

TABLE OF CONTENTS

1.	ATTENDANCE & APOLOGIES:	2
2.	PUBLIC QUESTION TIME:	2
3.	PUBLIC STATEMENT TIME:	2
4.	PETITIONS & DEPUTATIONS:	4
5.	PRESIDENT’S REPORT:	4
6.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	4
7.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	4
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	5
	SCM016/12/09 MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN (A0858).....	5
9.	URGENT BUSINESS:	14
	SCM017/12/09 CLIMATE CHANGE CONFERENCE – COPENHAGEN 2009 (A1182) 14	
10.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	14
11.	CLOSURE:	14

- 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 SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 1ST DECEMBER 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 4.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: S Twine Presiding Member
M Harris
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
E Brown
C Randall
T Hoyer
A Lowry

OFFICERS: Mrs S van Aswegen Acting Chief Executive Officer
Mr A Hart Director Corporate Services
Mr D van der Linde Acting Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mr S Wilkes Executive Manager Planning (from 4.03pm)
Ms L Howells Senior Planner - Projects (from 4.07pm)
Mrs D Bridson Executive Services Support Officer
Mrs L Fletcher Minute Secretary

APOLOGIES: Chief Executive Officer (annual leave)

GALLERY: 5

2. PUBLIC QUESTION TIME:

Nil

3. PUBLIC STATEMENT TIME:

SCM016/12/09 - Lisa Brazier (52 Taylor Road, Mundijong)

I speak on behalf of myself, Andrew and Edward Bett, Directors of Wellstrand Pty Ltd, owner of Lots 2, 10, 11, 103, 525 and 1680 Bishop Road, Mundijong.

Our farming property has been owned by the Bett family since the early 1900's when the land was allocated by the State Government on the formation of Mundijong. Over the years we have seen roads and railway lines placed through the property, zonings changed from rural to deferred urban and now urban. Through each of these changes we have adapted our business as we still do today.

Every month the major landowners of the township of Mundijong Whitby meet to discuss the progress of the Mundijong Whitby District Structure Plan and I have been part of this group for over 15 months. When first invited, my recommendation was that the group go straight to SAT as I did not have faith in Council being able to complete the District Structure Plan process within a suitable timeframe. The developers were not keen to pursue this line advising they prefer to work with Councils and communities to deliver good planning outcomes. Unfortunately, I personally still stand by my original recommendation to them.

The developers in Mundijong should not be compared to the developers in Byford, as some of the ongoing problems that are occurring in Byford are there partly due to the fact that you, as Council, gave up the opportunity to work with them and inject your expertise and knowledge of the local area. We have found our neighbours for the past 3 years, Peet Ltd and Urban Pacific to be honourable and trustworthy and they have included us in continual consultations of their plans as we have of our own business plans.

I have sat and listened in Council meetings over the past few weeks of statements as to how there are successful business people among you. None of us go into business to make a loss – with the exception of dairy farmers – and developers are no different. The Shire is now more than two years behind in its planning process for the preparation of the Mundijong Whitby District Structure Plan.

I would remind Council that the issue of urban development of Byford and Mundijong has been before Council since the mid 1990's. In a meeting on the 28th February 1995 in the Shire of Serpentine-Jarrahdale held in the Councillors Lounge with regards to urban development of Byford and Mundijong it was recognised by the Shire President that major changes are about to take place in the Shire of Serpentine-Jarrahdale. In this meeting the Co-ordinator of the Major Urban Projects Unit, which existed to ensure a reasonable flow of affordable land in the Perth metropolitan area, identified that development in Byford and Mundijong is perceived as being the key to unlocking development in the Armadale area. The Shire's Manager of Planning Services reported that a Water Sensitive Design Study for drainage had been completed and accepted by Council and forms the basis for any future development. From here Council later adopted the plan which informed the changing of our land from Rural to Urban.

