.

Applicant's Response

- *The landowner proposes to address the visual amenity issue of the proposed mixed use development by redesigning the building to include verandahs around both levels of the building. The fast food outlet already has weather protection awnings for patrons.*

Officer Comment

- The application has been assessed against the requirements of LPP8, which has the objective to ensure that any development within the Landscape Protection Policy area is consistent with the surrounding environment. The proposed two-storey building complies with the colour and material requirements of the policy. In addition, the proposed height of the building, at 8.35 metres, complies with the maximum policy requirement of 9 metres.
- The design modifications to the Mixed Use building, as detailed by the applicant, will help the development better conform to the requirements of the BDAP.

3) Security & Anti-Social Behaviour

- In order to manage potential security related issues, it is envisaged that such a restaurant will require a fairly significant level of illumination in and around buildings and car park areas (most likely, it is assumed, for the complete period of night hours). This has the potential to impact on those residences within close proximity to the proposed development.
- There will be the potential for the proposed development to become a 'hang out' for people in the area and therefore the potential exists for nearby residents to be impacted by way of graffiti or even break-ins. If there is a need to have a take-away outlet on that particular block it is imperative that the entrance/exit be from the South Western Highway so as not to impact the lifestyle of people already residing in Beenypup Road.

- The car park design could encourage ‘hooning’ which would be detrimental to the future residents within the proposed adjoining retirement village.

Applicant’s Response

- *Security and lighting associated with the development will be incorporated into the design to ensure that light spill onto Beenyup Road will be controlled and not exceed the relevant Australian standards. Security lighting as required, will be directed to the ground, or into the site from the edge of it.*
- *In response to the request for the crossover for this site to be provided on the South Western Highway frontage, we refer to Shire’s BDAP which states that access to car parks shall not be provided directly from South Western Highway should alternate access exist, which it does in this instance.*

Officer Comment

- The issues regarding security and anti-social behaviour are noted. It is considered that the applicant has done all that is possible to reduce the impacts on surrounding residents.
- The only realistic means of trying to deter anti-social behaviour is to incorporate relevant design features into the construction of the buildings. This has been addressed through the proposal.
- Access off South Western Highway is not permitted as per the requirements of the BDAP and Beenyup Road must be used.

4) Impacts on Adjoining Properties

- It is assumed that on certain days, the hours of operation of such a restaurant will extend close to or into the early hours of the next day. This has the potential to generate noise, after hours vehicular traffic movement and the propensity for the attraction of an undesirable element within the community.

Applicant’s Response

- *The site proposed for this development is situated on Commercial zoned land. The proposed use of ‘fast food outlet’ is permitted. The Council has therefore clearly recognised that this is the most suitable location for the proposed use, being within a Town Centre area and therefore least likely to have an impact on the residential community of Byford.*

Officer Comment

- Whilst it is acknowledged that the proposal may have adverse impacts on surrounding residents, the land has been appropriately zoned for a commercial development since 1989.

5) Rural Locality

- The previous country feeling that Byford once had is disappearing as a result of all the development that is occurring.
- All the development in Byford is destroying the environment we live in.
- It is acknowledged that change and growth is necessary to some degree, but surely it is important to have areas that offer a more relaxed lifestyle.
- The kangaroos are somewhat of a tourist attraction for the area. What will be the fate for these animals if the development goes ahead?
- It is considered that the Shire could find a more beneficial way to utilise this land.

Officer Comment

- The development of Byford is progressing in accordance with the adopted BSP. The BSP has been adopted by both Council and the Western Australian Planning Commission.
- The BDAP incorporates a number of requirements to help ensure that all new development compliments the existing environment and locality as best as possible. An assessment of the application against the BDAP is included later in this report.
- The relocation of the existing kangaroo population will be addressed through the development of the retirement community on the adjoining property (Lot 2). This issue is not linked to this application.
- The proposed use is compatible with the existing zoning. The land has been appropriately zoned for a commercial development since 1989.

6) Lifestyle

- In the current climate of childhood obesity and in a Shire trying to promote healthy lifestyle choices, we now have a new fast food outlet proposed.

Officer Comment

- Comment noted. The Council has limited control over the types of commercial uses that are developed within the Commercial zone.

7) Local Business

- The development of this fast food outlet will take the potential support and spending away from local businesses and direct it towards an overseas franchise.

Officer Comment

- This is not a valid planning consideration. The Council has no planning control over the types of businesses that can occupy land within the Commercial zone.

SUMMARY OF SUPPORT

Employment Opportunities

- The main reason for support is that at last some retail development, albeit not that big, and a world renowned business is set to employ some 60 members of the local community. The spin off from that to the local economy is immeasurable.
- Any development that will benefit our younger generations is openly supported, as it will go a long way in helping them develop a sense of worth by gaining employment in their community.

Officer Comment

- Comment noted. The establishment of new commercial businesses within the Town Centre will contribute significantly to local employment opportunities and will benefit the local economy.

SUMMARY OF GENERAL COMMENTS

- The development needs to be 'Main Street' and fit with the rural character of the town.
- It is suggested that a wall of windows facing the Scarp would provide a wonderful outlook for diners.
- The colours should be muted and consist of earth tones.
- Wider than the minimum parking bays are suggested because of the high number of four wheel drives in the Shire.
- Lots of shade trees should be required and the car park should comply with water sensitive urban design principles.

Officer Comment

- Agreed. The proposal does not satisfy a number of the requirements, in relation to built form, as stipulated within the BDAP.
- Increasing the width of the car bays is a possible consideration for the applicant however is unlikely to be supported. The development will need to comply with the relevant Australian Standards with respect to car bay dimensions which does not take into account specific vehicle types eg. 4WD.
- The incorporation of shade trees is a requirement of TPS 2 at a rate of 1 tree per 6 spaces.

Government Agency Referrals

Main Roads WA (MRWA)

The application was referred to MRWA as the subject site abuts South Western Highway, which is under the control of MRWA.

MRWA have advised that a sight line assessment was undertaken to ensure that the positioning of the proposed signage does not compromise road user safety. As a result of the assessment, a signage exclusion zone was identified along the western boundary of the site, parallel to South Western Highway. The proposed Hungry Jack's pylon sign falls within this exclusion zone. As such, the proposed pylon sign is not supported by MRWA.

In further correspondence, MRWA advised that the proposed development is unacceptable as the impact on the Primary Regional Road network cannot be adequately assessed in the absence of a traffic impact study.

MRWA will reassess the development application upon receipt of the traffic impact study and amended plans showing the repositioning of the signage as per their original advice.

Officer Comment

If the application is approved, appropriate conditions will need to be included regarding the relocation of the proposed pylon sign. In addition, a traffic impact study will need to be prepared by the proponent and forwarded to MRWA for assessment.

Western Australian Police (Peel Crime Prevention Unit)

The application was also referred to the Western Australian Police (Peel Crime Prevention Unit) for comment, however no comment has been received.

Comment

Site & Location

Lot 101 has a total land area of 4293m² and has a primary (northern) frontage to Beenyup Road of 62.78 metres, a secondary (western) frontage to South Western Highway of 42.85 metres. The eastern side boundary of the land also fronts onto a section of road reservation, which is the northern end of a 'future road' shown on the BSP.

The subject land is currently a vacant site, which is situated on the south eastern corner of the intersection of South Western Highway and Beenyup Road. A road reservation currently exists along the eastern boundary of the land. This road reservation effectively creates three separate road frontages for the subject site and once constructed will service the proposed development and the future residential development on the adjoining Lot 2 South Western Highway to the south. This road will be required to be constructed as part of whichever development progresses first. The exact arrangements for the construction of this portion of

road reserve will be negotiated between Aspen and the owner of Lot 101 Beenyup Road, Byford at the time of development and/or subdivision.

An Alinta Gas easement, for the purpose of “the carriage of gas through a pipeline or pipelines”, also runs across the subject site along the western frontage, parallel the South Western Highway.

Statutory Framework

In the process of assessing this application, the following matters were taken into consideration:

1. The relationship of the land use proposed to the relevant provisions of TPS 2 and power for Council to approve the proposed use;
2. The relationship of the land use proposed to the relevant state planning policies and other planning documentation.
3. The use class classification and permissibility of the proposed use;
4. The intent of the Town Centre zone within which the development site is located;
5. The requirements for development in the Town Centre precinct within which the development site is located under the BDAP;
6. The compatibility of the proposed development against the draft Byford Town Centre Local Structure Plan and associated design guidelines; and
7. The compatibility of the proposed development against relevant Council policies.

These matters are discussed below.

TPS 2

The subject site is zoned ‘Commercial’ under Council’s TPS 2, which allows for a number of different uses to be considered by Council. It should be noted that the land has been zoned ‘Commercial’ since TPS 2 was gazetted on 4 August 1989.

The intent of the ‘Commercial’ zone as set out in TPS 2 is as follows:

“5.6 The purpose and intent of the Commercial Zone is to encourage the establishment of a commercial centre in each of the four towns in the Shire, to maximise the public benefit and amenity in the towns in respect of retail, office and entertainment facilities.”

It is considered that the proposed development is consistent with the stated purpose and intent of the Commercial zone.

The proposed development, as indicated on the development plans, is deemed to incorporate a number of different use classes as identified under TPS 2. These include the following:

- Fast Food/Takeaway Shop;
- Office;
- Showroom;
- Warehouse; and
- Shop.

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

Fast Food/Takeaway Shop means a shop wherein food is prepared and offered for sale for consumption principally off the premises.

- Office** *means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.*
- Showroom** *means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.*
- Warehouse** *means land and buildings wherein goods are stored and may be offered for sale by wholesale.*
- Shop** *means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.*

The permissibility of all of the above uses within the 'Commercial' zone, together with their compliance with the requirements under the scheme, will be discussed later in this report.

BSP

The BSP was adopted by the Council in accordance with the provisions of clause 5.18.3.15 of TPS 2 on 22 August 2005 to provide a framework for the development of the Byford urban area. Council at its meeting of 17 February 2007 progressed a number of minor modifications to the BSP, including placing notation 17 on the plan, which states:

"Town centre requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. Local Structure Plan is to include an investigation with Transit Oriented Urban Design: the location, nature, role, relationship and distribution of different activities within the town centre including 800 metre walkable catchment area..."

The proposed modification to the BSP was subsequently endorsed by the WAPC.

The timing of the current application, relevant to the preparation of a LSP for the Byford Town Centre (consistent with the BSP notation) is a relevant consideration for Council, which is discussed later in this report.

LPP19

LPP19 was established to provide guidance on the permissibility of land uses within the BSP area and to compliment the operation of the BSP. Structure Plans adopted under TPS 2 can provide designations and zones that have statutory effect as if they directly formed part of TPS 2.

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

WAPC Statement of Planning Policy (SPP) 4.2 Metropolitan Centres Policy

Applications for retail developments which are consistent with any endorsed structure plan, town planning scheme or planning policy are able to be determined under both TPS 2 and the Metropolitan Region Scheme by the local authority.

In SPP 4.2, Byford is designated as a district level shopping centre. This status has been addressed in the BSP through the designation of the Town Centre zone. The Town Centre zone aims to build upon and consolidate the existing retail centre of Byford. The subject development is considered to be consistent with this aim.

BDAP

The development is located within the Town Centre precinct of the BDAP. The characteristics of the Town Centre area are as follows:

“7.14. Character Area G – Central Core (Town Centre)

This area is proposed, under the BSP, to continue to provide retail and employment opportunities.”

