

SD069/11/09		INITIATE MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN (A0858)	
Proponent:		In Brief Council receives the Mundijong Whitby Enquiry by Design Workshop Outcomes Report and resolves to initiate a District Structure Plan.	
Owner:			
Officer:	Councillor Kevin Murphy		
Senior Officer:			
Date of Report	17 November 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		

Committee/Councillor Recommended Resolution:

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.

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.

Officer Comment (from Sustainable Development Committee Agenda)

Officers are committed to working throughout the weekend in order to continue progressing the orderly and properly planning of Mundijong Whitby and to provide the most professional advice possible within the timeframe to assist Council in making an informed decision.

SUPPLEMENTARY INFORMATION

This item was inadvertently listed in the Agenda as OCM015/11/09.

SD069/11/09		MUNDIJONG WHITBY DISTRICT STRUCTURE PLAN (A0858)
Proponent:	Serpentine Jarrahdale Shire	In Brief The Officer Recommended Resolution is for the Shire to continue its process of orderly and proper planning of the Mundijong Whitby District Structure Plan.
Owner:	Not applicable	
Officer:	Joanne Abbiss - Chief Executive Officer; Suzette van Aswegen - Director Strategic Community Planning; Brad Gleeson - Director Development Services	
Senior Officer:		
Date of Report	20 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	

INTRODUCTION

This is the most professional advice able to be provided within the timeframe in order to assist councillors in making what is a major decision with far reaching implications for the sustainability of future communities and the Shire as an organisation.

MUNDIJONG WHITBY

History

In order to provide councillors with some context for the consideration of the notice of motion that has been put forward and given that many of the current councillors charged with making a decision on this matter have not been party to the history regarding the development of the Mundijong Whitby Urban Cell, a detailed chronology has been provided in order to demonstrate the comprehensive, orderly and proper planning process the Shire has been systematically and independently progressing. It could be argued that the summary is too detailed but this has been done deliberately to provide an almost physical context of the scale of the current circumstances in relation to what has come before and what is yet to come.

How did it all start?

In April 2002 the Western Australian Planning Commission's (WAPC) determination of subdivision application WAPC 117398 included the following advice note:

"As advised in its letter of 6 December 2000 in relation to WAPC Reference 114114 the Commission requests the Council prepare as a matter of priority planning guidelines to assist in the consideration of subdivision and development proposals in the interim period leading up to the preparation of the structure plan for Mundijong.

A Structure Plan for the Mundijong urban cell should be prepared as a matter of priority in view of increasing pressure to subdivide the larger land holdings in the townsite without the benefit of an overall guiding plan that addresses the objectives for co-ordinated planning of development as detailed in the Commission's South East Corridor Structure Plan (1996), and required by the Shire's Town Planning Scheme No. 2."

Council considered this matter at its meeting of 27th May 2002 wherein it resolved:

"CRP131 COUNCIL DECISION

Moved Cr Scott seconded Cr Price that

- 1. In response to the advice note from the WA Planning Commission arising in respect of the Commission's consideration of WAPC S117398 (Lot 1 Adams Street, Mundijong), Council advises the Commission that preparation of a Structure Plan for Mundijong is included in Council's Draft 2002-2007 Principal Activities Plan for 2004/2005, as the issue of Mineral Sand Mining has yet to be resolved.*
- 2. Council advises the WA Planning Commission that it has not allocated resources in its Draft 2002-2007 Principal Activities Plan for the next financial year to prepare interim planning guidelines for Mundijong, however, if the Commission were to respond favourably to Council's requests of 31 July 2001 and 19 February 2002 for a \$10,000 contribution towards its Byford Urban Stormwater Management Strategy it would be able to consider the preparation of interim planning guidelines for Mundijong next financial year.*

CARRIED 9/0

Note: The Committee Recommended Resolution was changed in point 1 to include the issue of Mineral Sand Mining."

Proposal to lift the "Urban Deferred" under the Metropolitan Region Scheme

With regard to the issue of mineral sand mining, Urban Pacific (a development arm of the Macquarie Bank) purchased in September 2005 a large 504ha site in the north eastern corner of the Mundijong Whitby Urban Cell which had been the subject of prolonged interest for its mineral sand mining potential since the 1980s, with a view to progressing urban development. A request was then lodged by Urban Pacific with the Shire and the WAPC for the transfer of the land from "Urban Deferred" to "Urban" in the Metropolitan Region Scheme (MRS).

In 1995 the subject land had been zoned by the WAPC as Urban Deferred in the MRS via the South Eastern Corridor Amendment 933/33, following a request from the Serpentine Jarrahdale Shire. The Green Towns Study undertaken by the Shire had identified that this land would form the north-eastern portion of the proposed Mundijong Urban Village. A draft structure plan was prepared as an outcome of the Green Towns Study undertaken by the Shire in 1994 however this plan had no formal status other than as a planning study.

The Shire was requested by Roberts Day Planning Consultants, acting for Urban Pacific, to provide written advice to the WAPC in support of the request for the land to be transferred from the Urban Deferred Zone to the Urban Zone in the MRS. The request was accompanied by a planning report which outlined a very ambitious timeframe for development by Urban Pacific. Officers identified in the report to Council that in order to accelerate the formalisation of the Mundijong Whitby District Structure Plan (MWDSP) additional resources would be required. The Shire allocated a two day per week strategic planning resource to undertake the preparation of the MWDSP.

At the time of the request the land was not included in the Metropolitan Development Program (and still isn't today), and was therefore not within the water and wastewater

planning horizon of the Water Corporation, the MWDSP had not been completed and there was no supporting environmental or urban planning research to assess the implications of lifting the urban deferment.

Officers recommended that the request to transfer the land from the Urban Deferred Zone to Urban in the MRS needed to be considered in the context of the following:

- Urban development would possibly lead to the existing mineral sand mining tenements over this land being extinguished.
- Urban Deferred zone as presently delineated includes land which may not be environmentally suitable for urban development.
- This site is not within the Metropolitan Development Program of the State Government.
- Urban drainage and the implications for the hydrology of the locality have yet to be resolved.
- Structure planning work which would better inform the spatial delineation of the urban zone has only just been commenced.
- Preliminary consideration of the proposal by officers of the Shire and the Department for Planning and Infrastructure indicates that transfer of the entire Urban Deferred landholding to Urban ahead of proper environmental and urban planning research may jeopardise environmentally sustainable objectives for habitat protection, in terms of in-situ biodiversity and faunal links between the coastal plain and the Darling Scarp habitats.

In the light of these significant and unresolved issues officers recommended that the Shire offered the following advice to the Department for Planning and Infrastructure:

“The Shire supports the request to transfer the land from Urban Deferred to Urban Zone in principle, it does not however advocate this action to the WA Planning Commission until and unless known areas of environmental quality and conservation value have been identified and removed from the proposed transfer for subsequent and more appropriate zoning/reservation in the Metropolitan Region Scheme.

The land is not yet included in the Metropolitan Development Program (MDP) and therefore important issues of servicing such as wastewater and drainage have not been addressed or resolved. The Shire is aware that issues of servicing the land and strategic water planning should be properly addressed and resolved as a part of the land being included in the MDP.

The Shire does not support the use of this land for mineral sand mining activity as per Council’s Planning Policy No. 7 – Objections Against Mineral Sand Mining in the Shire of Serpentine-Jarrahdale.

This advice is also provided to the South Eastern District Planning Committee for their further information.”