You, as Council, have had since the mid 1990's to start planning both strategically and financially for the development of the Shire – there is absolutely no excuse to be continually holding this up. As a Council you have identified a clear planning process which involves community consultation the entire way along.

I would appeal to you to draw a line in the sand, stop comparing the developers in Mundijong to those developers in Byford. Go and have a look at some of their existing projects from the Somerly project by Urban Pacific which was awarded the WA State of Excellence Award in 2007 to the numerous planning and environment awards that Peet has received for The Village at Wellard and Lakelands. Let's develop something in Mundijong that can collect the same awards that can showcase and incorporate our existing landscape – that can provide safe play areas for our children, rather than having them play on the only playground equipment in Mundijong which is located adjacent to the railway line with no sound proofing from the noise of the train.

We do not want the debacle of Byford on our doorstep – we are in the process, and have been for 2 years now, of winding our dairy farming business up. You as Council have the opportunity to work with some extremely professional developers – don't make the same mistakes twice – work with them to develop an outstanding community. You are more than 2 years behind in planning, landowners and developers are getting frustrated and it will only be a matter of time before they adopt my recommendation.

The developers have indicated that they are willing to assist Council with its resourcing concerns, so you either want to be part of it and have the opportunity to inject your expertise and represent the small landowners or you don't and the developers will go find other means to progress planning for their projects. We, as the last large remaining private landowner would appeal to you to get on board and get involved.

Executive Manager Planning entered the meeting at 4.03pm.

Senior Planner - Projects entered the meeting at 4.07pm.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Councillors are holding a Community meeting tonight in the Mundijong Pavillion from 7pm to 9pm at which questions will be invited from the community.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Lowry declared an interest of impartiality in item SCM016/12/09 as she owns property in the area 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 SCM016/12/09 as she has a brother who owns a property in the Structure Plan area and advised that this will not affect the way in which she votes on this matter.

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

Nil

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SCM016/12/09 MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN (A0858)		In Brief
Proponent:	Serpentine Jarrahdale Shire	For Council to consider the process for finalisation of the Mundijong Whitby District Structure Plan and associated recommendations seeking to proactively address the anticipated impacts of implementation.
Owner:	Not applicable	
Officer:	Joanne Abbiss - Chief Executive Officer; Suzette van Aswegen - Director Strategic Community Planning	
Senior Officer:		
Date of Report	28 November 2009	
Previously	SD069/11/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background:

At the Sustainable Development Committee Meeting on Tuesday, 17 November 2009 a Councillor Notice of Motion, that been received on Wednesday, 11 November 2009, was recommended as follows:

“SD069/11/09 Committee/Councillor Recommended Resolution:

Moved Cr Murphy Seconded Cr Kirkpatrick

1. *Council receives the Mundijong/Whitby Enquiry by Design Workshop Outcomes Report (v4 August 2009) and resolves to initiate a District Structure Plan.*
2. *Council resolves to engage a suitably qualified person or company as lead consultant to expeditiously finalise the District Structure Plan suitable for advertising with assistance from consultants specialised in such disciplines as the lead consultant finds necessary; a framework for a developer contribution fund is to be included.*
3. *Time is of the essence with the target date for the final DSP to come to Council for consideration of approval and recommendation to the WAPC in May 2010.*
4. *Council accepts the offer from the major developers within the District Structure Plan area, that these developers will pre-fund the cost of the consultants to carry out the work as required; such funding is not refundable by the Shire. The developers accept that the consultants, whilst working on the Mundijong/Whitby projects, will be engaged by the Shire, report to the Shire and accept directions only from the Shire.*

CARRIED 5/2

Council Note: Council notes and takes into consideration the advice of the CEO to the effect that to proceed with initiation of the District Structure Plan at this time would be unwise due to unresolved questions relating to the capacity of the Shire’s staff and financial resources to perform the work that would arise following the initiation of the District Structure Plan. Council considers these resolutions to be expedient.”