It is considered that the proposal meets the intended function of the Town Centre. However, the proposal also needs to be assessed against the specific requirements of the BDAP.

An assessment table detailing the level of compliance that the proposal has against the requirements of the Byford Town site DAP is with attachments marked SD029.3/09/09.

As demonstrated within the assessment table, the proposal does not comply with a number of requirements within the following categories of the BDAP:

- Building Setbacks;
- Building Placement, Orientation & Frontages;
- Scale, Proportion & Built Form;
- Building Materials & Colours;
- Car Parking & Access;
- Corner Sites; and
- Advertising Signage.

As such, it is considered that the proposal does not comply with General Provision G1 of the BDAP which is to “minimise the impact of subdivision and development on the existing character, natural environment and amenity of the area”.

It is further considered that a number of modifications would need to be made to the design of the development in order for it to better comply with the BDAP. The required modifications, together with a comment on the likelihood of these modifications being achieved, are detailed below:

1) Building Setbacks

The Hungry Jacks’ building needs to be shifted 7metres towards the western boundary in order to achieve the 2m setback under the DAP.

This cannot be achieved due to the location of the 6 metre wide Alinta Gas easement along the western property boundary and the fact that building cannot be built over this easement.

2) Building Placement, Orientation & Frontages

Both buildings need to be relocated and redesigned to achieve better active frontages and orientation to South Western Highway and Beenyup Road.

This can be achieved by locating the Hungry Jack's building closer to the north-western corner of the site. Currently, this area is taken up by car parking. In addition, the Mixed Use building can be rotated so that the long side faces Beenyup Road. This will not only improve the frontage to Beenyup Road but will also increase the solar passive principles of the building.

The exterior design features can also be modified to better comply with the BDAP.

The applicant advises that there is a corporate model for the fast food outlet, however, the existence of a corporate model is not considered to be sufficient justification for non-compliance with planning requirements for the area.

3) Scale, Proportion & Built Form

Both buildings need to be redesigned in order to achieve a better built form and exhibit 'semi rural' character.

The exterior design features of the buildings can be modified to better comply with the BDAP.

4) Building Materials & Colours

The colour scheme of the fast food/takeaway building would need to be amended to exhibit more earthy and muted colours.

5) Car Parking & Access

An additional 16 parking bays would need to be provided to comply with the requirements of the BDAP and TPS 2.

This could be achieved by a re-design. However it is not supported as the required number of bays provided is already considered to be excessive. This will be discussed later in this report.

6) Corner Sites

Any proposed development on the subject site should be a landmark feature for the Town Centre and achieve the objectives of a Main Street development.

This can be achieved by locating the fast food/takeaway building closer to the north-western corner of the site. Currently, this area is taken up by car parking. In addition, the design of the building would need to alter to address the other provisions of the BDAP.

7) Advertising Signage

The development would be required to remove any 'pylon', 'wall' or 'projecting' signs to comply with the BDAP. This is discussed in more detail later in the report.

Officer Comment

There are a number of design changes that could be made to the proposed development to make it more compatible with the provisions of the BDAP.

Use Class Permissibility

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

Use Class	Permissibility	
	TPS 2 (Commercial)	LPP19 (Town Centre)
Fast Food/Takeaway Shop	P	P
Office	P	P
Shop	P	P
Showroom	AA	P
Warehouse	IP	IP

Officer Comment

All of the proposed uses are either permitted (P) or discretionary (AA) under both TPS 2 and LPP19. A 'Warehouse' use is an 'IP' use, which means that this use is not permitted unless such use is incidental to the predominant use as decided and approved by the Council. It is considered that the proposed 'Warehouse' is incidental to the proposed 'Shop' and 'Office' use.

Under the provisions of TPS 2, Council has no discretion to refuse of the application based on the proposed use of the land.

Parking Requirements

The parking requirements under the scheme for the proposed development are detailed in the below table.

Use Class	Total GLA (m ²)	Ratio (TPS 2)	Car Bays (required)
BUILDING 1			
Fast Food/Takeaway Shop	250m ²	2 per 10m ² GLA	50
<i>Total bays required for Building 1</i>			50
<i>Bays provided for Building 1</i>			31 <i>(including 6 waiting bays)</i>
BUILDING 2			
Office	200	1 per 40m ² GLA (with min. of 2 per office unit)	5
Shop	200	1 per 15m ² GLA	14
Showroom	335	1 per 60m ² GLA	6
Warehouse	335	1 per 100m ² GLA	4
<i>Total bays required for Building 2</i>			29
<i>Bays provided for Building 2</i>			32
TOTAL BAYS REQUIRED			79
TOTAL BAYS PROVIDED ON PLAN			63 <i>(including 6 waiting bays)</i>

In respect to the shortfall in the provision of bays, the applicant states that the requirements for 50 bays for the Hungry Jack’s outlet is considered excessive, given that a large component of the customers to Hungry Jack’s outlets order through the drive through facility. In the particular circumstances of this proposal, the peak trading times of the fast food outlet (ie. from 5:30pm onwards) are outside of the peak times for the adjoining commercial development. In addition, the car park arrangement enables reciprocal use, so the excess bays associated with the Mixed Use development are able to be utilised by customers to the Hungry Jack’s outlet if required.

The Shire’s car parking requirement for ‘Fast Food/Takeaway Shop’ at a rate of two (2) bays per 10m² of GLA is far greater than the requirements of other neighbouring local authorities. In this regard, the following examples of the car parking requirements for fast food outlets within the City of Armadale and Shire of Murray are detailed below:

Local Authority	Scheme Parking Requirement	Car Bays Required
City of Armadale	1 space for every 2.5m ² waiting area with a minimum of 3 spaces, plus 1 space for every 5m ² seating area, plus 4 car queuing spaces for any drive through facility	6 bays for the waiting area plus 22 bays for the seating area plus 4 car queuing spaces. Total: 28 bays
Shire of Murray	1 car parking space per 4 seats and 1 car parking space per 5m ² waiting area	12 car bays for the 46 seats provided plus 3 spaces for the waiting area. Total: 15 car bays

The same proposal within the City of Armadale and the Shire of Murray would only be required to provide 28 bays and 15 bays respectively. The Shire’s current parking requirement of 2 bays per 10m² GLA are particularly onerous when compared to the standards required by other adjoining local authorities. This is even more so because the Shire’s requirements are based on GLA (the whole floor area of the development including storage areas, toilets and staff rooms etc.), whilst the other Council’s calculate the floor area based on net lettable area which is based on the public areas of the premise only and not storage areas, plant rooms and other non-public floor area.

Although there is a shortfall in the number of bays as required under TPS 2, clause 5.2 of TPS 2 provides the Council with the discretion needed to vary the parking requirements as detailed above:

“5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

5.2.1 *If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

5.2.2 *The power conferred by this Clause may only be exercised if the Council is satisfied that:*

- a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*

- c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.”*

Therefore, it is open to Council to consider a variation to the parking requirements if the application is considered for approval.

Officer Comment

The peak user times for the Mixed Use development and the fast food/takeaway outlet will be at different hours during the day. In addition, reciprocal access is proposed to the total 57 car bays (not including the 6 waiting bays) provided on site. Therefore, the number of car bays provided on site is considered more than adequate for the current proposal.

Other TPS 2 Requirements

The Shire’s TPS 2 contains a number of other requirements that need to be met for any proposed development within the ‘Commercial’ zone. An assessment of these requirements against each proposed use class is detailed below:

Proposed Use Class: FAST FOOD/TAKEAWAY SHOP

	TPS 2 Requirement	Provided	Comment
Min. effective frontage	20m	42.9m	Complies
Front setback	9m (min)	33.0m to Beenyup Rd	Complies
Side setback	For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall whichever is greater	9.0m to SW Hwy	Complies
Rear setback	6m	2.5m to southern boundary	Does not comply. However as it is a corner site, it could be argued that the southern boundary is a side boundary.
Max. plot ratio	0.5:1	0.1:1	Complies
Max. site coverage	0.5	0.1	Complies
Landscaping	10% of site	Details not provided	Could be included as a condition, if approved

Proposed Use Class: OFFICE

	TPS 2 Requirement	Provided	Comment
Min. effective frontage	10m	62.7m	Complies
Front setback	9m (min)	2m	Does not comply however does comply with BDAP
Side setback	For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall	2.0m to east	Complies with BDAP

	whichever is greater		
Rear setback	6m	7.5m	Complies
Max. plot ratio	1:1	0.25:1	Complies
Max. site coverage	0.6	0.14	Complies
Landscaping	10% of site	Details not provided	Could be included as a condition, if approved

Proposed Use Class: SHOP

	TPS 2 Requirement	Provided	Comment
Min. effective frontage	10m	62.7m	Complies
Front setback	9m (min)	2.0m	Does not comply however does comply with BDAP
Side setback	For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall whichever is greater	2.0m to east	Complies with BDAP
Rear setback	6m	7.5m	Complies
Max. plot ratio	0.5:1	0.25:1	Complies
Max. site coverage	0.5	0.14	Complies
Landscaping	10% of site	Details not provided	Could be included as a condition, if approved

Proposed Use Class: SHOWROOM

	TPS 2 Requirement	Provided	Comment
Min. effective frontage	20m	62.7m	Complies
Front setback	9m (min)	2.0m	Does not comply however does comply with BDAP
Side setback	For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall whichever is greater	2.0m to east	Complies with BDAP
Rear setback	6m	7.5m	Complies
Max. plot ratio	0.5:1	0.25:1	Complies
Max. site coverage	0.5	0.14	Complies
Landscaping	10% of site	Details not provided	Could be included as a condition, if approved

Proposed Use Class: WAREHOUSE

	TPS 2 Requirement	Provided	Comment
Min. effective frontage	20m	62.7m	Complies

Front setback	9m (min)	2.0m	Does not comply however does comply with BDAP
Side setback	For a masonry parapet wall – nil. For metal or timber framed construction – 2.1m or the height of the wall whichever is greater	2.0m to east	Complies with BDAP
Rear setback	6m	7.5m	Complies
Max. plot ratio	0.5:1	0.25:1	Complies
Max. site coverage	0.5	0.14	Complies
Landscaping	10% of site	Details not provided	Could be included as a condition, if approved

Additional Landscaping Requirements

TPS 2 Requirement	Provided	Comment
For an area with >21 car bays, 1m ² of landscaping for every 10m ² of car park shall be provided in addition to any other landscaping required by the scheme	Not specifically detailed.	Could be included as a condition, if approved
Landscaping strips to be provided adjacent to the car park is required by Council	Not specifically detailed.	Could be included as a condition, if approved

Officer Comment

In terms of the requirements under TPS 2, all provisions have been met with the exception of some minor setback variations to the front, side and rear boundaries and the number of car parking bays required on site. However, the setbacks as proposed, do comply with the provisions of the BDAP. Even though the setbacks comply with the BDAP, it is considered that the proposal could be redesigned to better achieve the objectives of the Town Centre area.

Any other requirements, for example in relation to landscaping, are able to be adequately covered through conditions of approval.

Draft Byford Town Centre LSP

There are two important issues that need to be carefully considered when determining applications for development within the Town Centre area. These are:

1. Notation 17 of the BSP requiring the preparation of a Town Centre LSP; and
2. The current status of the Town Centre LSP.

BSP Notation

Notation 17 on the BSP map states the following:

“Town Centre requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and design guidelines”.