At its meeting on the 27 March 2006 the Council did not support the officer recommendation and resolved to advise the WAPC that it supported the request.

“SD112/03/06 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Murphy

The Council resolves to provide the following advice to the Western Australian Planning Commission:

1. *Council supports the request to transfer the land from Urban Deferred to Urban.*
2. *The Council does not support mineral sand mining at the Whitby, Cardup and Mundijong locations as is consistent with the 19 year community and Shire*

objection to Mineral Sands Mining over the land as per Planning Policy No. 7 – Objections Against Mineral Sand Mining in the Serpentine Jarrahdale Shire.

Advice Note:

- 1. This resolution is also to be provided to the South Eastern District Planning Commission for their information. Such support recognises that known “bush forever” sites and other areas of environmental quality and conservation value have been identified and should be fully acknowledge as requiring a “Parks and Recreation’ or other protected status as the proposed transfer occurs.*

CARRIED 6/3”

Initiation of the MWDSP

The District Structure Plan for Mundijong Whitby covers the area bounded by South Western Highway to the east, the proposed Tonkin Highway extension to the south (south of Watkins Road), the proposed Tonkin Highway extension to the west and Bishop and Norman Roads to the north.

The initiation of the MWDSP began in April 2006 when Council endorsed the proposed process for the orderly and proper preparation of a District Structure Plan for Mundijong Whitby.

SD123/04/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

The report on the proposed District Structure Plan Process for Mundijong/Whitby including the community consultation processes be endorsed.

CARRIED 7/0

Council endorsed process for preparation of the MWDSP

In the April 2006 report, officers recommended that a Community Enquiry Workshop Process (CEWP) be utilised to inform the preparation of the MWDSP. The main aim of undertaking such a process was to raise awareness of the principles of best practice, sustainable urban design and to explore and demonstrate how they could be applied, through an interactive community consultation process. It was envisaged that the process would assist in developing ideas, solutions and outcomes in real-world planning and design situations.

Participants with different skills and knowledge of the site would work in teams to investigate and understand urban issues and future trends. A broader and better understanding of the principles of best practice, sustainable urban design would develop as a result of such an approach.

Objectives of the CEWP

1. Introduce the application of the principles of best practice, sustainable urban design.
2. Educate participants in the planning process.
3. Test any current plans and further develop these plans in accordance with the above principles.
4. Bring together professionals from the planning and development sector and other interested parties who will have the opportunity to debate and agree upon the best ways to achieve designs that reflect those principles.
5. Allows participants to draw designs instead of just talking about them.

6. Encourages participants to respond to the physical characteristics of an actual site by examining and reinforcing local characteristics and protecting natural features.
7. Help participants to understand the development opportunities and constraints of a site and how designs may be implemented.
8. Provide important feedback to assist in refining design principles and the policy and statutory framework through which they are applied.

Outcomes of CEWP

The outcomes from the CEWP process would inform the finalisation of the draft District Structure Plan that would then be advertised and considered through the formal planning process. The benefits of using a CEWP process include:

- Education of the community on the planning process and the reasons, considerations and decisions that are made during this process
- A draft Structure Plan that all stakeholders, private and public, have been involved in preparing and have an understanding of
- Reduce the potential for objections to proposals put forward in the draft plan as a result of everyone being involved from the very beginning
- The involvement of the community in a planning process that they would not normally have the opportunity to be involved in
- All planning work and decisions being made in an open environment

Who is responsible?

It was clearly outlined in the report adopted by Council in April 2006 that the Serpentine Jarrahdale Shire would take the leading role in organising and managing the MWDSPP process with a number of government agencies, private stakeholders and various consultants and the community being involved.

Participants

It was proposed that two groups be established, a Technical Working Group and a Consultation Group.

The Technical Working Group would prepare and participate in all briefings/workshops and was proposed to consist of:

- Council Officers
- Department for Planning & Infrastructure
- Department of Environment
- Department of Education and Training
- Water Corporation
- Council appointed Consultant Team (facilitator, town planners, architects, urban designers, traffic engineers, environmental scientists, landscape architects, economic development/retail development specialists)
- Other government stakeholders may be required to discuss specific issues during the running of the process eg Public Transport Authority, Main Roads WA.

These people would attend the whole workshop and would collectively develop the designs and other outcomes for presentation at the end of the process. This group would also run the day to day and technical side of the workshop process.

A second group known as a Consultation Group would consist of:

- Councillors
- Community Representatives
- Developers/landowners

- Any agencies that may have funding and service delivery implications

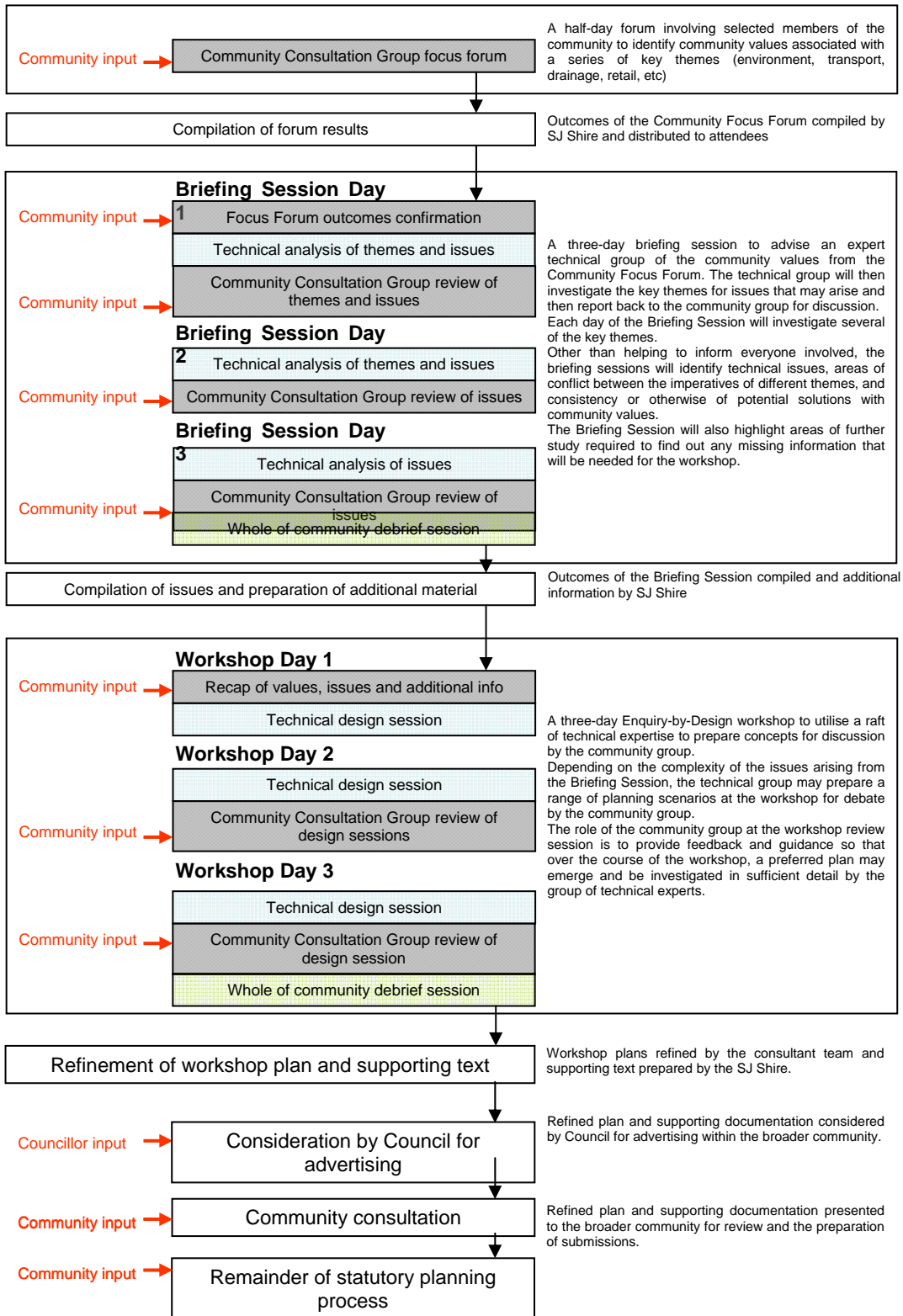
This group would be present mainly at the design review sessions, although some individuals may attend at other times. This group is made up mainly of those who have a clear interest in the outcomes, either as decision makers, implementers or clients.