At the Ordinary Council Meeting of the 23 November 2009, Council was presented with an officer report that had been unable to be provided in time for the Sustainable Development Committee Meeting and that contained the following Officer Recommended Resolution:

“Officer Recommended Resolution

That Council:

1. *Acknowledge the significant progress made to date by the Shire Officers on the preparation of the Mundijong Whitby District Structure Plan in accordance with the process endorsed by Council in April 2006.*
2. *Resolve that the continued progression of the preparation of the Mundijong Whitby District Structure Plan will be in accordance with the implementation components outlined in the Mundijong-Whitby Enquiry-by-Design Workshop Outcomes Report (v4 August 2009).*
3. *Is committed to continuing to progress to finalisation, with the greatest expediency practicable, the process of orderly and proper planning that the Shire has been systematically and independently undertaking in the best interests of the community for the preparation of the Mundijong Whitby District Structure Plan.*
4. *Continue to progress the development of the Implementation Plan for the Mundijong Whitby District Structure Plan in accordance with Council’s best practice strategic and financial planning processes to ensure that the Shire has the fiscal and organisational resources to meet current and future community needs.*
5. *Proactively and positively engage with the Federal and State Governments, the Department of Planning and the development industry regarding available funding options for adequately resourcing a successful Implementation Plan for the Mundijong Whitby District Structure Plan.*
6. *Seek written clarification from the Western Australian Planning Commission regarding the potential conflict between the post 2031 timeframe put forward for the progression of the development of Mundijong in Directions 2031 and any support that may be provided by the Western Australian Planning Commission or the Department of Planning for the Mundijong Whitby District Structure Plan process to be expedited prematurely.*
7. *Place the State Government on notice that if they support the push by the developers to prematurely advance the finalisation of the Mundijong Whitby District Structure Plan without the necessary implementation measures being in place and without the ability to provide the necessary infrastructure, then the State will be solely and utterly responsible for creating a dormitory suburb on the outskirts of Perth with low employment self sufficiency, under provision of facilities and services and inadequate public transport, not to mention jeopardising the organisational and financial sustainability of the Shire.*
8. *Place the State Government on notice that if the WAPC, either willingly or under instruction, prematurely advance the Mundijong Whitby District Structure Plan then they will not be upholding the principles of orderly and proper planning and their purported commitment to strategic planning, infrastructure coordination, protection of the environment and building communities.*
9. *Seek a meeting between the Shire and the Director General of the Department of Planning, the Chairman of the Western Australian Planning Commission and the Minister for Planning, without developers being present, to determine the State’s view of the urgency regarding the finalisation of the Mundijong Whitby District Structure Plan.*
10. *Advise the Western Australian Planning Commission, the Department of Planning and the Implementation Working Group of this resolution.”*

After debate and with advice from Council’s solicitor, the following resolution was then passed:

“SD069/11/09 COUNCIL DECISION/New Motion:

Moved Cr Murphy, seconded Cr Kirkpatrick

Council resolves to obtain urgent legal advice on the appropriateness of resolutions in the form and involving the principles of the following with the intent that the substantive motions be included in a report and be presented to Council at a Special Council Meeting on 1 December 2009:

1. Council receives the Mundijong/Whitby Enquiry by Design Workshop Outcomes Report (v4 August 2009) and renews its resolve to initiate a District Structure Plan and also to prepare a Development Contribution Plan.
2. Council resolves to engage a suitably qualified person or company as lead consultant to expeditiously draft the District Structure Plan suitable for advertising with assistance from consultants specialised in such disciplines as the lead consultant finds necessary; a framework for a development contribution fund is to be included.
3. Time is of the essence and the intent of Council is for the draft District Structure Plan to be brought to Council for consideration and possible adoption and recommendation to the Western Australian Planning Commission as soon as possible, the present target being May 2010.
4. Council accepts the principle that the developers should be responsible for the cost of preparing a District Structure Plan and Development Contribution Plan and on that basis the funds offered by the major developers should be applied by the Shire to the cost of carrying out the work required. Receipt of the funds does not alter the requirement that the consultants, whilst working on the Mundijong/Whitby projects, will be engaged by the Shire, report to the Shire and accept directions only from the Shire. The funding should only proceed if the funding developers accept that the monies provided are not refundable by the Shire.
5. Details of funding arrangements with developers in connection with the District Structure Plan and Development Contribution Plan and implementation be discussed at the earliest possible time with the developers and any other necessarily interested parties and the detail be brought back to Council for consideration at the earliest possible time.
6. Council expresses its concerns as to the likely demand in terms of funds and human resources to implement the programs which will simply be initiated by the District Structure Plan and Development Contribution Plan contemplated by the preceding resolutions and will explore all possible avenues for discussion of these issues with developers, the Planning Department and appropriate agencies of the State Government.

CARRIED 10/0

Council Note: The Committee/Councillor Recommended Resolution was amended by changing parts 1, 2, 3 and 4 and the addition of parts 5 and 6. Council did not resolve to adopt the Committee/Councillor Recommended Resolution as they need to seek further legal advice on this matter.”

A copy of Item SD069/11/09 is with the attachments at SCM016.1/12/09.

Sustainability Statement

The potential impacts on the social, environmental and economic sustainability of the Mundijong Whitby urban cell into the future, as well as the financial and organisational sustainability considerations for the Shire and the current community, were raised within the officer report to Item SD069/11/09.

Statutory Environment:

Local Government Act 1995
Town Planning Scheme No.2
Metropolitan Region Scheme
Planning and Development Act 2005

Policy/Work Procedure

Implications:

Draft Local Planning Policy 29 Mundijong Framework

Financial Implications:

At this stage officers will not have accurate costings for the completion of the District Structure Plan (DSP) until quotes are obtained. Officers are confident however that no individual engagement for the finalisation of the DSP will exceed the tender threshold. The sum of the individual engagements however is likely to exceed that

amount. Council allocated \$286,539 for the finalisation of the DSP this financial year. Officers believe this should be sufficient as it is likely that many of the previous consultants engaged to produce the individual sub studies will be asked to consider the implications of the concept plan on their studies and provide the text for their component of the structure plan documentation. It will also be necessary for Council to engage a consultant to draft the DSP documentation and make recommendations with regard to any unresolved key issues, areas of conflict and relevant implementation considerations as outlined in the Enquiry by Design Outcomes Report (v4 August 2009). A temporary officer was employed in October 2009 until May 2010 to project manage the finalisation, and concurrent development of implementation plans, for the Byford Town Centre Local Structure Plan and the Mundijong Whitby District Structure Plan (MWDSP).

Accurate costs for the preparation of the Development Contribution Plan (DCP) are not known, however, given discussions with other local government authorities, it is believed that the DCP will cost a minimum of \$400,000 to prepare. The Shire has not budgeted for this project, however any remaining funds from the preparation of the DSP could be used dependant on the quotes received for the DSP or any mid year budget savings. A budget allocation could also be made in the 2010/2011 budget.

As detailed in Item SD069/11/09, there are also the significant financial implementation costs associated with the finalisation of the MWDSP that are currently unfunded that Council needs to have serious regard for and demonstrably address through the Shire's fully costed Plan for the Future.

Strategic Implications:

A copy of the Shire's Plan for the Future objectives that are relevant to this proposal are attached at SCM016.2/12/09.

Community Consultation:

Community consultation will be required when the MWDSP is adopted for advertising by the Council. This current decision does not require advertising however the Enquiry by Design Outcomes Report did recommend further community consultation prior to the preparation of the MWDSP.

Comment:

A copy of Item SD069/11/09 containing the Council resolution was forwarded to the Shire's solicitor on Tuesday 24 November 2009 and the following recommendation was received at 4:41 pm on Friday 27 November 2009.