As this notation is included on the BSP and has statutory weight, careful consideration needs to be given to approving applications for development within the Town Centre area prior to the preparation of a Town Centre LSP and associated design guidelines.

An approval for this application has the potential to establish an undesirable precedent for other development to be considered within the Town Centre prior to a LSP being adopted. Consistency in planning policy and decisions is a relevant consideration. Whilst it is acknowledged that the subject site may be considered in isolation as it is separated from the rest of the Town Centre area, it may be appropriate to deal with the site in a similar manner to any new proposal within the Town Centre in that it should not be approved before an LSP has been adopted.

Draft Town Centre LSP

The proposed development application may be considered contrary to the BSP and as such approval of the development may be premature and prejudicial to the detailed local structure planning to be carried out for the Byford Town Centre.

In November 2008 Council engaged consultants APP (project management), Urbis (planning, urban design) and GHD (traffic and drainage) to undertake the preparation of the Byford Town Centre LSP. The scope of works for the consultants included, but was not limited to, the following:

- The preparation of a local structure plan;
- The preparation of design guidelines, anticipated to be adopted as a local planning policy; and
- Stakeholder engagement.

A stakeholder engagement strategy has now been finalised, providing a framework for the involvement of landowners, the local community and relevant government agencies.

The draft Byford Town Centre LSP and design guidelines have been prepared and are now progressing through the normal statutory processes outlined in the Shire's TPS 2. This process includes formal advertising and determinations by both Council and the WAPC. A report will be presented to Council in the near future for consent to advertise the draft LSP. Based on the information currently available, it is anticipated that the draft LSP will be advertised for public comment later this year, and then adopted by Council and approved by the WAPC by mid 2010.

The purpose of the LSP is to set a framework for the future development of the Byford Town Centre area. The LSP will address a number of key areas that are vital to the Byford Town Centre, including;

- Land Use;
- Traffic & Transport;
- Environmental Management;
- Servicing Infrastructure;
- Community Infrastructure & Services;
- Public Open Space; and
- Public Health & Safety.

As part of the draft LSP, associated draft design guidelines have also been prepared to facilitate and coordinate development within the draft Byford Town Centre LSP area.

Draft Byford Town Centre Design Guidelines

Within the draft design guidelines, there are a number of general policy requirements that will apply to all development within the Byford Town Centre LSP area. These general policy requirements cover the following areas:

- Building Envelope;
- Building Design;
- Streetscape; and
- Site Planning & Design.

An assessment of the proposed development against the general policy requirements has not been undertaken as there are 130 policy requirements in total which cover the above four areas. It is considered more beneficial to assess the proposal against the draft design guidelines for the specific precinct area within which the subject site is located.

Under the design guidelines the subject site is identified as forming part of the 'Town Centre East Precinct'. Generally, this precinct comprises the areas around South Western Highway and the existing Abernethy Road railway crossing, whilst also including the existing Byford Town Centre. An assessment of the proposal against the draft design guidelines for the 'Town Centre East Precinct' is detailed in the table below.

Draft Design Guidelines Requirement	Provided	Comment
<u><i>Land Use</i></u>		
The following land uses are preferred in the Town Centre East Precinct: Retail; Office; Café; Civic Facilities; Showrooms and; Residential.	Fast Food/Takeaway; Office; Showroom; and Warehouse	Does not Comply. The guidelines refer to the uses that are preferred but do not state that these are the only uses that are permitted. The proposed uses are permitted under TPS 2, which overrides any other policy requirement.
<u><i>Building Height</i></u>		
The preferred building height is 1-2 storeys	Maximum 2 storeys.	Complies
<u><i>Setbacks</i></u>		
The maximum setback from the South Western Highway boundary is 3m to achieve a village style atmosphere	9m to South Western Highway	Does not Comply. The fast food building cannot achieve a 3m setback due to the 6m wide Alinta Gas easement that runs along the western boundary of the site. The building is setback 3m from the easement, to provide enough room for the drive-thru driveway. Through a redesign, the building can be setback 6 metres from the western boundary.
<u><i>Building Orientation</i></u>		
Active ground uses shall be provided to address South Western Highway, George Street and the transit station forecourt	The active ground uses in the Mixed Use building do not face South Western Highway or	Does not comply

Draft Design Guidelines Requirement	Provided	Comment
	George Street.	
<i><u>Parking</u></i>		
No on-street parking should be provided on the South Western Highway	No on-street parking is provided.	Complies
On-street parking on George Street shall be parallel and shall be shared between uses	Subject site is not near George Street.	NA
Off street parking shall be placed perpendicular to the South Western Highway and George Street in between developments to encourage shared parking	Parking bays within the car park are placed parallel to South Western Highway.	Does not Comply.
Parking in the rail reserve shall be shared between uses	Site is not located near the rail reserve.	NA
<i><u>Site Facilities</u></i>		
Site services to be internalised to minimise impacts and street level amenity	Services are internalised.	Complies
<i><u>View Corridors</u></i>		
Developments must respond and maintain the key view corridors as identified at diagram 25	Subject site is not affected by the view corridors as per diagram 25.	NA
The view corridors shall have a minimum width of 15m	See above comment	NA
The view corridors may be used as parking areas	See above comment	NA

Officer Comment

Although the proposal does not comply with a number of specific requirements under the guidelines for the 'Town Centre East Precinct', it must be remembered that these design guidelines are in draft format only and as such do not currently hold any statutory weight. The guidelines will only be considered to be a seriously entertained planning proposal once they have been adopted for consent to advertise. Although the draft guidelines can form a part of the assessment of the application, they cannot be used as reasons not to support the proposal.

The preparation of the LSP and associated design guidelines are vital to the future development of the Town Centre. These documents will set the framework for how the Town Centre is to look and operate and will help to ensure that future development is compatible with the objectives and vision as determined by Council and the wider community.

The consideration of any application prior to the preparation of the LSP may be considered premature and may have the potential to prejudice the orderly and proper planning of the future of the Byford Town Centre area. It is recommended that all commercial development within the Town Centre area be either refused or deferred until final adoption of the LSP which, based on the current timeframes, is likely to be mid 2010.

LPP8 – Landscape Protection

Council's LPP8 contains a number of requirements that should be addressed by any new development within the Landscape Protection Policy area. An assessment of the proposal against these policy requirements is detailed in the table below.

Policy Requirement	Provided	Comment
Development not permitted on ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas	Subject site is flat within the Town Centre area.	Does not Comply. Although the subject site is not located on a ridge line, escarpment or hill top, it is still considered to be in a visually exposed area by way of being on a prominent corner within the Byford Town Centre area.
Buildings located below the skyline	Subject site is flat and at the bottom of the scarp. Therefore all buildings are below the skyline	Complies
Development in areas having a generalised slope greater than 25% not permitted	Subject site is flat and does not have a slope	Complies
<u>Buildings</u>		
Be sited and constructed to take advantage of the topography and vegetation to limit visual intrusion	Site is flat and there is no existing vegetation on site	Does not Comply. Although the subject site is not located on a ridge line, escarpment or hill top, it is still considered to be in a visually exposed area by way of being on a prominent corner within the Byford Town Centre area.
Created banks need to be stabilised for erosion control prior to any further works being undertaken	Not applicable. There is no need for created banks to be constructed	NA
All buildings constructed in accordance with Australian Standards & Building Code of Australia for bush fire areas	Not detailed	Could be included as a condition, if approved
Access roads to be revegetated to prevent scarring on the scarp	No access roads are proposed. Site to be landscaped	Landscaping requirements to be included as a condition, if approved.
<u>Vegetation</u>		
Landscaped as required by Council	Not specifically detailed.	Could be included as a condition, if approved
Existing vegetation to be retained where possible	No vegetation on site	Complies
Clearing of vegetation limited to 30m around buildings	No vegetation on site	Complies

Policy Requirement	Provided	Comment
Driveways to be tree lined	Crossover and car park to be landscaped as per scheme requirements	Could be included as a condition, if approved
<u>Building Appearance</u>		
Buildings shall not exceed 9m in height	Max height of building is 8.35m	Complies
Buildings on land steeper than 1:7 should be split level or pier construction	Site is flat	Complies
Use of zincalume or reflective glazing not permitted in 'seen area'	Zincalume & reflective glazing is not proposed	Complies
Reflective glazing in a door, window etc must not cause glare or heat radiation that will adversely affect the surrounding environment or create any undue traffic hazard	Any proposed glazing is unlikely to have an impact on the existing environment	Complies
Designed with suitable materials and colours to compliment the locality	Proposed colours to be used in the construction of the buildings include red, charcoal, dune, yellow, pearl and bushland. All off building signage will predominantly consist of red and yellow.	Partially complies. It is considered that the use of red and yellow in the colour scheme does not reflect the intent of this policy requirement. The applicant advises that there is a corporate model for the fast food outlet, however, the existence of a corporate model is not considered to be sufficient justification for non-compliance with planning requirements for the area.
Outbuildings & tanks should match to main building	No tanks or outbuildings proposed	NA
All services underground	Services are underground	Complies
<u>Fencing</u>		
Post & rail fencing to be natural timber or painted to match environment	No post & rail fencing proposed	NA
Zincalume, white or colorbond fencing is not permitted	No fencing of this type is proposed. Balustrade fencing is proposed to be used.	NA
<u>Tree Preservation</u>		
Trees retained where possible	No vegetation on site	NA
Additional tree planting to be incorporated into new development	Site to be landscaped	Could be included as a condition, if approved

Proposed Signage

The applicant states that the signage proposed for the Hungry Jack's outlet and the Mixed Use Development are considered entirely appropriate for the Byford Town Centre, which includes existing pylon signs some of which are to be illuminated, or have the ability to be illuminated. The proposed signage is consistent with existing signage in the Byford Town Centre area.

The proposed signage for the Hungry Jack's outlet includes the standard corporate signage and comprises an illuminated pylon sign, a drive-thru sign with illuminated height limit bar sign, illuminated round wall signs and illuminated directional signage. A second separate pylon sign is proposed for the Mixed Use Development, which provides advertising space for each of the individual tenancies. In addition, each tenancy is proposed to have a parapet and fascia sign for the necessary advertising of the respective business.

A copy of the signage strategy as submitted with the application is with attachments marked SD029.4/09/09.

LPP No.5 – Control of Advertisements (adopted 28 January 2002)

The proposed signage for the Hungry Jack's outlet and the Mixed Use development are defined as either 'off building - pylon' signs or 'building – wall or projecting' signs under LPP5. Within the Town Centre area, these types of signs may be permitted, subject to a planning application and complex signage strategy being submitted to Council for approval. However, this conflicts with the requirements of the BDAP which provides the following guidance.

BDAP (adopted 22 November 2004)

The BDAP was prepared to provide area-specific guidance for future subdivision and development, in this case the Byford Town Centre. The relevant provisions for signs within the central core of the town centre precinct are as follows:

(x) *Advertising Signage*

- *Advertising signage must conform to the requirements of the Shire of Serpentine-Jarrahdale Local Planning Policy No. 5 – “Control of Advertisements”. However, the following signs will not be permitted in the town centre:*
 - *Building signs above roof*
 - *Building signs wall*
 - *Building signs projecting*
 - *Off-building signs pylon*
 - *Off building signs panel*
 - *Off building signs hoarding*
 - *Tethered Off-building signs*
 - *Off building signs product display*
- *A signage strategy shall be submitted with all applications for commercial development, for approval by Council, to ensure co-ordinated signage consistent with the principles and requirements of this DAP.*
(G6, C1)
- *Building signage shall be kept simple and be uniform throughout each development and set above the veranda on the building fascia at a consistent height as appropriate. Corner buildings may be treated differently where signage can be made an integral part of the design, and demonstrated to be visually compatible.*
- *Signage on shops shall generally be restricted to the building facias and on shopfronts. Signage other than the name of the business, the principal activity of the business and*

the street address will not be permitted. 'Third party' advertising will not generally be permitted. No signage is to be permitted more than 2m above the veranda level.