Community Consultation:

The CEWP outlined above is based on extensive community involvement in the planning process and far exceeds the traditional community involvement in the preparation of a Structure Plan. The CEWP would also be followed by the formal planning process and advertising of a District Structure Plan which provides further opportunity for the community to comment on the Draft Plan.

The Community Enquiry Workshop Process was considered the most effective process to carry out the preparation of a District Structure Plan for Mundijong/Whitby. It would involve the community, private and public stakeholders, government agencies and Council in the preparation of a plan that will lead the future development of the Mundijong/Whitby area.

Mundijong-Whitby District Structure Plan process



What happened next?

Draft timeframe

Following the endorsement of the process a Workshop was held with the Councillors on 9 May 2006 where the finer details of the CEWP were discussed. From this Workshop it was requested that a draft time table be prepared for the project which was presented to Council for consideration in June 2006.

Officers provided what they believed to be an achievable but ambitious timeframe with the caveat that there are issues and external influences that can significantly affect time tables that are out of the control of Council. Officers advised that there may need to be extensions made to the time table in the future to ensure that adequate information is provided and appropriate feedback obtained. The original timeframe has not been met.

Statutory Planning Process

There were also a number of steps in the project which needed to be progressed in tandem with the preparation of the draft MWDS. These included:

Lifting Urban Deferment – There was still land outside of the Urban Pacific proposal that remained under Urban Deferred in the MRS. There was a requirement for a request to be prepared and lodged with the WAPC to transfer this land to Urban following the same process as that undertaken by Urban Pacific. It was recommended that Council prepare and lodge this request on behalf of the landowners affected, due to the fragmented ownership and given that Council is preparing the District Structure Plan. It was proposed that the draft District Structure Plan be used as the basis for the request for the lifting of the deferment. This request would be lodged with the WAPC during the advertising of the draft District Structure Plan.

Bush Forever – A Negotiated Planning Solution (NPS) relating to the Bush Forever site located on the northern portion of Lots 22, 23 and 29 Norman Road/South Western Highway owned by Urban Pacific needed to be achieved. This involved discussions between Department for Planning and Infrastructure's Bush Forever Office, Department of Environment, CALM, Council Officers and Urban Pacific to determine the extent of the Bush Forever vegetation, management of this land and appropriate development interface.

Town Planning Scheme Amendment – A number of amendments to Council's Town Planning Scheme No. 2 had been initiated in the past to introduce the 'Urban Development' zone to the Mundijong Whitby urban cell (Amendment No. 69 and 119). These amendments did not rezone the whole cell largely due to the sand mining debate over the Whitby land. An amendment to bring Council's Scheme into line with the lifting of the Urban Deferment and the future urban development in the Mundijong Whitby cell was required and it was proposed to be initiated prior to the preparation of the Structure Plan. As with the previous amendments this would introduce the 'Urban Development' zone to the Mundijong Whitby urban cell and provide the requirement for a structure plan to be prepared and endorsed prior to any development occurring.

1. Use of Section 126 of the Planning and Development Act 2005

In September 2006 Urban Pacific requested that Council consider using Section 126, a new power included in the Planning and Development Act 2005, in particular Section 126(3)(b). The intent of this provision is that where land was zoned 'Urban' under a Region Scheme, and either the Region Scheme was published, or a Region Scheme Amendment was published for public consultation, the full scheme amendment process for the local government Scheme would be unnecessary, as further public consultation would not be required. In simple terms, Urban Pacific believed that by getting the MRS zone changed from Urban Deferred to Urban under the MRS, Council could agree to the Shire's Town Planning Scheme zoning going from Rural to Urban Development and that this could occur

automatically without going through a scheme amendment process. This would speed the process for Urban Pacific to commence their project.

However, as this new provision had not been tried it was unclear if it was intended to be used in the situation of the lifting of 'Urban Deferred' zoned land as that occurs without public consultation. No other local authority had used this new provision at the time.

As a result of the complexity of this provision, the unknown implications of using Section 126, questions on how the EPA might become involved in the District Structure Plan process and the Section being untried in WA, the lack of opportunity for community input and advice received from Council's solicitors, it was recommended that Council not agree to the utilisation of Section 126.

2. Proposed Scheme Amendment No. 152

There were a number of inconsistencies between the MRS and TPS 2 relating to the 'Urban', 'Urban Deferred' and 'Urban Development' zones in the Mundijong Whitby cell. Proposed Amendment No. 152 aimed to rectify these inconsistencies.

Amendment No. 152 was split into three land areas. The details of each proposal are outlined below:

- A. Lot 9500 Mundijong Road (formally known as part of Lot 499 Mundijong Road) – This land was owned by Mundella Farms Pty Ltd and was zoned 'Urban' under the MRS and 'Rural' under TPS 2. The extent of the 'Urban' zone under the MRS was bounded by the highway reservation in the MRS required for the Tonkin Highway connection to the South Western Highway.

Amendment No. 152 proposed to rezone Lot 9500 Mundijong Road from 'Rural' to 'Urban Development' with a 'Development Area No. 1' designation.

- B. Remaining land within Cell – This land was in multiple ownerships and included the following:
- a) All land zoned 'Special Rural No. 9';
 - b) Lots 100 and 101 Keirnan Street;
 - c) Part of Lot 492 Galvin Road;
 - d) Lot 0 Galvin Road;
 - e) Crown Land Reserve 4395 South Western Highway

This land was zoned 'Urban Deferred' under the MRS. The land was zoned 'Special Rural No. 9' and 'Rural' under TPS 2.

- C. Paterson Street Commercial Strip – TPS 2 zoned the Mundijong commercial strip as 'Commercial'. This would prevent the District Structure Plan provisions applying to this land and therefore it was proposed to be included in the 'Urban Development' zone.

Amendment No. 69 to TPS 2 introduced the 'Urban Development' zone text provisions to the Scheme and rezoned the majority of Mundijong (and Byford) to 'Urban Development'. However, it was unclear from reviewing the amendment documents why the 'Commercial' zone was left intact. The existing commercial strip is a critical part of the existing and future Mundijong Whitby area and therefore should be subject to a requirement for structure planning and a Developer Contribution Scheme enabled under the 'Urban Development' zone.