Council resolves as follows:

- 1 *Council receives the Mundijong-Whitby Enquiry by Design Workshop Outcomes Report (v 4 August 2009) and renews its resolve to initiate a District Structure Plan (DSP) and also to prepare the necessarily related Development Contribution Plan (DCP).*

- 2 *Subject to adequate funding being available as hereafter referred to, the Shire as soon as possible engage a suitably qualified person or company as lead consultant to expeditiously draft the DSP in a suitable form for advertising, with assistance from consultants specialised in such disciplines as the lead consultant considers necessary.*
- 3 *Subject to sufficient funding being available as hereafter referred to, the Shire as soon as possible engage a suitably qualified person or company to expeditiously prepare a DCP. The person or company engaged to prepare the DCP may be but need not be the same as the person or company engaged to draft the DSP.*
- 4 *The DCP prepared in conjunction with the DSP is to deal as a minimum with the following:*
 - (a) *Identification of the items or categories of infrastructure that can reasonably be the subject of cost sharing between affected owners;*
 - (b) *Reliable costing of the shared infrastructure;*
 - (c) *Establishing a formula or basis for apportioning between owners the costs of the shared infrastructure; and*
 - (d) *Establishing according to the formula the contributions of all affected owners.*
- 5 *Regardless of any funding provided by developers, any consultants engaged in connection with the preparation of the DSP and the preparation of the DCP are to do so as consultants to the Shire.*
- 6 *Time is of the essence and the intent of Council is for the draft DSP to be brought to Council for consideration and possible adoption and recommendation to the WAPC as soon as the consultants have prepared it in satisfactory form, the present target being May 2010.*
- 7 *Council's intent is that the DSP should not be adopted by the Shire or approved by the WAPC until the DCP has been prepared to a level that at least enables reliable prediction of the level of cost contributions to be made by owners for inclusion in agreements between the Shire and owners in the event that development approval or subdivision approval is given before the precise contribution amounts have been ascertained.*
- 8 *Council accepts the principle that the developers should be responsible for the cost of preparing the DSP and the DCP, and on that basis the funds offered by the major developers should be applied by the Shire to the cost of carrying out the work required. Receipt of the funds from the developers is not to alter the requirement that the consultants will be engaged by and be responsible to the Shire. The funding should only proceed if the funding developers accept that the monies provided are not refundable by the Shire, though they may be treated as shared infrastructure costs under the intended DCP.*
- 9 *Details of funding arrangements with developers in connection with the preparation and the implementation of the DSP and the DCP be discussed as soon as possible with the developers and any other necessarily interested parties, and firm details of the funding arrangements be brought back to Council for consideration at the earliest possible time, but prior to the Shire becoming contractually bound for the engagement of consultants in connection with either the DSP or the DCP.*
- 10 *The Council seek a meeting between Shire representatives, the Director General of the Department of Planning, the Chairman of the WAPC and the Minister for*

Planning if possible, without developers being present, to make them aware of the concerns expressed in the Officer's Report of 17 November 2009, and the Shire's representatives are to seek clarification of the State's view of the urgency associated with the finalisation of the Mundijong-Whitby DSP.

- 11 *Council records its concerns as to the likely demand in terms of funds and human resources to implement the programs which will be no more than initiated by the preparation of the DSP and the DCP contemplated by the preceding resolutions, and the Shire further records the necessity to explore all possible avenues for discussion of these issues with developers, the Planning Department, appropriate Ministers and departments and agencies of the State and Commonwealth governments.*

It is important to note that none of the above mentioned motions (i.e. the councillor/committee, officer, council or solicitor motions) contemplate anything other than progressing the MWDSP expeditiously and each motion acknowledges, in some manner, the need to minimise costs to the Shire and that the works should be performed by consultants engaged by the Shire. The key points of difference emerge with regard to:

- the timeframe in which the finalisation of the MWDSP could feasibly be achieved and the advisability of committing to unachievable timeframes.
- the timeframe in which the finalisation of the MWDSP should be achieved in the context of the broader sustainable development of Perth.
- The process by which the MWDSP should be finalised ie either in accordance with the recommendations of the EbD Outcomes Report or not (particularly with regard to community consultation), in partnership with the developers or not etc.
- The mechanisms by which the costs of the preparation of the DSP, DCP and implementation can be funded and who is responsible.