- *Signs painted on shop windows or otherwise fixed to shop windows should not obscure views into or out of the shop, and to this end no more than approx. 33% of the front glazed area may be obscured in this manner.*
- *Colours for signs should be selected with due consideration for the colours used in neighbouring developments. Signage should be located in places that are appropriate to the architecture, and be part of the overall building.*

The proposed signage is not consistent with the advertising signage provisions of the BDAP.

The BDAP operates under Clause 15.8.5 of TPS 2 and is consistent with the purpose (b)(i), which is *'to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan'*. In this instance and at this point in time, the relevant Structure Plan is the BSP.

Clause 5.18.6.2 of TPS 2 states the following:

'if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Planning Codes then:

- (a) the provisions of the Structure Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.'*

In this instance, the provisions of the BDAP (as an elaboration on the BSP) has statutory effect as if they formed part of TPS 2.

Clause 5.2 of TPS 2 states the following:

5.2.1 If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

5.2.2 The power conferred by this Clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

Should Council seek to approve the proposed development, Council needs to be satisfied that it has properly considered the matters outlined in Clause 5.2.2. Similarly, Council needs to ensure that it is cognizant of issues including the potential to create an undesirable precedent and consistency in the application of planning policy. It is considered the proposal does not comply with the signage requirements of the BDAP.

Although LPP5 indicates that the proposed 'pylon', 'wall' and 'projecting' signs are permitted subject to approval of Council, the requirements of the Byford DAP indicate that are not permitted within the central core of the town centre precinct. It is important to note that LPP5 is a Shire wide policy whereas the BDAP is area specific and seeks to build on and refine the requirements of LPP5. Therefore, in the context of the proposed application, it is the requirements of the BDAP that need to be adequately addressed.

Additional Information

To help support the application, the proponent has recently provided additional information in response to the above concerns that have been raised. The information as provided, together with the associated officer comment, is detailed below:

1) Scale, Proportion & Built Form

"The façade of the proposed two storey commercial building has been redesigned which is considered to provide an appropriate semi-rural setting against the backdrop of the Darling Scarp. The setbacks, uses and floor areas for this mixed use building remain the same, with only the exterior façade having been redesigned as requested by the landowner.

The design of the Hungry Jack's outlet accords with its Corporate image with its roof form providing interest to the façades to both South Western Highway and Beenyup Road. It is contemporary in its form and style, which is recognised in the DAP as acceptable development. The outlet is proposed to be a single storey development which complements the scale, basic form etc of existing developments in the Town Centre".

Officer Comment

Although the revised design of the proposed Mixed Use building may help to better achieve the requirements of the DAP, it is considered that the development as a whole still does not achieve the DAP's objectives. As the proposal is for two buildings, further design changes will need to occur to both buildings before they are considered suitable and compliant with the BDAP.

This issue has not been satisfactorily addressed.

2) Building Placement, Orientation & Frontages

"We refer to the Shire's request for the building to be set closer to the north western corner (intersection of South Western Highway and Beenyup Road) of the site. This would effectively result in the Hungry Jack's building and the car park switching places in order to increase the distance between the outlet and the southern boundary of the site and therefore providing for a greater setback from the proposed future development of the adjacent site as a retirement village. In response, we suggest that this design issue be addressed as part of Council's resolution to approve the development. The proponents have had insufficient time to comment on the requested re-positioning of the building and the car park, but we are aware that the efficient functioning of this facility has been the subject of extensive research by Hungry Jack's. However, if the proponents agree and if the site redesign does not affect the functioning of the facility and of the crossover into the site, drive-thru lane etc, then it could be agreed in principle by the Council at its September Meetings and further agreeing to any modified design being approved under delegated authority.

The proposed outlet provides for weather protection for its clientele and ensures an active frontage is maintained by providing the outdoor dining area and children's playground along this frontage. The requirement for the building to be built up to the road reserve to reflect the idea of the 'traditional main street' together with a continuous verandah for pedestrians along the frontage of this outlet is not possible, for this particular site. As acknowledged at our meeting, the site is unable to be 'built up to the road reserve boundary' as a WestNET Energy gas pipeline easement of 5 metres in width runs along the entire frontage of the site

to South Western Highway. Further, we note your acknowledgement that the set back for the outlet is as close as possible to the front boundary, given the existence of this easement. It is therefore not possible to provide a verandah for pedestrians along the frontage of this site. The Application does of course propose the construction of a footpath along both the frontages of the site for use by pedestrian and cyclists and to encourage pedestrian permeability around the Town Centre area.”

Officer Comment

The applicant has been provided with the opportunity to amend the application to address the concerns that have previously been highlighted. The applicant has chosen not to do this. It is acknowledged that the easement along the western edge of the property hinders the development potential along this side, however a better built form along the Beenyup Road frontage can be achieved. It is not satisfactory for the application to be conditionally approved subject to the Hungry Jack’s building being relocated and repositioned. The application as lodged proposes the Hungry Jacks’ building in the south western corner of the site. This is the location that has been assessed and is the location that is considered to be contrary to the BDAP.

This issue has not been satisfactorily addressed.

3) Building Materials & Colours

“The façade colours include Hungry Jack’s Corporate red combined with earthy tone materials of charcoal and beige/brown, which is consistent with the requirements of the DAP as it incorporates the more muted neutral colours together with the Corporate red.”

Officer Comment

As mentioned previously, the proposed use of red and yellow in the colour scheme is considered to conflict with the DAP requirement for earthy and muted colours.

Therefore, this issue has not been satisfactorily addressed.

4) Corner Sites

“The DAP for the Byford Town Centre requires corner sites to provide landmark buildings ‘...by emphasising greater scale or by slightly different geometry...’. The proposed Hungry Jack’s outlet with its contemporary roof form and colours will add vibrancy and life to this streetscape and is considered a landmark building, in accordance with the requirements of the DAP.”

Officer Comment

The proposed design of the Hungry Jack’s building is not considered to be a landmark building. Any proposed development on the subject site should be a landmark feature for the Town Centre and achieve the objectives of a Main Street development. The design of the building will not achieve this alone as it is the placement of the building that will greatly determine this. At a recent meeting with Shire Officers, the applicant has advised that they are not willing to relocate the Hungry Jack’s building to better achieve the objectives of the BDAP.

Therefore, this issue has not been satisfactorily addressed.

5) Signage

“It was mentioned at our recent meeting that the DAP for the Town Centre does not allow for the installation of pylon signs. The numerous existing pylon signs within the Town Centre

clearly indicate that the established character for this Town Centre area includes pylon signs. It appears to us that it is unreasonable and unjust to enable other commercial premises to maintain pylon signs within the Town Centre and along South Western Highway and at the same time restrict our clients from enjoying that same right. It is noted that Main Roads WA have lodged a submission which refers to the exclusion zone for pylon signs, within which the Hungry Jack's pylon sign is located. The position of this pylon sign outside of this zone will be further discussed with Main Roads and we will advise you of the outcome once we have had an opportunity to further investigate this advice with the relevant Technical Officer at Main Roads."

Officer Comment

The proposed signage for the development does not comply with the BDAP. The applicant has not provided any information as to how this issue will be addressed but tries to justify this issue by stating that there are existing pylon signs within the Town Centre area.

It is acknowledged that there are existing pylon signs in the Town Centre, some of these were built prior to adoption of the BDAP and LPP 5.

The BDAP has addressed the issue of signage within the Town Centre not only through specific provisions relating to the types of signs that are permitted, but also through the broad objectives for the area as a whole. The DAP states that one of the specific development and design guidelines for the Central Retail Core Area is aimed at providing "less advertising signage clutter". In order to achieve this, strict controls need to be placed on any proposed signage within the Town Centre and enforcement of the requirements of the DAP.

6) Traffic Management

"We refer to the other advice from Main Roads that a traffic impact study is required. We feel that the requirement for this study is unnecessary as we presume that a detailed study has already been undertaken by Main Roads to justify the need for the recent installation of traffic lights at this intersection. Again, we will be corresponding with Main Roads about this and will advise you of the outcome."

Officer Comment

Comment noted. The issue of Traffic Management is an important one and is another issue that the applicant is required to resolve satisfactorily.

Summary

It is considered that all of the previous issues that have been raised in relation to the proposed development and its non conformity with the BDAP still have not been satisfactorily addressed. As part of the preparation of this Council item, the applicant was made aware of the issues that had been raised and given an opportunity to respond accordingly. Essentially, the applicant was given the option to either 1) revise the application to better achieve the objectives of the BDAP or 2) have the application presented to Council based on the information currently available.

The applicant advised that they would not be willing to amend the application as they believe that the objectives of the BDAP have been addressed adequately enough to warrant an approval from Council. The application has therefore been presented to Council as requested.

Revised Plans

As part of the recent submission, the applicant has provided revised plans for the proposed Mixed Use building to better conform to the requirements of the BDAP, specifically to do with

scale, proportion and built form. The redesign has attempted to compliment the existing 'semi rural' character of the Byford Town Centre.

As a result of the revised plans being submitted, there are two different designs for the Mixed Use building portion of the development. The plans currently being presented to Council for determination are the original plans that were submitted on the 7 July 2009. These are the plans that have been assessed by Council staff and referred to affected surrounding landowners and government agency departments for comment. The revised plans, received 20 August 2009, have not been publicly advertised nor assessed against the requirements of the BDAP. To reiterate, the application being determined is the application as it was originally received and subsequently assessed and advertised.

Options Available to Council

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

	Options	Officer Comment
a)	Recommendation for approval with conditions.	<ul style="list-style-type: none"> • Currently too many unresolved technical & design issues to justify an approval
b)	Defer consideration until LSP considered by Council	<ul style="list-style-type: none"> • Risk of an appeal, as it will go over the 90 day statutory timeframe for a decision. • Further delays will increase likelihood of appeal. • Preparation of LSP will provide more guidance regarding the development of the Town Centre. • Compliance with LSP & future direction of Town Centre can be assured.
c)	Refuse application due to technical and design issues	<ul style="list-style-type: none"> • Non compliance with the BDAP • Risk of an appeal.
d)	Refuse application due to strategic issues	<ul style="list-style-type: none"> • Risk of an appeal. • Application is considered premature, ahead of the adoption of an LSP. • Preparation of LSP will provide a framework for all future development in the Byford Town Centre Area and provide opportunities for stakeholder involvement. • Once an LSP has been prepared, the full impacts of each development proposal will be able to be assessed. • Consistency in decision-making is a relevant planning consideration.

The officer recommendation with respect to this application is consistent with options (c) and (d) above.

Previous Applications within the Town Centre

On 8 September 2008, Council considered and ultimately refused an application for a Shopping Centre on Lot 5 Abernethy Road, Byford. The first reason for refusal was as follows:

- "1. *Preparation of a Local Structure Plan, Detailed Area Plan and Urban Design Guidelines for the Town Centre zone west of the railway have not been prepared and adopted in accordance with Note 17 on the Byford Structure Plan as follows:*

17. *Town Centre Zone requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. The Local Structure Plan to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the Town Centre including the 800 metre walkable catchment area. Any change to residential densities or uses within the 800m walkable catchment of the Town Centre will be subject to a separate modification to the BSP 2005 and community consultation.*

In the absence of the above, approval of the Shopping Centre at this time is premature and likely to prejudice the orderly and proper planning of the area.”