Proposed Scheme Amendment No. 152 introduced the 'Urban Development' zone and 'Development Area No. 1' to that land in the Mundijong Whitby cell (excluding Urban Pacific land) that was not currently zoned 'Urban Development' to ensure the protection of the future of the cell and required that a Structure Plan be prepared before any development or subdivision in the area could be approved.

The Amendment also proposed the introduction of a description of 'Development Area No. 1' in Appendix 15 along with the purpose and any particular requirements that apply to Development Area No.1.

3. Proposed Scheme Amendment No. 153

Roberts Day Group on behalf of Urban Pacific requested that a separate amendment to TPS 2 be initiated for their landholding to rezone their land, for the following reasons:

- The landholding is in one ownership and comprises a significant parcel of land with obvious edges;
- Urban Pacific have already lodged a request with the WAPC to lift the 'Urban Deferred' zone over the land. As such it has been the subject of recent comprehensive investigations which have identified issues relevant to urban development and either resolved these or demonstrated their capacity to be resolved at the later stages of structure planning and subdivision;
- Other landholdings within the District Structure Plan (DSP) area have not been the subject of such investigations and may be more constrained by issues such as drainage or have environmental values that require lengthy investigations and negotiations to quantify and resolve. If such issues arise they will require detailed attention and therefore result in delays in progressing all the land affected by the TPS amendment;
- Ownership in other parts of the DSP area is fragmented and landowners are not actively pursuing rezoning of their land to 'Urban Development' at this point in time. The rezoning of their land to 'Urban Development' is a consequence of its location in the DSP area and is being pursued by the Shire rather than by the landowners; and
- The Minister's instructions regarding the previously initiated amendment to rezone land in the DSP area was to exclude the Whitby landholding. If this amendment had proceeded the result would have been that two separate amendments were pursued, one for the Whitby landholding and one for the remaining area.

This request was supported given the points raised above. The initiation of a separate amendment relating only to Urban Pacific's land was not considered to have any significant impact from a strategic or statutory planning point of view on the future planning of the Mundijong Whitby cell. This land had already undergone investigations as part of the lifting of the 'Urban Deferred' zone under the MRS.

Amendment No. 153 proposed to zone all of this land (except for that area identified as Bush Forever) as 'Urban Development' with a 'Development Area No. 2' designation.

There was a large Bush Forever site in the north-east corner that was undergoing a Negotiated Planning Solution. It was proposed that the Bush Forever area remained as 'Rural' under TPS 2, however, still be covered by 'Development Area No. 2'. As with the existing 95ha in the northern part of Bush Forever site 354, eventually this 'Rural' zoned area would be transferred to 'Parks and Recreation' under the MRS. The Development Area No. 2 designation would ensure that the Local Structure Plan produced for the Whitby land addresses all the requirements outlined in the Scheme and Appendix 15.

Although a separate amendment for the Urban Pacific land was supported both amendments would be lodged with the WAPC concurrently with a request for consent to advertise.

4. Development Areas

Section 5.18.1 of TPS 2 requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area. Appendix 15 describes the Development Areas in more detail and sets out the purpose and particular requirements that may apply to the Development Area.

Section 5.18.1.3 goes on further to state that *“the local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.”* This will be the case in the Mundijong Whitby cell where Local Structure Plans will be required to follow on from the District Structure Plan.

Scheme Amendment No. 152 and 153 proposed the introduction of two new Development Areas, one over Urban Pacific’s land and another over the remaining ‘Urban Deferred’ and proposed ‘Urban Development’ zones in the Mundijong Whitby cell.

5. TPS 2 – Amendment No. 119

In 1999, Council initiated Amendment No. 69 to TPS 2 to:

1. Introduce an Urban Development zone;
2. Rezone land in the Byford and Mundijong areas; and
3. Introduce provisions relating to the preparation and adoption of a structure plan and equitable sharing of infrastructure costs.

The WAPC advised Council in April 2000 that the former Minister for Planning had determined not to approve Amendment No. 69 until a number of modifications were effected. The most significant modification required was for the removal of most of the land in the Mundijong townsite between the South Western Highway, railway line and generally north of Watkins Road and Evelyn Street, from the Urban Development zone. Amendment No. 69 was gazetted on 16 June 2000.

In February 2001, Council initiated Amendment No. 119 to TPS 2 to rezone those parts of the Mundijong urban cell excluded from the Urban Development zone in Amendment No. 69.

The decision to initiate the amendment to TPS 2 was based on:

1. Council’s long standing opposition to mineral sand mining in the Mundijong urban cell; and;
2. The need to bring the town planning scheme into line with the MRS where the land is zoned Urban Deferred.

In May 2003 the Hon Minister for Planning and Infrastructure granted consent for Amendment No. 119 to be advertised for public comment subject to the area north of Manjedal Brook being deleted from the ‘Urban Development’ zone proposal (Urban Pacific’s land).

In November 2003, Council resolved to advise the WAPC that by complying with the Ministers directive the Shire would be unable to bring its TPS into conformity with the MRS and requested that the WAPC consider this anomaly and reconsider the inclusion of the land north of the Manjedal Brook in the 'Urban Development' zone.

The Scheme Amendment documents were modified but the Amendment was never advertised as there did not appear to be any response on file from the WAPC to Council's request to reconsider the land north of the Manjedal Brook in the 'Urban Development' zone. The Shire placed a request under Freedom of Information for further information on this matter. The WA Planning Commission provided the Shire with a copy of the planning report prepared in relation to this scheme amendment.

As there was no overriding planning benefit associated with the Amendment and considerable time had passed and the Amendment no longer addressed the planning process for the Mundijong Whitby cell, it was recommended that Council did not proceed with Amendment No. 119.

6. Development Contribution Areas

There is a priority need in the future to introduce Development Contribution Areas over the entire Mundijong Whitby cell.

An amendment to introduce Development Contribution Areas for the Mundijong Whitby urban development cell will be initiated once the District Structure Plan has been prepared and any infrastructure requirements and costs are known. Clause 15.9 of Council's TPS 2 outlines the Development Contribution Areas and requirements, an amendment to introduce Development Contributions for the Mundijong Whitby cell will involve a schedule to be inserted into Appendix 16 that outlines the development contribution works.

In relation to all of these matters council resolved the following in September 2006:

"SD027/09/06 COUNCIL DECISION

Moved Cr Star seconded Cr Murphy

- A. *Council receives and notes the report on the Proposed Town Planning Scheme Amendment – Mundijong/Whitby District Structure Plan Area.*
- B. *Council advise Urban Pacific Ltd that it does not support the use of Section 126 of the new Planning and Development Act given the uncertainty of the use of the section and Council's desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area.*
- C. *Council advise the Western Australian Planning Commission that it does not support Urban Pacific Ltd's request for the use of Section 126 of the new Planning and Development Act to expedite the Town Planning Scheme amendment process.*
- D. *Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-*

AMENDMENT NO. 152

1. *Rezoning Lot 9500 Mundijong Road, Mundijong from 'Rural' to 'Urban Development';*
2. *Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned 'Special Rural No. 9' to 'Urban Development';*

3. Rezoning Lots 100 and 101 Keirman Street, Mundijong from 'Rural' to 'Urban Development';
4. Rezoning part of Lot 492 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
5. Rezoning Lot 0 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from 'Rural' to 'Urban Development';
7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned 'Commercial' to 'Urban Development';
8. Amending the Scheme Map accordingly;
9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<p>1 A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan.</p> <p>2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6.</p> <p>3 The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.</p> <p>4 No subdivision or development of incompatible land uses will be supported within the separation distances associated with:</p> <ul style="list-style-type: none"> ▪ Dairy on Lot 11 Taylor Road; ▪ Dairy on Lot 123 Randell Street; ▪ Poultry Farm on Lot 2 Adamson Street; ▪ Poultry Farm on Lot 56 Shanley Road; ▪ Garden and hire business on Lot 410 Watkins Road;