It is not recommended that any alterations or deletions are made to the motion, as worded by the Shire's solicitor, as it represents a considered legal opinion arrived at after a thorough examination of the matters at hand. All that could be recommended is possible additions to the motion dealing with new but related thoughts as described below:

- (i) *Council actively seeks the Department of Local Government's involvement in this process to ensure that the Shire has support to undertake this new and potentially high risk process with the greatest degree of probity and good governance. It is envisaged that this will involve a community communication strategy so that the Shire can demonstrate that it is being open and transparent, as well as fair and equitable, to all stakeholders, and that there can be no perception of bias or improper conduct.*
- (ii) *The Shire President and CEO, supported by the Leadership Team and Councillors present the Plan for the Future to the main landowner group in the New Year to positively engage them in the community's vision for the future.*
- (iii) *Council works diligently, through community consultation and critical examination of the implications of implementing the MWDSP on the Shire's fully costed Plan for the Future, to continually seek a balance between the capacity to pay and views of its community and the need to responsibly accommodate and fund the future growth of Perth.*

Conclusion:

There is no negativity on behalf of Council Officers toward the progression of the MWDSP, there is however a high degree of caution regarding approaching such a serious task with undue haste in order that the best possible outcome can be achieved for current residents and the future communities of Mundijong Whitby. There is also a strong desire to see a level of understanding of the community's vision (as described in the Vision section of the EbD Outcomes Report and as detailed in the Plan for the Future 2009-2014) and the level of commitment toward respectfully partnering in the delivery of that vision from the major

landowners and state agencies. There is also a strong need to ensure that the Shire, as an organisation, will have the capacity to deliver the Plan well.

No one is seeking to stop the finalisation of the MWDSP, as evidenced in the various recommendations.

Developers and state government agencies may have difficulty in seeing the Mundijong Whitby project as substantially different to the land development they roll out all over Perth, with district structure plans being prepared regularly by other outer metropolitan growth councils. For the Serpentine Jarrahdale Shire and its community, the Mundijong Whitby Structure Plan is about more than a profit and loss statement and progression through a statutory planning process, it is about building a community based on a vision of true sustainability. The community wants us to get it right and they don't want it to look like everywhere else. Sure, urban development is rolled out all over Perth but the community and the Council, in accordance with their Plan for the Future, is seeking sustainability outcomes, and a look and a feel, that hasn't been achieved elsewhere on an urban village scale in the metropolitan area.

It is recommended that Council adopts the resolution as provided by the Shire's solicitor and reflected in recommendations 1-11 with the addition of recommendations 12-14 as proposed by Council Officers.

Voting Requirements: Simple Majority

Officer Recommended Resolution

Council resolves as follows:

1. Council receives the Mundijong-Whitby Enquiry by Design Workshop Outcomes Report (v 4 August 2009) and renews its resolve to initiate a District Structure Plan (DSP) and also to prepare the necessarily related Development Contribution Plan (DCP).
2. Subject to adequate funding being available as hereafter referred to, the Shire as soon as possible engage a suitably qualified person or company as lead consultant to expeditiously draft the DSP in a suitable form for advertising, with assistance from consultants specialised in such disciplines as the lead consultant considers necessary.
3. Subject to sufficient funding being available as hereafter referred to, the Shire as soon as possible engage a suitably qualified person or company to expeditiously prepare a DCP. The person or company engaged to prepare the DCP may be but need not be the same as the person or company engaged to draft the DSP.
4. The DCP prepared in conjunction with the DSP is to deal as a minimum with the following:
 - (a) Identification of the items or categories of infrastructure that can reasonably be the subject of cost sharing between affected owners;
 - (b) Reliable costing of the shared infrastructure;
 - (c) Establishing a formula or basis for apportioning between owners the costs of the shared infrastructure; and
 - (d) Establishing according to the formula the contributions of all affected owners.
5. Regardless of any funding provided by developers, any consultants engaged in connection with the preparation of the DSP and the preparation of the DCP are to do so as consultants to the Shire.
6. Time is of the essence and the intent of Council is for the draft DSP to be brought to Council for consideration and possible adoption and recommendation to the Western Australian Planning Commission (WAPC) as soon as the consultants have prepared it in satisfactory form, the present target being May 2010.