An appeal was subsequently lodged by the applicant with the SAT in opposition to Council's decision on the grounds that although a LSP has not yet been prepared, sufficient detailed planning has occurred through the broader BSP process to support the application. The matter was scheduled to be heard before the SAT on 18 March 2009, however has subsequently been withdrawn at the request of the applicant.

Consistency in planning decisions and policy is clearly a relevant consideration for Council with respect to the Town Centre area. If the application currently before Council is approved, then the Shire may be placed in a difficult position in defending any future refusals that are given for additional commercial development in the Town Centre prior to the adoption of a LSP. Whether the applications lodged within the Town Centre are for redevelopment of existing sites or development on new sites, it is recommended that Council take a consistent approach to the assessment and determination of all proposals within the Byford Town Centre.

Conclusion

The proposed development, as submitted to Council for approval, complies with the stated purpose and intent of the 'Commercial' zone as set out in TPS 2. All of the uses proposed are either permitted or discretionary and therefore are considered to be appropriate in this location. The subject site has been zoned 'Commercial' since 1989 and therefore the land has been suited for Commercial development for over 20 years. From a legislative point of view, there is no objection with the types of uses proposed under this application.

Although the land uses proposed are supported, the design and layout of the development is not. The BDAP contains a number of provisions that are to be addressed for any development within the Town Centre. The provisions cover a variety of issues, ranging from building design through to advertising signage. This report has clearly identified those areas of the BDAP that have not been satisfied. The non-compliance with the requirements results in a development that does not maximise its exposure on a prominent corner nor embrace the 'semi rural' design requirements as stipulated within the DAP. It is therefore considered that the proposed design and form of the proposal is not suited to this location. Based on the above, it is recommended that the application be refused.

In addition, the preparation of the Byford Town Centre LSP will provide a planning framework for all future developments in the Town Centre and provide all stakeholders with the opportunity to contribute to the process. Approval for the proposed commercial development at this time is considered premature and is likely to prejudice the orderly and proper planning of the area.

Council is reminded that the applicant has been provided with an opportunity to address the above issues prior to a determination being made on the application. It is considered that many of the issues raised could be adequately addressed through a redesign of the site. This would result in a better outcome for the site and a better outcome for the future Byford Town Centre area. However, the applicant has chosen not to do this and has requested that the application be determined based on the information currently available.

Voting Requirements: Simple Majority

Cr Brown foreshadowed that she would move the Committee/Officer Recommended Resolution with the deletion of part 1 if the motion under debate is defeated.

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

Moved Cr Randall, seconded Cr Price

The application for approval to commence development for a Fast Food/Takeaway Shop, Office, Shop, Showroom and Warehouse development on Lot 101 (#1) Beenyup Road, Byford be refused for the following reasons:

1. The proposal does not comply with General Provision G1 of the Byford Townsite Detailed Area Plan which is to “minimise the impact of subdivision and development on the existing character, natural environment and amenity of the area”.
2. The proposal does not comply with the requirements of the Byford Townsite Detailed Area Plan, specifically in relation to the following areas:
 - Building Setbacks;
 - Building Placement, Orientation & Frontages;
 - Scale, Proportion & Built Form;
 - Building Materials & Colours;
 - Car Parking & Access;
 - Corner Sites; and
 - Advertising Signage.
3. The application is considered premature ahead of the adoption of a Local Structure Plan for the Byford Town Centre Area, as required by Noted 17 on the Byford Structure Plan, which states the following:
 17. *Town Centre Zone requires the preparation and completion of a Local Structure Plan, complete with Detailed Area Plans and Design Guidelines. The Local Structure Plan to include an investigation into increased residential densities within the 800 metre walkable catchment and its relationship with transit oriented urban design; the location, nature, role, relationship and distribution of different activities within the Town Centre including the 800 metre walkable catchment area. Any change to residential densities or uses within the 800m walkable catchment of the Town Centre will be subject to a separate modification to the BSP 2005 and community consultation.*
4. The application is likely to prejudice the orderly and proper planning of the Byford Town Centre, which is intended to be achieved through the preparation, advertising and adoption of a Local Structure Plan and associated Design Guidelines.
5. The applicant has failed to demonstrate how the impacts on the Regional Road Network will be managed.

CARRIED 8/2

SD031/09/09 PROPOSED BOUNDARY FENCE – LOT 6 (12) OLD BRICKWORKS ROAD, BYFORD (P01237/03)		
Proponent:	Che Jackson	In Brief Applicant seeks planning approval for a solid boundary fence. It is recommended that the proposed fence be refused.
Owner:	As Above	
Author:	Brad Gleeson – Director Development Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 August 2009	
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: 25 June 2009
 Lot Area: 5650m²
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Rural Residential
 Rural Strategy Overlay: Landscape Protection
 Date of Inspection: 31 July 2009

Background

The applicant seeks approval for the erection of a colorbond fence along the rear boundary of Lot 6 Old Brickworks Road, Byford. The proposed fence varies to the specifications as detailed within the Shire's Fences Local Law and Local Planning Policy No.8 (LPP8), and thus approval from Council is required.

A copy of the location plan, aerial photograph, site plan and fence plans are with attachments marked SD031.1/09/09.

Sustainability Statement

Effect on Environment: The proposal will not impact on the existing natural environment. However, the proposed use of 'evergreen' colorbond may be considered to adversely impact on the scenic value of the area.

Social – Quality of Life: The proposed fence will significantly improve the quality of life for the proponent as it will provide the added security and privacy that is sought. In addition, the proposed fence will provide an added fire mitigation measure to the property.

Statutory Environment: Town Planning Scheme No.2 (TPS 2)
 Byford Town site Detailed Area Plan (DAP)
 Byford Structure Plan (BSP)
 Fences Local Law

Policy/Work Procedure

Implications: Local Planning Policy No.8 – *Landscape Protection* (LPP8)

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

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

Community consultation was not undertaken in respect to this application as it is not required under TPS 2.

Comment

Proposal

The applicant seeks approval to erect a 1.8 metre high solid fence along the rear boundary of Lot 6 Old Brickworks Road, Byford. The total length of the fence will be approximately 77.0 metres and will be constructed out of 'evergreen' colorbond.

The applicant is aware that the proposed type of fencing varies to a number of Council policies and guidelines that control development within the Rural Residential zone and the Landscape Protection Policy area. To support the application, a summary of the proponent's comments has been provided with relation to justification for the fence:

Privacy & Security

- *Due to the nature of the block and its position on the scarp, all existing development on the property is located on the upper level, very close to the rear (eastern) boundary.*
- *The adjoining property to the east, being Lot 24 Beenyup Road, has its driveway immediately abutting our rear fence. The regular traffic movements along this driveway to the single dwelling on Lot 24 impacts on our security and privacy due to the close distance between the driveway and the rear of our house (approximately 10.0 metres). The noise generated from the vehicle movements on Lot 24 is also of concern.*
- *These impacts will undoubtedly increase significantly when the development of Lot 24 occurs. Currently, there is approval to develop Lot 24 into three (3) lots, with a proposal currently being assessed by Council for an increase to six (6) lots.*
- *These additional dwellings are required to be located towards the bottom of the escarpment, so as not to impact on the adjoining reserve to the north. Moving them away from the reserve will bring them closer to our house.*
- *Currently, there is clear visibility from Lot 24 not only into our backyard and shed, but also into our bathroom and bedrooms as these are located at the rear of our house.*
- *There is quite a lot of vehicle movement associated with only one dwelling on Lot 24. Each vehicle that uses the driveway is able to look into the rear rooms of our house.*

A copy of an aerial photograph demonstrating the distance between the driveway and the dwelling is with attachments marked SD031.2/09/09.

Fire Risk & Protection

- *Living on a property within close proximity to a national park has inherent risks, namely fire. This can be compounded by increased development within a given area which has been tragically highlighted by the recent fires in Victoria. The extent of the tragedy was greatly due to a lack of fire risk planning.*

- *Due to the close proximity of our lot to native bush, the hot easterly winds that roar through the scarp in summer are a significant safety risk.*
- *Our dwelling, which is situated approximately 10 metres from our rear boundary, would have little chance of surviving in the event of a fire coming down the scarp.*
- *One key element for ground fire mitigation is the erection of a suitable fence, such as the one proposed.*

A copy of the aerial photograph demonstrating the potential fire risk is with attachments marked SD031.3/09/09.

Statutory Framework

TPS 2

The subject property is zoned 'Urban Development' under the Shire's TPS 2. As stipulated within clause 5.17 of TPS 2, the purpose of the 'Urban Development zone' is to:

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

The orderly planning of the 'Urban Development' zone has been addressed through the BSP. It is considered that the proposal does not conflict with the intent of the 'Urban Development' zone.

BSP

Under the BSP, the subject site is identified as falling within the 'Rural Residential' zone. The purpose of the 'Rural Residential' zone, along the eastern edge of the BSP north of Nettleton Road, is to serve as a buffer transition to the adjoining Darling Scarp Regional Parks and Recreation Reserve.

It is considered that the proposal does not conflict with the intent of the 'Rural Residential' zone.

Byford Town site DAP

Within the Byford Town site DAP, the subject site is located within Character Area 'D', being the 'Hillside' Character Area. The DAP contains a number of different development requirements for each character area that need to be addressed through any new proposal. In relation to boundary fencing behind the front building setback within the 'Hillside' character area, the DAP only has one provision as follows:

"Boundary fences behind the front building setback shall not exceed 1.8 metres in height, and must be open in construction".

Although the maximum height is complied with, the proposed solid fence along the rear boundary of Lot 6 Old Brickworks Road does not meet the requirement for an open style fence. Therefore, the proposal does not comply with the relevant fencing requirements under the DAP for the 'Hillside' Character Area.

Landscape Protection Policy (LPP8)

Council's LPP8 contains a number of requirements that should be addressed by any new development within the Landscape Protection Policy area. An assessment of the proposal against the relevant fencing requirements is detailed in the table below.

Policy Requirement	Proposed	Comment
<i>Fencing</i>		
Post & rail fencing to be natural timber or painted to match environment	Post & rail fencing not proposed	NA
Zincalume, white or colorbond fencing is not permitted	'Evergreen' colorbond is proposed.	Does not Comply.

The proposal does not comply with the relevant policy requirements under LPP8.

Fences Local Law

The Shire's Fences Local Law provides guidelines on the types of fences that are considered to be a 'sufficient fence' within different zones throughout the Shire. If a proposal meets the requirements of a 'sufficient fence', then approval from Council is not required.

For the purpose of the local law, Lot 6 Old Brickworks Road is identified as falling within the 'Special Rural' zone. The 'Special Rural' zone incorporates land parcels in excess of 2000m² within the 'Urban development' zone. The specifications for a 'sufficient fence' within the 'Special Rural' zone states:

"A lot boundary fence shall be of post and rail or post and wire unless otherwise approved by Council or as otherwise stated in Council's Town Planning Scheme".

As the proposed fence is not post and rail or post and wire, and therefore does not meet the requirement for a 'sufficient fence', Council approval for the fence is required. It is therefore open to Council to approve a fence that does not conform with the Shire's Fences Local Law, such as the one proposed.