Ref. No.	Area	Provisions
		<ul style="list-style-type: none"> ▪ <i>Stockfeeds on Lot 100 and 101 Keirnan Street;</i> ▪ <i>Council's Pound on Reserve 37149 Watkins Road;</i> ▪ <i>Council's Depot on Lots 48, 50, 221 and 222 Butcher Street;</i> ▪ <i>Telecommunications Tower on Lot 180 Shanley Road;</i> <p><i>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</i></p> <p>5 <i>In addition to the requirements of Clause 5.18.2 of this Scheme the following matter are to be addressed when preparing a Local Structure Plan(s) for the area:</i></p> <ul style="list-style-type: none"> ▪ <i>Development interface with Bush Forever Sites 360 and 362 and Mandjedal Brook;</i> • <i>Preparation and implementation of an interim Management Plan for Bush Forever Sites 360 and 362. This Plan is to address management of the sites until the site is ceded to the Crown.</i> ▪ <i>Buffers associated with wetlands and Mandejal Brook; and</i> ▪ <i>An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream;</i> <p>6 <i>Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</i></p>

10. *Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.*

E. *Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-*

AMENDMENT NO. 153

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';
2. Amending the Scheme Map accordingly;
3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<p>1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan.</p> <p>2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6.</p> <p>3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.</p> <p>4. No subdivision or development of incompatible land use will be supported within the separation distances associated with:</p> <p style="padding-left: 40px;">Extractive Industry on Lot 202 South Western Highway;</p> <p style="padding-left: 40px;">Extractive Industry on Lot 344 South Western Highway;</p> <p style="padding-left: 40px;">South Cardup Landfill on Lots 200 & 201 Shale Road;</p> <p style="padding-left: 40px;">Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road;</p> <p style="padding-left: 40px;">Hendley Park Motorcross track on Reserve 7125 South Western Highway;</p> <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and</p>

Ref. No.	Area	Provisions
		<p data-bbox="711 226 1402 389"><i>Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</i></p> <p data-bbox="667 427 1402 562">5. <i>In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area:</i></p> <ul style="list-style-type: none"> <li data-bbox="711 595 1402 663">▪ <i>Development interface with Bush Forever Site 354 and Mandejal Brook;</i> <li data-bbox="711 696 1402 831">• <i>Preparation and implementation of an interim Management Plan for Bush Forever Site 354. This Plan is to address management of the site until the site is ceded to the Crown.</i> <li data-bbox="711 864 1402 931">▪ <i>Bush fire risk and the preparation of an Emergency Management Plan;</i> <li data-bbox="711 965 1402 1066">▪ <i>Buffers associated with the Conservation Category Wetlands along the railway line and Mandejal Brook;</i> <li data-bbox="711 1099 1402 1167">▪ <i>Buffers associated with wetlands and Mandejal Brook;</i> <li data-bbox="711 1200 1402 1301">▪ <i>An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream;</i> <li data-bbox="711 1335 1402 1402">▪ <i>Water Sensitive Urban Design and Drainage Management</i> <p data-bbox="667 1435 1402 1666">6. <i>Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</i></p>

- 4. *Amending the Scheme Map to include Development Area No. 2 – DA 2 accordingly.*
- F. *Both Amendment documents are to be signed and the Western Australian Planning Commission is to be advised of Council's decision;*
- G. *A copy of the signed documents are to be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;*
- H. *Request the Western Australian Planning Commission give consent to advertise the Amendments in accordance with the Town Planning Regulations. This request is to be undertaken concurrently with Recommendation G above. That Council forward a*

copy of the formal advice from the Environmental Protection Authority onto the Western Australian Planning Commission upon its receipt.

- I. Council resolves not to proceed with Amendment No. 119 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and the WA Planning Commission be advised accordingly.*

CARRIED 7/0

Council Note: The Revised Officer Recommended Resolution was changed by deleting reference to the Saleyards and Residential Composite/Light Industrial area (Darling Views Estate)."

Community Consultation

A Community Information Session was held in the evening on 16 August 2006 with approximately 150 people attending. The purpose of this session was to outline the process for the preparation of the Mundijong Whitby District Structure Plan and initiate community participation in the enquiry by design process.

A Community Consultation Group was then formed comprising 24 Community Members and 9 Councillors. 30 plus nominations were received for the 24 positions available. The Group represented a wide range of interest groups, demographics and backgrounds. The first Community Consultation Group meeting was held on the 13 December 2006 where the Group members had the opportunity to meet each other and discuss their involvement in the project.

Lifting of 'Urban Deferred' zone over Whitby Land Gazetted

On the 14 November 2006 the Western Australian Planning Commission agreed to lift the 'Urban Deferred' zone over the Whitby land owned by Urban Pacific. The process to achieve lifting of the 'deferral' commenced in December 2005 and was placed in the Government Gazette on 1 December 2006. The circumstances surrounding this MRS zoning change then became the subject of a Corruption and Crime Commission investigation.

Finalisation of Amendment 152 and 153

Amendments 152 and 153 to Town Planning Scheme No. 2 (TPS 2) were advertised for public comment and referred to government agencies and services providers with the advertising period closing on 2 March 2007. In February 2007 the Senior Strategic Planner's hours increased from 2 to 3 days per week.

Environmental Protection Authority (EPA) Comments

Prior to the commencement of public advertising, both Amendments were referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in relation to Amendment 152 the following:

3. *Environmental Issues not assessed*

Without limiting the EPA's discretion under Section 5(e) of the Environmental Protection Act to require the referral of proposals arising from the amendment and your discretion, as the responsible authority, under Section 48I of the Environmental Protection Act to refer proposals arising from the amendment, the EPA advises that the following environmental issues are not assessed:

- *Native vegetation and fauna*

4. *Advice and recommendations regarding Environmental Issues not assessed*

Sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation of the scheme amendment. Accordingly, the EPA advises that the environmental issues listed in paragraph 3 above are not assessed and recommends further consideration of the need to assess proposals arising from the scheme amendment when more information is available, for example, subsequent rezoning, preparation of a Development Guide Plan, Structure Plan, Outline Development Plan, subdivision or development.

Officers advised Council that as part of the District Structure Planning process for the Mundijong Whitby cell an Environmental Study would be carried out. This study would include investigation into a wide range of environmental issues including such issues as:

- Terrestrial flora and fauna
- Landscape and landform
- Land degradation
- Wetlands, Linear Watercourses, Groundwater Dependent Ecosystems and Groundwater quantity
- Surface and ground water quality
- Site contamination
- Acid sulfate soils
- Air quality
- Noise

Given the potential for an EPA assessment of the District Structure Plan to delay the process and in order to ensure that the DSP had the greatest chance of addressing any EPA concerns, the brief for the preparation of this Study was referred to EPA officers for their feedback.

The EPA were also invited to form part of the Technical Team for the preparation of the District Structure Plan which would require EPA officers to actively participate and provide advice during and after the preparation of the District Structure Plan. This would also assist in addressing EPA's concerns on native vegetation and fauna which had been identified as issues that would require further investigation.