7. Council's intent is that the DSP should not be adopted by the Shire or approved by the WAPC until the DCP has been prepared to a level that at least enables reliable prediction of the level of cost contributions to be made by owners for inclusion in agreements between the Shire and owners in the event that development approval or subdivision approval is given before the precise contribution amounts have been ascertained.
8. Council accepts the principle that the developers should be responsible for the cost of preparing the DSP and the DCP, and on that basis the funds offered by the major developers should be applied by the Shire to the cost of carrying out the work required. Receipt of the funds from the developers is not to alter the requirement that the consultants will be engaged by and be responsible to the Shire. The funding should only proceed if the funding developers accept that the monies provided are not refundable by the Shire, though they may be treated as shared infrastructure costs under the intended DCP.
9. Details of funding arrangements with developers in connection with the preparation and the implementation of the DSP and the DCP be discussed as soon as possible with the developers and any other necessarily interested parties, and firm details of the funding arrangements be brought back to Council for consideration at the earliest possible time, but prior to the Shire becoming contractually bound for the engagement of consultants in connection with either the DSP or the DCP.
10. The Council seek a meeting between Shire representatives, the Director General of the Department of Planning, the Chairman of the WAPC and the Minister for Planning if possible, without developers being present, to make them aware of the concerns expressed in the Officer's Report of 17 November 2009, and the Shire's representatives are to seek clarification of the State's view of the urgency associated with the finalisation of the Mundijong-Whitby DSP.
11. Council records its concerns as to the likely demand in terms of funds and human resources to implement the programs which will be no more than initiated by the preparation of the DSP and the DCP contemplated by the preceding resolutions, and the Shire further records the necessity to explore all possible avenues for discussion of these issues with developers, the Planning Department, appropriate Ministers and departments and agencies of the State and Commonwealth governments.
12. Council actively seeks the Department of Local Government's guidance in this process to ensure that the Shire has support to undertake this new and potentially high risk process with the greatest degree of probity and good governance. It is envisaged that this will involve a community communication strategy so that the Shire can demonstrate that it is being open and transparent, as well as fair and equitable, to all stakeholders, and that there can be no perception of bias or improper conduct.
13. The Shire President and Chief Executive Officer, supported by the Leadership Team and Councillors present the Plan for the Future to the main landowner group in the New Year to positively engage them in the community's vision for the future.
14. Council works diligently, through community consultation and critical examination of the implications of implementing the Mundijong Whitby District Structure Plan on the Shire's fully costed Plan for the Future, to continually seek a balance between the capacity to pay and views of its community and the need to responsibly accommodate and fund the future growth of Perth.

Cr Geurds left the meeting at 4.40pm and returned at 4.41pm.

Director Corporate Services left the meeting at 4.59pm and returned at 5.00pm.