Officer Comment

As demonstrated by the above assessment, the proposed fence does not comply with the requirements of the Byford Town site DAP, LPP8 or the Fences Local Law. However, it is considered that there may be a number of merits to the proposal which need to be considered.

Visual Amenity

Firstly, the location of the proposed fence means that it cannot be seen from the adjoining properties to the north and south or from the road. The fence would only be seen from the lot to the east, being Lot 24 Beenyup Road.

A copy of the photographs demonstrating the view from the road towards the fence is with attachments marked SD031.4/09/09.

Under LPP8, the type of fence proposed, being a colorbond fence, is not permitted. It is considered that the restriction on the types of fencing allowed in the policy area is to ensure that the broad objectives of LPP8 are met. The relevant objectives of LPP8, in the context of the current application, are as follows:

- *To preserve the amenity deriving from the scenic value of the Darling Scarp;*
- *To maintain the integrity of Landscapes within the Landscape Protection Policy Area;*
and
- *To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land uses as such.*

It is considered that as the proposed fence does not meet the specific fencing requirements as contained within LPP8, the overall objectives are also not achieved. Specifically, the integrity of the landscape may be compromised as the proposed fence is not compatible with the existing environment.

Security & Privacy

The applicant's comments regarding the current security and privacy issues are acknowledged. A site visit to the property revealed that the subject site is in an unusual situation where the driveway on the adjoining Lot 24 is up to 2.0 metres higher than the floor level of the dwelling on Lot 6. This difference in height, coupled with the fact that the driveway directly abuts the dividing fence between the two properties, results in a situation whereby anyone using the driveway on Lot 24 has an easy unobstructed view into the rear of the dwelling on Lot 6. These views can best be demonstrated in the photographs attached to this report.

A copy of the photographs demonstrating the view from the adjoining Lot 24 into the subject property is with attachments marked SD031.5/09/09.

It is considered that although the erection of a solid fence may restrict the sight lines that currently exist through the open boundary fence, it may not eliminate all these views completely.

Fire Protection

The second reason the applicant is seeking a solid fence is in relation to fire mitigation. Essentially, the erection of a solid steel fence along the rear boundary will help restrict the advancement of any fire that approaches from the east. Although this issue isn't purely isolated to this property as it is relevant to all land in extreme fire risk areas, it is still a valid argument that needs to be considered.

Documentation from the manufacturer of colorbond fencing, as provided by the applicant, highlights a number of benefits of steel fencing in bush fire risk areas:

“Tested by the Bushfire Cooperative Research Centre and CSIRO, steel fencing performed best in various simulated bush fire conditions, surviving all the tests because of its strength and non combustibility. The tests showed that solid fencing was effective in stopping the transfer of both fire and radiant heat, offering houses increased protection from bush fires”.

The above comment is supported by the Shire's technical officers. A colorbond fence is an effective tool in stopping radiant heat transfer and reducing the likelihood of ember attacks between adjoining properties. In addition, Emergency Service vehicles are able to pass through a colorbond fence much easier than a typical post and rail or post and wire fence which once again assists with fire mitigation.

Although the use of steel fencing is a useful means of assisting with fire mitigation, it needs to be assessed in the context of the locality within which it is proposed. In addition, the benefits of having a steel fence for fire mitigation purposes needs to be assessed against the visual impacts that a solid fence will have on the scarp within the Landscape Protection Policy area. In this instance, a solid fence is not supported.

Issue of Precedent

The issue of precedent is a relevant consideration for Council in the determination of this application. If the application is considered for approval, Council needs to be assured that it will not establish an informal policy stance on the use of colorbond fencing within the Rural Residential or Landscape Protection zones. Based on the information provided, it is considered that this application may have the potential to establish a precedent that is considered unsuitable within this locality if approved.

Options Available to Council

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

	Options	Officer Comment
a)	Approve the application subject to conditions	<ul style="list-style-type: none">• The proposal is considered suitable on the subject property.• An approval is unlikely to set a precedent for other properties as each application needs to be considered on its merits.• This is the option recommended.
b)	Refuse the application	<ul style="list-style-type: none">• Risk of an appeal.• The proposal does not comply with a number of the Shire's policy requirements.

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

Conclusion

The proposed solid colorbond boundary fence on Lot 6 Old Brickworks Road, Byford does not comply with a number of Council's policy requirements, specifically in relation to the Byford Town site DAP, LPP8 and the Fences Local Law. It is therefore considered that the proposed fence is inappropriate in the location applied for.

In addition, the policy requirements as specified are there to be used to guide certain development within a particular area and to ensure that development does not impact negatively on the existing landscape. A solid colorbond fence, 77.0 metres long, is likely to impact on the existing landscape, specifically in relation to local visual amenity impacts, and may set a precedent for other properties within the same locality.

It is therefore recommended that the application be refused.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That the proposed boundary fence on Lot 6 (#12) Old Brickworks Road, Byford be refused for the following reasons:

1. The proposed fence does not comply with objective 2. of the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which is to "maintain the integrity of landscapes within the Landscape Protection Area".
2. The proposed fence does not comply with the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which prohibits the use of colorbond fencing.
3. The proposed fence has the potential to establish an undesirable precedent for other similar development within the Landscape Protection Policy area.

New Committee Motion:

That the proposed boundary fence on Lot 6 (#12) Old Brickworks Road, Byford be approved as described in the application subject to being reduced in length to a maximum of 50 metres and in an evergreen colour or similar.

LOST 2/5

Committee/Officer Recommended Resolution:

That the proposed boundary fence on Lot 6 (#12) Old Brickworks Road, Byford be refused for the following reasons:

1. The proposed fence does not comply with objective 2. of the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which is to "maintain the integrity of landscapes within the Landscape Protection Area".
2. The proposed fence does not comply with the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which prohibits the use of colorbond fencing.
3. The proposed fence has the potential to establish an undesirable precedent for other similar development within the Landscape Protection Policy area.

Director Engineering left the meeting at 8.44pm and returned at 8.46pm.

New Motion:

Moved Cr Price, seconded Cr Kirkpatrick (proforma)

That the proposed boundary fence on Lot 6 (#12) Old Brickworks Road, Byford be approved with the following condition:

1. **A maximum length of 30 metres of solid fence in non-colourbond material and colour that meets the approval of the Director Development Services.**

LOST 4/6

Cr Randall foreshadowed that she would move the Officer Recommended Resolution if the motion under debate is defeated.

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

Moved Cr Randall, seconded Cr Twine

That the proposed boundary fence on Lot 6 (#12) Old Brickworks Road, Byford be refused for the following reasons:

1. **The proposed fence does not comply with objective 2. of the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which is to "maintain the integrity of landscapes within the Landscape Protection Area".**
2. **The proposed fence does not comply with the Shire of Serpentine Jarrahdale's Local Planning Policy No.8 *Landscape Protection* which prohibits the use of colorbond fencing.**
3. **The proposed fence has the potential to establish an undesirable precedent for other similar development within the Landscape Protection Policy area.**

CARRIED 7/3

SD032/09/09 PROPOSED PRIVATE RECREATION – (TWO HANGARS) – LOT 164 YANGEDI ROAD, HOPELAND (#7,P02909/25) (#1,RS0008/12)		
Proponent(s):	I Berry & M Crawford	In Brief The applicants seek planning approval for development of two aircraft hangars at the Serpentine Airfield. It is recommended the application be conditionally approved.
Owner:	Serpentine Jarrahdale Shire	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 August 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

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

Background

Two applications have been lodged for the development of aircraft hangars at the Serpentine Airfield. The land is in the care, control and management of the Shire of Serpentine Jarrahdale for the purpose of Recreation. The site is leased to the Sports Aircraft Builders Club of WA Inc. with the current lease expiring in 2012. The club's lease was renewed in 2002. During the time the club has leased the land it has been developed to establish a private airfield with infrastructure including hangars, 3 km of runway and a clubhouse.

The proposed hangar number seven is to be 12 metres by 13.5 metres in size with a 3.6 metre wall height and an apex height of 5.2 metres. Hangar number one is proposed to be 12 metres by 12 metres with a wall height of 4 metres and apex height 5 metres. These two hangars will be located in the area already cleared, following approval by the Shire and the Department of Environment and Conservation. The use of the land is subject to a signed Memorandum of Understanding (MOU) regarding the Reserve Management Plan for the site.

A locality plan, aerial photograph and proposed elevations for Hanger #7 are with the attachments marked SD032.1/09/09.

A locality plan, aerial photograph and proposed elevations for Hanger #1 are with the attachments marked SD032.2/09/09.

Sustainability Statement

Effect on Environment: The northern half of the airfield contains Bush Forever site number 378. The site also contains a Conservation Category Wetland. The proposed development is associated with the predominant use of the reserve for the Sports Aircraft Builders Club. A number of hangars are already in existence on the subject land and as such it is considered that the proposed hangars will fit in with the existing built development on the subject lot.

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

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

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

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

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

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment

TPS 2

Clause 2.3 of Council's TPS 2 states the following:

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

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

Reserve Management Plan

A draft Management Plan has been prepared by Shire officers in consultation with members of the aircraft club, the Department of Environment and Conservation and the Department of Planning and Infrastructure. The Reserves Advisory Group is currently reviewing the draft and it is planned to present this to Council soon.

There are approximately 5 available sites remaining for future hangars at the airfield.

Options

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

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

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

Voting Requirements: Simple Majority

Officer Recommended Resolution:

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

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

Advice Notes:

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

Committee Recommended Resolution:

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

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

Advice Notes:

1. Any development or use not depicted or detailed in the approved plan and proposal documentation will require further planning approval to be obtained from the Council.
2. A building licence is to be obtained prior to commencement of development including earthworks.
3. Applicants are required to comply with State and Federal Legislation in regards to the storage of fuels.
4. The dumping of rubbish or other material is not permitted within any bushland areas. All rubbish to be disposed of via appropriate methods.

Committee Note: The Officer Recommended Resolution was changed by adding Condition 5 and Advice Note 4.

SD032/09/09 COUNCIL DECISION/New Motion:

Moved Cr Needham, seconded Cr Kirkpatrick

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

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

B. The Chief Executive Officer write to the Executive of the Sports and Aircraft Builders Club of WA Inc. stating that as the Serpentine Airfield membership has become larger with more members and aeroplanes, the amenity of the area has been affected. The Shire will insist that a code of conduct is developed (if not already in place) and that low flying, circling and 'hoon behaviour' in the air to the annoyance of neighbours and disturbance of

stock will not be tolerated. A copy of this letter is to go to the Reserves Advisory Group and the Civil Aviation Safety Authority.

Advice Notes:

1. Any development or use not depicted or detailed in the approved plan and proposal documentation will require further planning approval to be obtained from the Council.
2. A building licence is to be obtained prior to commencement of development including earthworks.
3. Applicants are required to comply with State and Federal Legislation in regards to the storage of fuels.
4. The dumping of rubbish or other material is not permitted within any bushland areas. All rubbish to be disposed of via appropriate methods.

CARRIED 9/1

Committee Note: The Officer Recommended Resolution was changed by adding Condition 5 and Advice Note 4.

Council Note: The Committee Recommended Resolution was changed with the addition of part B.