With regard to Amendment 153 the EPA provided the following advice:

Native Remnant Vegetation and Fauna

The EPA understands agreement has been reached with the Bush Forever Interagency Technical Advisory Group (BFITAG) on modifications to the boundary of Bush Forever site 354 and that the BFITAG has made several recommendations regarding the management buffers, the closure of Norman Road and protection of other remnant vegetation etc. The EPA supports the BFITAG advice as detailed in DPI's letter to Cardno BSD dated 21 September 2006. In particular, the EPA strongly recommends the closure and rehabilitation of Norman Road as this will enable Bush Forever site 354 and 361 to be consolidated into a single and very significant conservation area. In addition, it is important that the bushland immediately east of Zone A, containing the Threatened Ecological Community FCT 20b Eastern Banksia Woodland, is protected by a buffer along the full length of the southern side of the bushland. The inclusion of a buffer should be an outcome from structure planning.

It is noted that a biological assessment identified a number of potential nesting trees outside the Bush Forever NPS boundary. The EPA recommends that these trees be retained where

possible within areas of Public Open Space or given some form of protection, such as a tree preservation clause or through development conditions.

As the outcome of the structure planning is not yet known, and therefore the potential impact on the environment unknown, the issue of native vegetation and fauna has been deferred by the EPA.

WAPC Comments on Amendments 152 and 153

As resolved by Council at its meeting on 25 September 2006 both Amendments were referred to the WAPC for consent to advertise. Although they did not contravene Planning Bulletin No. 29, given the complexity of the amendments, the differences between the existing MRS 'Urban Deferred' and 'Urban' zones and TPS 2 'Urban Development' zones and the history of previous scheme amendments, the proposal was referred to the WAPC.

On the 20 November 2006 the DPI advised that consent to advertise Amendment 153 – Whitby was not required given that the WAPC had on the 14 November 2006 agreed to lift the Urban Deferred zoning from the Whitby land. However, DPI officers advised that it would be necessary for the Council, prior to finalising the amendment, to verify the correct north-eastern boundary of the amendment in relation to the Regional Open Space/Bush Forever area.

DPI advised at the same time that consent could not be given to advertise Amendment 152 – Mundijong until the WAPC received a formal request for the lifting of the Urban Deferred zoning, and for the relevant processing being carried out.

This matter was raised with the DPI officers immediately given that a meeting had been held with the DPI officers on the 1 November 2006 to outline both Amendments and Council officers intentions to use the Mundijong Whitby District Structure Plan as the basis for the lifting of the 'Urban Deferment in' the Mundijong cell. No objections were raised at this meeting by the DPI officers.

On the 29 November 2006 a further letter was received from the WAPC advising that consent was granted to advertise Amendment 152 – Mundijong. This consent was granted on the basis that Council would, as soon as possible, request the Commission to lift the 'Urban Deferred' zoning of the relevant portions of the amendment area, such that this action could be completed prior to the finalisation of the amendment.

Council resolved in April 2007 to finalise Amendments 152 and 153 and to advise the WAPC that the District Structure Plan was considered the most appropriate document to form the basis for the request to lift the 'Urban Deferment' over the remaining parts of the Mundijong Whitby cell and that the request for the lifting would be lodged at the time of the advertising of the draft District Structure Plan.

However Council did also resolve that if the WAPC insisted that the request be lodged prior to the draft District Structure Plan being prepared then Council would lodge this request immediately.

Progress to June 2007

Work continued on preparing the scope and tender briefs for the following studies:

- Environmental Study- Tenders had been called for the provision of an Environmental Study to be carried out for the entire Structure Plan area. All 3 submissions received

were non-complying and tenders were to be called before the end of June with those who had already made submissions being asked to resubmit.

- Activity Centres Strategy - Ratio Consultants, from Melbourne, had been appointed to carry out an Activity Centres Strategy for the entire Shire.
- Traffic and Transport Study - Cardno BSD had been appointed to carry out a Traffic and Transport Study for the Structure Plan area.
- Integrated Water Cycle Study – The Senior Strategic Planner engaged with the PDC to discuss potential funding opportunities for investigations into alternative wastewater treatment systems and was successful in obtaining a \$30,000 grant. A brief to carry out the investigations was still to be prepared. Officers also met with a number of potential wastewater treatment system providers.
- Urban Water Management Study - The Department of Water had completed a draft Floodplain Management Study for the Mundijong Whitby urban cell. This Study was being reviewed by officers. Connell Wagner had been appointed to prepare a Brief for the preparation of a Mundijong Whitby Urban Water Management Strategy. A draft Brief had been lodged with Council and was being reviewed by officers.
- Infrastructure and Services Study – 2 quotes had been received to carry out an Infrastructure and Services Study. Officers were negotiating with those who made submissions. It was envisaged a consultant would be appointed by the end of June 2007.
- The Community Consultation Group had a Planning Training Session in April 2007.
- Amendments No. 152 and 153 had been forward to the WAPC for finalisation.

Progress to August 2007

- Environmental Study – 5 submissions were received in relation to the recall of tenders. A report was to be put to Council for consideration at its meeting on the 27 August to appoint a consultant to carry out this Study.
- Traffic and Transport Study – Cardno BSD were waiting for population calculations from Council Officers so that they could model traffic in the area to produce the draft report.
- Integrated Water Cycle Study – Council Officers continued to meet with potential infrastructure providers.
- Urban Water Management Strategy - Council Officers met with DoW Officers to discuss the draft Floodplain Management Study for the Mundijong Whitby urban cell. Tenders were likely to be called for the preparation of an Urban Water Management Strategy by the end of August. It was anticipated that a Report would be presented to Council in September or October for the appointment of a consultant to carry out the Strategy.
- Infrastructure and Services Study – Parsons Brinkerhoff had commenced this Study.
- Community Consultation Group Focus Forum was held on the 21 August 2007.
- Community Consultation Group Bus Tour held on 4 August.

- CEO, Executive Manager Strategic Community Planning and Senior Strategic Planner met with WAPC and the Minister's Officers to discuss Amendments No. 152 and 153. WAPC Officers were in the process of preparing a report for consideration by the WAPC. It was anticipated that this report would go up to the WAPC by the end of August.

Progress to September 2007

- Environmental Study – SMEC Australia had been appointed and commenced work on the Environmental Study. They were currently reviewing all the relevant information, reports and data and were to carry out Spring surveys for the cell.
- Activity Centres Strategy - Ratio Consultants had submitted the first Vision Framework for the Activity Centres Strategy for the entire Shire. Officers were currently reviewing this framework.
- Traffic and Transport Study – Cardno BSD had lodged a draft Study. Officers were currently reviewing this draft.
- Integrated Water Cycle Study – Council Officers had a brainstorming session on this topic and were looking at preparing a brief in the coming month.
- Urban Water Management Strategy – Tenders had just closed. It was anticipated that a Report would be presented to Council in October for the appointment of a consultant to carry out the Strategy.
- Infrastructure and Services Study – It was anticipated that a draft would be provided to officers by the end of September.
- Council Officers were in the process of organising a meeting with the Community Consultation Group to refine the Focus Forum notes. This meeting was proposed to be held on 20 October.
- A letter was received from the WAPC on 14 September advising that the Minister had considered Amendments 152 and 153. Minor modifications relating to the noise attenuation provisions contained in both Amendments had been requested. The requested changes were very minor and did not alter the intent of the amendments. The Amendment documents were being modified and would be returned to the WAPC in the next week for finalisation.
- Council Officers had been verbally advised that the WAPC had approved the lifting of the 'Urban Deferment' over the remainder of the cell. It was likely to be gazetted before the end of the month.