SCM016/12/09 COUNCIL DECISION/New Motion

**Moved Cr Murphy Seconded Cr Lowry
Council resolves as follows:**

1. **Council receives the Mundijong-Whitby Enquiry by Design Workshop Outcomes Report (v 4 August 2009) and renews its resolve to initiate a District**

- Structure Plan (DSP) and also to prepare the necessarily related Development Contribution Plan (DCP).**
- 2. The Shire as soon as possible engage a suitably qualified person or company as lead consultant to expeditiously draft the DSP in a suitable form for advertising, with assistance from consultants specialised in such disciplines as the lead consultant considers necessary.**
 - 3. The Shire as soon as possible engages a suitably qualified person or company to expeditiously prepare a DCP. The person or company may be but need not be the same as the person or company engaged to draft the DSP.**
 - 4. Regardless of any funding provided by developers, any consultants engaged in connection with the preparation of the DSP and the preparation of the DCP are to do so as consultants to the Shire.**
 - 5. Time is of the essence and the intent of Council is for the draft DSP to be brought to Council for consideration and possible adoption and recommendation to the Western Australian Planning Commission (WAPC) by the target date being May 2010).**
 - 6. Council accepts the principle that the developers should be responsible for the cost of preparing the DSP and the DCP, and on that basis the funds offered by the major developers, will only be applied by the Shire to the cost of carrying out the work required.**
 - 7. Details of funding arrangements with developers in connection with the preparation and the implementation of the DSP and the DCP be discussed as soon as possible with them, and firm details of the agreed funding arrangements be brought back to Council for consideration as soon as possible.**
 - 8. Council records its concerns as to the likely demand in terms of funds and human resources to implement the programs which will be no more than initiated by the preparation of the DSP and the DCP contemplated by the preceding resolutions, and the Shire further records the necessity to explore all possible avenues for discussion of these issues with developers, State agencies and related others.**
 - 9. Council actively seeks the Department of Local Government's guidance in this process to ensure that the Shire has support to undertake this new and potentially high risk process with the greatest degree of probity and good governance.**

Advice Notes:

- 1. It is envisaged that this will involve a significant and ongoing community communication strategy to be supported by the related Developers and the Shire, under the auspices of the Shire.**
- 2. The Shire President and Chief Executive Officer, supported by the Leadership Team and Councillors to present the 'Plan for the Future' to the main landowner group in the New Year to positively engage them in the Shire's vision for the future.**
- 3. Council works diligently, through community consultation and critical examination of the implications of implementing the Mundijong/Whitby District Structure Plan on the Shire's Plan for the Future, to continually seek a balance between the capacity to pay and views of its community and the need to responsibly accommodate and fund this future growth.**

CARRIED 7/3

Cr Randall, Buttfield and Harris voted against the motion

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

Cr Geurds foreshadowed that he would move the following recommendation if the motion under debate is defeated:

1. Council accepts the resignation of both the Chief Executive Officer and the Acting Chief Executive Officer as neither has the support of full Council and that Council proceed with the approval of the Mundijong Whitby Enquiry By Design Workshop Outcomes Report (August 2009).
2. Council proceeds with the requirements of the original Councillors recommendation primarily items 1, 2, 3, 4, 5 and 6 deleting any mention that can be seen as the Shire threatening other Government agencies or developers.

9. URGENT BUSINESS:

SCM017/12/09 CLIMATE CHANGE CONFERENCE – COPENHAGEN 2009 (A1182)		
Proponent:		In Brief Council recommendations as a result of the recent Copenhagen Climate Change Conference.
Owner:		
Officer:	Councillor Merri Harris	
Senior Officer:		
Date of Report	1 December 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

SCM017/12/09 COUNCIL DECISION

Cr Harris, seconded Cr Kirkpatrick

1. Council signs the World Mayor and Local Government’s Climate Protection Agreement to signify its support for the positive outcomes of the Copenhagen Climate Change Conference.
2. Council writes to the Federal Government to express its disappointment regarding the non-recognition of Local Government reductions in carbon pollution.

CARRIED 9/1

10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

11. CLOSURE:

There being no further business, the meeting closed at 5.08pm.

I certify that these minutes were confirmed at the Special Council Meeting held on 15 December 2009.

.....
 Presiding Member

.....
 Date