SD035/09/09 SUBMISSION ON DISCUSSION PAPER – SOUTHERN METROPOLITAN AND PEEL SUB-REGIONAL STRUCTURE PLAN (A1630)		
Officer:	Deon van der Linde – Executive Manager Strategic Planning	In Brief The Department of Planning released a discussion paper on the Southern Metropolitan and Peel Sub-regional Structure Plan. The plan aims to give a holistic approach to the planning of the Southern Metropolitan and Peel region of Perth. This report provides Council with the opportunity to submit a response to the discussion paper.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Development.	
Date of Report	22 July 2009	
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	

Background

The Department of Planning Western Australia (DOP) released a consultation paper for public comment inviting submissions until 23 September 2009.

Southern Metropolitan and Peel Sub-regional Structure Plan is a spatial framework; a high level strategic plan that establishes a vision for future growth of the southern Perth and Peel region. It provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate the growth. The document is the next level down from Directions 2031: Draft Spatial Framework for Perth and Peel and is consistent with the higher level document.

A copy of the discussion paper Southern Metropolitan and Peel Sub-regional Structure Plan is with attachments marked SD035.1/09/09.

Sustainability Statement

Effect on Environment: The discussion paper has at its core the principle to stop uncontrolled urban sprawl and the protection of areas that may be affected by uncoordinated planning actions.

Resource Implications: The document provides direction in terms of state planning initiatives and as such significantly improves certainty regarding planning. It is also closely aligned to the Shire's own thinking in many respects. It should enable Shire and other agency resources to be more effectively managed.

Use of Local, renewable or recycled Resources: The discussion paper focuses on some aspects of renewable energy but the submission indicates that more could have been done to address this issue.

Economic Viability: Effective strategic planning, strong integration of policy initiatives in statutory processes and coordination of infrastructure delivery with development are critical to ensure economic viability and that costs are minimised and responsibly shared. This is one of the principal aims of the document.

Economic Benefits: Timely and responsible planning and decision making contributes to maximising economic benefits. The coordination of infrastructure planning will increase these efficiencies.

Social – Quality of Life: The Vision and Themes are in alignment with the principles of the Shire in terms of improving the quality of life.

Social and Environmental Responsibility: The reform agenda focuses on both effectiveness and efficiency and has the potential to improve the integration of social and environmental matters into the planning decision-making processes. Depending on how various initiatives are progressed, some really positive social and environmental outcomes could be achieved.

Social Diversity: The principles mentioned in the document provide for greater social diversity through housing types, increased densities and more efficient use of infrastructure.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Local Planning Policies

Policy/Work Procedure Implications:

Current and future Shire local planning policies, scheme provisions, proposed Local Planning Strategy, procedures for the advertising and evaluation of local structure plans and proposed new schemes will be affected by the proposed changes. The consultation paper seeks to ensure that policy development and review is a priority of all planning authorities, with a focus on clarity and integration of strategic initiatives into statutory decision making processes. It is quite conceivable that the delegations regarding planning may have to be revisited. Another key aspect is that the Shire's policy framework will have to be strengthened significantly to allow for the unique local flavour of the Shire to be implemented.

Financial Implications:

There are potentially both direct and indirect financial implications for the Shire ranging from the shift of focus in terms of planning approvals and the impact on staff resources to the efficiencies provided by more detailed guidelines from State level. Due to the broad-ranging nature of the priority actions, it is difficult to accurately quantify the financial implications for the Shire at this time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Develop good services for health and well being.

2. Environment

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

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation is not required.

Comment

The Shire needs to take note of a number of issues that are discussed in the discussion document and the submission attached to this item. The main points raised in the submission are listed below for ease of reference:

Positive aspects

- Broad alignment with strategic planning of the Shire
- Principles
- Coordination of Infrastructure
- Strengthening liveable Neighbourhoods as the basis for planning
- Staging categories
- Protection against urban sprawl

- Protection of the Palus Plain
- Proposed Transport Strategy
- The creation of the Mundijong West industrial area to create employment
- The use of “Mainstreet” principles for activity centres
- Alignment of the different planning instruments
- The re-alignment of the freight railway to the west of Mundijong

Concerns

- Population projections and dwelling allocation
- Projected employment figures
- Timeframes for the Mundijong Road upgrade
- Tonkin highway extension does not have timeframes
- Civic functions are not included in the Activity centre tables
- Incorporation of alternative infrastructure

A copy of the submission on the discussion paper is with the attachments marked SD035.2/09/09.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council:

- Receive the Discussion Paper Southern Metropolitan and Peel Sub-regional Structure Plan as provided with attachments marked SD035.1/09/09.
- Endorse the submission as provided in Attachment SD035.2/09/09.
- Advise the Western Australian Planning Commission and the Western Australian Local Government Association accordingly.

SD035/09/09 COUNCIL DECISION/New Motion:

Moved Cr Twine, seconded Cr Harris

That Council:

- Receive the Discussion Paper Southern Metropolitan and Peel Sub-regional Structure Plan as provided with attachments marked SD035.1/09/09.
- Endorse the submission as provided in Attachment SD035.2/09/09 with the following amendment to the submission:
Under the heading “Concerns” on page 5 of the submission, add the following sub-heading and paragraph:
“Regional Road Network - Southern Link Road
The Shire wishes to make it clear that it vehemently opposes the proposed regional road previously known as the Southern Link Road, or any other future replacement thereof. The Shire wishes to have formal clarification from the Western Australian Planning Commission regarding the status of this proposed regional road, as the Southern Metropolitan and Peel Sub-regional Structure Plan is ambiguous in this regard. The Shire wishes to enter into discussions with the Western Australian Planning Commission so as to investigate alternative options to link the wheat belt with the coastal plain, such as the re-alignment of the freight railway to the west of Mundijong, as mentioned on page 3 of this submission.”
- Advise the Western Australian Planning Commission and the Western Australian Local Government Association accordingly.

CARRIED 10/0

Council note: The Committee/Officer Recommended Resolution was changed by stating an amendment to the submission in part B.

CGAM019/09/09		HEAVY VEHICLE ACCESS – POULTRY MANURE TRANSPORT VEHICLE PERMIT - POCKET ROAD TRAIN (A0512-03)
Proponent:	Comyns Cartage Contractors	In Brief An application has been made by Comyns Cartage Contractors seeking Council approval to use pocket road trains to transport poultry manure from broiler shed sites within the Shire district for a period of 12 months. The estimated volume of manure transported annually would be 48,600 cubic metres. The requested roads for road trains movement do not meet the guidelines for multi-combination vehicles, and it is recommended that the application is refused.
Owner:	Not Applicable	
Officer:	Richard Gorbunow - Director Engineering	
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	17 August 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

The Department of Agriculture and Food WA advised Council that from 1 September 2009 new legislation will prohibit broiler growers from spreading poultry manure onsite. As a result the poultry manure will need to be removed from site on a daily basis, up to three times per day, and transported to a transitional location.

Comyns Cartage Contractors have submitted an application to transport poultry manure from the following broiler sheds, located within the Shire:

1. Wunderway Farm – 47 Manning Rd (6,800m³);
2. Raintree County – 322 Hopeland Rd (10,000m³);
3. Redmond – Punrak Rd (5,400m³);
4. Geyer Nominees – Lot 505 Henderson Rd (5,400m³); and
5. Proten Pty Ltd – Henderson Rd (21,000m³).

The applicant seeks Council approval to use Class 3 vehicles up to 27.5M to cart poultry manure, in the order of 48,600 cubic metres, annually.

The roads to be used for access are:

- Karnup Road, Serpentine (from Kwinana Freeway to South Western Highway);
- Manning Road, Serpentine (off Karnup Road);
- Hopeland Road, Serpentine (from Karnup Road to Lakes Road);
- Punrak Road, Serpentine both East and West (off Hopeland);
- Henderson Road, Serpentine both East and West (off Hopeland);
- Tuart Road, Oakford (off Anketell Road);
- Gossage Road, Oldbury (off King Road);
- Coyle Road, Oldbury (off King Road); and
- Boomerang Road, Oldbury (off King Road).

Comyns Cartage Contractors have provided a list of the trucks and trailers to be used including registration numbers, movements per day, operating hours and duration period.

In order to reduce larger truck movements and to minimise the amount of fuel used in the transport processes, Comyns Cartage Contractors have outlined why Pocket Road Trains with a combination of 8 wheel and 10 wheel trailers are the most effective combination for access to farms for volume.

A copy of the application is attached marked CGAM019.1/09/09 (IN09/9231).

Sustainability Statement

Effect on Environment: The use of larger combination vehicles reduces the number of truck movements on a road resulting in reduced congestion and reduced fuel use per unit of transported material.

Resource Implications: The use of truck combinations reduces the burning of fossil fuels by increasing the efficiency of material haulage per unit of material.

Social – Quality of Life: The use of larger combination vehicles reduces the total number of trucks on the road, reducing congestion, truck noise and thereby reducing the frequency aspect of ‘truck conflict risk’. However, the dust which may be generated on gravel roads by these movements is a potential nuisance to local residents and other traffic on these roads.

Statutory Environment:

The operation of permit vehicles is controlled by Main Roads Western Australia (MRWA) on the basis of recommendations provided by Council. Road Traffic Act WA, Road Traffic Act Vehicle Standards regulations, MRWA – Concessional Loading Scheme requirements.

Policy/Work Procedure Implications:

Policy ENG06 (B-Double and Long Vehicle Permits) is to be revised.

Financial Implications:

The increased gross combination mass of road trains will result in an increase in road maintenance requirements.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Council’s Strategic Objective is to provide and maintain a safe road network and facilitate effective movement of traffic, cyclists, and pedestrian road users on Shire roads.

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

There has been no community consultation for this proposal.

Comment:

The use of the road by articulated trucks is an alternative transportation. It will result in additional traffic movements and using combination vehicles has the potential to cause further damage to road surfaces, including verges, especially where there are horizontal curves along the road. The proposed routes were inspected by the Director Engineering and do not meet the road train criteria. All applications for multi-combination vehicle use must be submitted to Council for consideration, the officer making the recommendation to Council must undertake a road audit. Due to the applicant's request that the above roads be added to the Permit Road Network, the Director Engineering consulted with Main Roads for this application.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM019/09/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Harris

That:

1. **Council does not endorse the use of oversize vehicles (B-Doubles or Pocket Road Trains up to 27.5m in length) for the Comyns Cartage Contractors to cart poultry manure on the following roads;**
 - **Karnup Road, Serpentine (from Kwinana Freeway to South Western Highway)**
 - **Manning Road, Serpentine (off Karnup Road)**
 - **Hopeland Road, Serpentine (from Karnup Road to Lakes Road)**
 - **Punrak Road, Serpentine both East and West (off Hopeland)**
 - **Henderson Road, Serpentine both East and West (off Hopeland)**
 - **Tuart Road, Oakford (off Anketell Road)**
 - **Gossage Road, Oldbury (off King Road)**
 - **Coyle Road, Oldbury (off King Road)**
 - **Boomerang Road, Oldbury (off King Road)**
2. **Main Roads WA and the Department of Agriculture WA to be advised in writing of the Council's decision to refuse the use of oversize vehicles (B-Doubles and Pocket Road Trains up to 27.5m in length) by the Applicant.**

CARRIED 10/0

CGAM020/09/09 APPROVAL OF SERPENTINE JARRAHDAL SHIRE BIKE PLAN (A0360)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the Serpentine Jarrahdale Shire Bike Plan which was first considered on 22 June 2009 and workshopped on 7 July 2009.
Owner:	Not Applicable	
Officer:	Uwe Striepe - Executive Manager Engineering	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	27 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

SHAWMAC Consulting Traffic and Civil Engineers were engaged to undertake the investigation and prepare the “Local Bike Plan” in line with the brief as issued by the Engineering Directorate.