Progress to December 2007

- Environmental Study – SMEC Australia had carried out Spring surveys for the cell. Council Officers were successful in obtaining \$79,944 towards this Study from the DPI – EnviroPlanning Section.
- Activity Centres Strategy - Ratio Consultants had submitted the draft Reports 1 and 2 which were being reviewed by Officers.

- Traffic and Transport Study – Cardno BSD had lodged a draft Study. A meeting was held with State Agencies and Services providers at the end of November to discuss the draft Study. Council Officers would now pull together all the comments/feedback and present these to Cardno.
- Integrated Water Cycle Study – Council had been successful in obtaining an election pledge of \$200,000 from the Federal Government towards this Study. A Brief was to be prepared in the near future.
- Urban Water Management Strategy – Options for the way forward on this Strategy were being considered. It was hoped a Report would be put to Council early in the New Year on the way forward.
- Infrastructure and Services Study – This Study had been put on hold until the Transport Study had been finalised and work had progressed on the Urban Water Management Strategy and Integrated Water Cycle Study.
- The Amendment No. 152 and 153 documents had been modified in accordance with the Minister's request. The Documents were waiting to be signed and sealed by the CEO and Shire President and would then be returned to the WAPC for finalisation.
- On the 24 October Council received formal advice from the WAPC that on the 11 September the WAPC had recommended that the Urban Deferred be lifted from the remaining areas within the cell. This was placed in the Government Gazette on 12 October 2007.

Progress to January 2008

- Environmental Study - Shire awaiting SMEC to deliver Report.
- Urban Water Management Strategy - Council awarded the tender to GHD Australia Pty Ltd for the preparation of an Urban Water Management Strategy for the Mundijong Whitby Urban Development Area. Next step was to advise GHD in writing of successful appointment and invite them to an inception meeting. Expected completion date of study was October 2008.
- Activity Centre Strategy - Waiting on further reports, comments on draft Paper 1 and 2 had been pulled together and provided back to Ratio.
- Traffic and Transport Study - Comments and feedback from meeting held on 27 November with relevant State Agencies and Service providers had been given to Cardno. Meeting to take place with Cardno, some concerns raised by Main Roads.
- Integrated Water Cycle Study - No further progress had been made due to a shortage of resources. Officers decided to progress obtaining the \$200,000 pre-election promise to Council as a priority. Work on preparing the brief would follow when funding was secured. A formal presentation to the Federal Government was going to be required to convince them that the election promise was a project worthy of funding.
- Community Facilities and Services Plan - Report received from Consultants.
- Senior Strategic Planner in charge of project resigns.

Progress to June 2008

- Environmental Study - The draft study had been received and evaluated, changes requested and it was anticipated to be finalised at the beginning of June.
- Urban Water Management Strategy - GHD were conducting the study and the completion date was still October 2008 as agreed to in the terms of the appointment.
- Activity Centre Strategy - All but the final paper had been received and comment given. The completed papers should be ready within the next month.
- Traffic and Transport Study - Council were to have a meeting with Cardno in July to see if there was any way to change the appointment to accommodate new data. DPI had indicated that they may be willing to assist in this regard.
- Integrated Water Cycle Study - The brief was almost completed and officers were in contact with the Federal government to finalise the paperwork for approval. It was hoped that Council would be able to go out to tender shortly. The Federal Government approval process was rigorous with representatives from Canberra visiting the Shire to ensure the funding would be used for the stated purposes and that it formed part of a more holistic planning process for the MWDSP.
- Community Facilities and Services Plan - The document had been workshopped with the major stakeholders/developers and the ideas from the workshop were being consolidated and discussed. Final adoption of the plan should take place in due course.
- New Strategic Planner recruited from South Africa to fill the position commences in April 2008.

Progress to September 2008

- Environmental Study - The study had been finalised.
- Urban Water Management Strategy - GHD were on track for the delivery of a first final draft by the end of September. They had discussed their draft report with our Engineers and DoW and the completion date was still October 2008.
- Activity Centre Strategy - The reports had been completed and Ratio were assisting us by adding some detailed information for the Local Structure Plan for the Byford Town Centre.
- Traffic and Transport Study - The Acting Director of Engineering had resigned and the meeting was not held as planned. Another Acting Director had been appointed and would be brought on board with the process as soon as possible.
- Integrated Water Cycle Study - Awaiting written confirmation of approval for the funds from the Federal Government.
- Community Facilities and Services Plan - The final reports with the requested amendments from the various workshops had been given to Councillors to study before adoption thereof.
- Workshop Facilitation and Urban Design - Preliminary contact was made with Malcolm McKay and a briefing meeting would be held with him in October. He had indicated that he was available for March 2009. Discussions regarding arrangements for

Briefing sessions would commence when the major studies were completed and Malcolm was on board towards the end of the year.

Progress to November 2009

Completion of the majority of draft technical papers was achieved by October 2008 with the main exception being the Integrated Water Cycle study.

A copy of the Mundijong-Whitby District Water Management Strategy is with attachments marked OCM015.1/11/09 (IN09/474)

A copy of the Mundijong-Whitby Environmental Report is with attachments marked OCM015.2/11/09 (IN09/5255)

A copy of the Mundijong-Whitby Transportation Study is with attachments marked OCM015.3/11/09 (IN07/11667)

A copy of the Mundijong-Whitby Infrastructure Study is with attachments marked OCM015.4/11/09, OCM015.4a/11/09, OCM015.4b/11/09, OCM015.4c/11/09 and OCM015.4d/11/09.

The sub consultants then prepared briefing papers based on their reports for presentation at an Enquiry by Design (EbD) Briefing Session held in February 2009. All consultants but Ratio attended. There was a public information session later that day following the briefing session and it was well attended by the public.

The Serpentine Jarrahdale Shire then hosted an EbD workshop (referred to as CEWP in the above process) from 25th to 27th March in accordance with the endorsed MWDSP preparation framework. The EbD workshop involved 25 to 30 people including Shire officers, various consultants and State Government agency representatives. Public Information Sessions were held each evening of the workshop where a facilitator provided a synopsis of the day and presented the workshop sketches and drawings to the community.

Finally in March 2009, with the funding agreement with the Federal Government secured, consultants were appointed for the Integrated Water Cycle Management Feasibility Study (IWCMFS).

During the same month, Local Planning Policy 29: Mundijong Planning Framework was given consent to advertise.

The Mundijong Implementation Working Group was established in May 2009 and receipt of the first version of the EbD Outcomes report occurred in June 2009. The final version of the EbD Outcomes Report was received in August 2009. A consultant was appointed in September 2009 to work on preparing a framework for the drafting of the DSP.

A copy of the Mundijong-Whitby Enquiry by Design Workshop Outcomes Report is with attachments marked OCM015.5/11/09 (IN09/12400)

The Outcomes of the Mundijong-Whitby EBD Outcomes Report are detailed below.