The Bike Plan was first considered by Council on 22 June 2009, and was workshopped on 7 July 2009 as part of the Policy Forum.

A copy of the revised Serpentine Jarrahdale Shire Bike Plan is with attachments marked CGAM020.1/09/09 (E09/5404).

Sustainability Statement

Effect on Environment: The Bike Plan will minimize the effects on the environment as it clearly identifies what needs to be done. Implementation of the Bike Plan promotes best practice.

Resource Implications: Implementation of the Bike Plan promotes the use of bicycles as an alternate means of transport and minimizes use of non renewable resources.

Use of Local, renewable or recycled Resources: Implementation of the Bike Plan reduces transport costs and emissions.

Economic Viability: The Bike Plan prioritises where improvement is required to the existing paths avoiding unnecessary expenditure.

Economic Benefits: The Bike Plan promotes cycling as a recreational activity in the Shire and therefore has a positive effect on tourism.

Social – Quality of Life: The Bike Plan promotes cycling which is healthy exercise in a safe environment for the residents of our community.

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible as it promotes the use of the bicycle for all residents.

Social Diversity: Implementation of the Bike Plan does not discriminate against communities.

Statutory Environment:

The 'Local Bike Plan' compliments the existing Perth Bicycle Network (PBN) Bike Plan of the Department of Planning and Infrastructure.

Policy/Work Procedure Implications:

There are no work procedures directly related to the implementation of the Bike Plan.

Financial Implications:

A claim has been submitted to the Department of Planning and Infrastructure as the Bike Plan has been successfully completed.

Strategic Implications:

The proposal incorporates the following strategic implications:

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
6. Ensure a safe and secure community.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
5. Reduce green house gas emissions.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

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

Strategies:

1. Improved freight, private and public transport networks..

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The following organisations were invited to provide input in the development of the Serpentine Jarrahdale Bike Plan:

State Government Agencies:

- Main Roads Western Australia
- Department of Planning and Infrastructure

Cycling Groups:

- Bicycle Transport Alliance
- Peel District Cycling Club

Schools:

- Jarrahdale PS
- Serpentine PS
- Mundijong PS
- Byford PS
- Marri Grove PS
- John Calvin School
- Serpentine Jarrahdale Grammar

Comment:

Serpentine Jarrahdale Shire has established a need to improve cycling facilities for school children, residents and the cycling community, throughout the Shire to compliment the existing Perth Bicycle Network (PBN) Bike Plan.

The 'Local Bike Plan' is considered to be the most appropriate solution to ensure that council can have a plan of sustainable objectives whilst providing guidance in relation to maintenance and any required improvements of existing paths, the need for new paths and where end of trip facilities are required to be constructed.

The 'Local Bike Plan' identifies the cycling potential throughout the entire Shire. The interconnection of Byford, Cardup, Mundijong, Serpentine, Jarrahdale, Mardella, Oakford, Darling Downs, Karrakup, Oldbury and Keysbrook and the connection of these suburbs to neighbouring councils and suburbs.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM020/09/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Twine

That Council endorse the revised Serpentine Jarrahdale Bike Plan as per attachment marked CGAM020.1/09/09.

CARRIED 10/0

CGAM022/09/09 REMOVAL OF OVERSIZE VEHICLES FROM ROAD TRAIN PERMIT ROUTES (A0512-03)		
Proponent:	Councillor John Kirkpatrick	In Brief Request for a revoking of all oversize vehicle permits from some road train permit routes. This will still leave the option open for the issue of one off oversize vehicle permits.
Owner:		
Author:		
Senior Officer:		
Date of Report	9 September 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM022/09/09 COUNCIL DECISION/Councillor Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Harris

- 1. Council revokes all the oversize permits for vehicles in excess of 19 metres in length for Watkins Road and Mundijong Road between South Western Highway and Lightbody Road and removes them from the restricted access vehicle network.**
- 2. Council advises Main Roads WA of this decision.**

CARRIED 10/0

Council note: Council acknowledged the efforts of Cr Kirkpatrick in establishing Council's reputation for sound asset management of its road network in relation to oversize vehicles. Council also acknowledged the Director Engineering who has been working closely with Main Roads WA on this issue.

The Chief Executive Officer, Director Strategic Community Planning, Director Development Services and Director Engineering left the meeting at 9.12pm.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM007/09/09 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER RENEWAL OF CONTRACT (H0053)		
Proponent:	Shire President	In Brief Council authorised the Shire President to negotiate a contract renewal with the Chief Executive Officer and to seek legal advice. It is recommended Council endorse the renewed contract.
Owner:	Not applicable	
Author:	Joanne Abbiss – Chief Executive Officer	
Senior Officer:	Not applicable	
Date of Report	25 September 2009	
Previously	SCM04/08/07	
Disclosure of Interest	The Chief Executive Officer declares a Financial Interest in this item in accordance with the Local Government Act 1995.	
Delegation	Council	

COUNCIL DECISION

Moved Cr Brown, seconded Cr Twine that standing orders 9.5 and 10.7 be suspended. CARRIED 10/0

COUNCIL DECISION

**Moved Cr Randall, seconded Cr Twine that standing orders 9.5 and 10.7 be reinstated.
CARRIED 10/0**

OCM007/09/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Buttfield
That Council:**

- 1. Endorses the confidential contract at Attachment OCM007.3/09/09.**
- 2. Requires that the Chief Executive Officer's Key Performance Indicators be agreed by 30 October 2009.**

CARRIED 9/1

The Chief Executive Officer, Director Strategic Community Planning, Director Development Services and Director Engineering returned to the meeting at 9.32pm.

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM008/09/09		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	15 September 2009	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM008.1/09/09 COMMON SEAL REGISTER REPORT – AUGUST 2009

The Common Seal Register Report for the month of August 2009 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM008.1/09/09.**

OCM008.2/09/09 POLICY FORUM – 1 SEPTEMBER 2009

The following items were discussed at the 1 September 2009 Policy Forum:

Topic / Subject
Presentations
Jarrahdale Discovery Forest Proposed Planning Process and Discussion Paper
WA State Trail Bike Strategy and Off Road Vehicle Regional Land Use Planning Study
New Financial Reporting
Issues / Clearing House & Report on Progress
People Friendly Avenue
Waste Management Plan
Councillor Ward Update
<ul style="list-style-type: none"> • Report on progress of Council and Committee resolutions • Report on Councillor correspondence
Community infrastructure update
Community Facilities and Services Plan
Subdivisional Guidelines
Statutory Planning

Developer Contribution Plan briefing

Briefing on major developments, subdivisions, local structure plans and detailed area plans

OCM008.3/09/09 WALGA ANNUAL GENERAL MEETING MINUTES – 8 AUGUST 2009 (A1164)

In the electronic attachments marked OCM008.3/09/09 (IN09/10665) is the summary of the WALGA Annual General Meeting minutes held on 8 August 2009.

OCM008.4/09/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 30 SEPTEMBER 2009 (A1164)

In the attachments marked OCM008.4/09/09 (IN09/12371) is the agenda of the South East Metropolitan Zone Meeting to be held on 30 September 2009.

OCM008.5/09/09 WALGA PEEL ZONE AGENDA – 1 OCTOBER 2009 (A1164)

In the attachments marked OCM008.5/09/09 is the agenda of the Peel Zone Meeting to be held on 1 October 2009.

OCM008.6/09/09 WALGA STATE COUNCIL AGENDA – 7 OCTOBER 2009 (A1164)

In the attachments marked OCM008.6/09/09 (IN09/12210) is the agenda of the WALGA State Council meeting and Appendices marked OCM008.6a/09/09 to be held on 7 October 2009.

Officer Recommended Resolution:

The Information Report to 25 September 2009 is received.

OCM008/09/09 COUNCIL DECISION/New Motion:

Moved Cr Harris, seconded Cr Buttfield

1. The Information Report to 25 September 2009 is received.
2. In relation to item OCM008.6/09/09, Council's delegates put forward the following positions at the South East Metropolitan and Peel Zone meetings;
 - a) that WALGA research the true cost of the development assessment panels when greater details of the proposals are available and extract greater justification for the implementation of an entire planning bureaucracy levelled at 2% of all planning applications;
 - b) that Council's concerns are promoted with regard to the commercial release of genetically modified canola;
 - c) that Council is pleased with the progress of cat control.

CARRIED 10/0

Council note: The Officer Recommended Resolution was changed with the addition of part 2.

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 9.47pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 October 2009.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD027/09/09 DEVELOPMENT SERVICES INFORMATION REPORT – BUILDING, HEALTH & RANGERS AND PLANNING SERVICES		
Officer:	Jason Robertson – Manager Building Services, Tony Turner – Manager Health and Ranger Services and Simon Wilkes - Executive Manager Planning	In Brief Information report.
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	24 August 2009	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD027/09/09 Committee Decision/Officer Recommended Resolution

**That Council accept the Development Services Information Report.
CARRIED 7/0**

SD030/09/09 PROPOSED OVERSIZE OUTBUILDING OUTSIDE THE BUILDING ENVELOPE – LOT 822 (6) MOUNT EDEN LANE, OAKFORD (P06103/05)		
Proponent:	K Richardson	In Brief Application for the construction of oversize outbuilding. Approval subject to conditions is recommended.
Owner:	As Above	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	19 August 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

SD030/09/09 Committee Decision/Officer Recommended Resolution:

That the application for approval to commence development for an oversized outbuilding on Lot 822 (6) Mount Eden Lane, Oakford be approved subject to the following conditions:

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or**

- the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

Advice Notes:

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

CARRIED 7/0

CGAM016/09/09		MONTHLY FINANCIAL REPORT – JULY 2009 (A0924/07)	
Proponent:	Shire Serpentine Jarrahdale	In Brief To receive the July 2009 Monthly Financial Report	
Owner:	Not applicable		
Officer:	Belinda van de Linde - Developer Contribution Finance Officer		
Senior Officer:	Casey Mihovilovich - Executive Manager Finance Services		
Date of Report	3 August 2009		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM016/09/09 Committee Decision/Officer Recommended Resolution:

That Council receives the Monthly Financial Report for July 2009, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 7/0

CGAM017/09/09 MONTHLY FINANCIAL REPORT – AUGUST 2009 (A0924/07)		
Proponent:	Shire Serpentine Jarrahdale	In Brief To receive the August 2009 Monthly Financial Report
Owner:	Not applicable	
Officer:	Belinda van der Linde - Developer Contribution Finance Officer	
Senior Officer:	Casey Mihovilovich - Executive Manager Finance Services	
Date of Report	20 August 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM017/09/09 Committee Decision/Officer Recommended Resolution:

**That Council receives the Monthly Financial Report for August 2009, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM018/09/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period of 23 July 2009 to 14 August 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	14 August 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM018/09/09 Committee Decision/Officer Recommended Resolution:

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 23 July 2009 to 14 August 2009, 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 7/0**

CGAM021/09/09		INFORMATION REPORT	
Proponent:	Not Applicable	In Brief To receive the information report to 25 August 2009.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	25 August 2009		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Committee in accordance with resolution CGAM064/02/08		

CGAM021/09/09 Committee Decision/Officer Recommended Resoution:

**That the Information Report to 25 August 2009 be received.
 CARRIED 7/0**

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