Mundijong-Whitby EBD Outcomes Report

The EBD workshop sought to apply the principles of best-practice sustainable urban design - to encourage ideas about how to enable Mundijong-Whitby to better adapt to the changes it may face in future years. Outcomes from the workshop included:

- A consolidated Vision statement that reflects extensive consultation with the community and their representatives.
- A suite of planning principles that can inform and guide the preparation of the planning documents which are required to enable development to occur.
- Identification of opportunities in the surrounding region to help stimulate interest in living and working in Mundijong-Whitby and help the future town become more sustainable.
- Recognition of the potential to realign the freight railway and establish a major employment area to the west of Mundijong.
- Identification of the potential of the surrounding area to become an urban food bowl to grow produce with reduced transportation costs.
- Recognition of the potential for a significant industrial and commercial service area in Cardup to serve both Mundijong-Whitby and Byford.
- A logical location for a major town centre that would avoid extensive disfigurement of the existing settlement and potentially deliver a transit-orientated development in association with a new railway station.
- A plan that provides a network of village-style neighbourhoods that can provide a range of lifestyles and local services.
- A plan that establishes a logical and robust movement network that is robust, direct and expressed as a clear hierarchy.
- A plan that retains significant environmental assets.
- A plan that identifies space to manage stormwater in a natural fashion through a series of connected green corridor.
- A plan that defines potential locations for secondary and primary education.
- A plan that locates commercial uses in the places that they are more likely to survive and thrive.
- A movement network that enables the Mundijong-Whitby area to be served relatively efficiently by public transport.
- A suite of housing and lot product types that provide for a range of lifestyles and, in some cases, enable better retention of trees and landform.
- A range of measures to imbue new development with a character that is unique and appropriate to the location.
- A rationale for the location and co-location of elements of community infrastructure.
- Identification of environmental constraints and their potential implication on development and the delivery of essential infrastructure.
- An understanding of Integrated Water Cycle Management and its benefit to a place such as Mundijong-Whitby.
- A preliminary strategy for the staging of development over the entire development life of the Mundijong-Whitby area.
- An estimate of the likely ultimate residential population based on the Concept Plan produced during the workshop.
- Analysis of the areas of conflict that may need to be resolved through the subsequent planning process.

Additionally, the workshop explored implementation issues such as:

- What happens next after the Enquiry-by-Design workshop;
- District Structure Planning;
- Local Structure Planning;
- Other Statutory Processes;
- Things to be achieved through non-statutory processes;
- On-going consultation and promotion;
- Major Risks associated with the planning process; and
- Responses to a number of questions raised by Serpentine-Jarrahdale Councillors after the workshop.

Population projections

The Concept Plan prepared as part of the EbD Outcomes Report identified the potential for a residential population of 30,890 people in Mundijong Whitby. Of this total, and based on the distribution of residential densities assumed by the Concept Plan, approximately 1,130 would be accommodated in low density 'rural lifestyle' areas at the fringe of the study area, approximately 12,850 would be accommodated in an urban pattern within, or close to, the activity centres, whilst the remaining population of around 16,910 would be living in areas with a conventional suburban density.

Planning Principles

A set of Planning Principles were also developed to enable achievement of the shared vision. These principles were expressed as follows:

Natural Environment

- The natural environment will be protected, repaired, enhanced and respected within the urban context.
- Urban development will produce significant levels of green power.
- The total water cycle will be sustainably repaired, maintained and enhanced.
- Feasible water cycle management approaches will be promoted.
- Existing landform must be respected and maintained and be utilised to enhance the built environment.

Built Environment

- Area-specific urban design code will be established to reflect the rural character of the community.
- The Green Towns character of the community will be maintained.
- Activity centers will facilitate mixed-use built form which is robust and adaptable and allows for social exchange.
- The movement network will provide accessibility and connectivity to a full range of housing, employment, retail, recreational and community service opportunities.
- Local and regional infrastructure will provide a full range of urban services.
- A full range of housing options will be provided.
- An effective balance between spatial equity and commercial viability will be achieved.
- An integrated system of multi-use areas / corridors to be provided.

Sustainable Economic Growth

- Diverse and self – contained local employment opportunities will be promoted.
- The provision of community and infrastructure services will be economically viable.
- State-of-the-art communications technology will facilitate and enhance local business and learning opportunities.

People & Community

- Country lifestyle and amenity will be maintained and enhanced.
- Community activism, empowerment and integration will be promoted.
- Activation of a vibrant 'sense of place' and 'village feel' must be a priority.
- A safe living and working environment will be delivered.
- Education opportunities aligned with equine, agricultural and environmental activities will be promoted.

Serpentine - Jarrahdale Council at Work

- Strategic alliances will be established and promoted through an integrated implementation plan.
- A collaborative and interactive approach will be formulated to deliver the successful implementation of the District Structure Plan.

Areas of conflict

From the robust discussions during the workshop it was recognised that there were a number of areas of conflict that would continue to arise during the planning process and would need some form of resolution. In some cases, a creative technical or design solution may be found to achieve a 'best fit', and in some cases, a compromise will need to be sought that may not satisfy all parties. However, in other cases, a hard (and potentially unpopular) decision will need to be taken at a Council or State Government level to resolve the conflict.

The areas of conflict that were identified are listed below:

Railway

- *The use of the existing railway reserve for freight vs. use for a passenger rail service.*
- *A northern station location vs. A southern station location.*
- *The desire to forge East West connections across the railway reserve vs. the financial and environmental costs.*
- *The ecological values of the Threatened Ecological Communities (TEC's) in the railway reserve vs. the global environmental benefits of encouraging rail travel.*
- *Current benefits of rail over car travel vs. Possible future use of 'green' car technologies.*

Town Centre location

- *Consolidating the existing settlement as the major centre vs. establishing a new major centre in the Whitby area.*
- *The role of Byford vs. Mundijong as the dominant town.*

Environmental

- *Retaining the spatial buffers to the TEC's vs. using limited urban land as efficiently as possible.*

Population

- *High growth to maximise urban efficiency vs. Low growth to ease community concern about change.*

Employment

- *Promoting local self sufficiency vs. providing a well-connected workforce source for central Perth*

Implementation

- *Responding quickly to demand vs. getting the right planning solution*
- *Establishing new area-specific planning codes vs. using existing planning codes*

Character

- *Maintaining a sense of the existing rural character vs. creating a new and unique urban character*

Energy systems

- *Adopting new alternative means of local power generation vs. Utilising conventional grid-sourced power*

Water Management

- *Adopting a total water cycle management approach vs. utilising conventional water and waste systems*

The Regional Analysis in the Outcomes Report states that the most significant threat to the growth and role of the emerging Mundijong Whitby area is nearby Byford which is still early in its growth phase and is closer to the rest of the metropolitan area. In a similar vein to the Key Economic Issues identified before the Workshop, the Regional Analysis in the Outcomes Report also identified that there is a risk that the relatively low land values in Mundijong will be seen as a politically expedient solution to the issue of housing affordability, and this may weigh against the desire to secure a high quality built environment.

What happens next?

According to the Outcomes Report the process is as follows:

*“The Enquiry-by-Design process is a non-binding process: **the outcomes will require further consideration and consensus from stakeholders and the community to reach a set of preferred and negotiated positions.** Furthermore, the Enquiry-by-Design process creates expectations that need to be followed up to sustain momentum and support.*

Whilst a number of community members were able to participate in the workshop by being a part of the consultation group, it is important that the outcomes are communicated to the wider community in the Mundijong-Whitby area and that opportunities are provided to review and comment on the outcomes.

All of those involved in the Workshop, including the community members, need to continue to work together to communicate the outcomes to the wider community, and to take the further steps needed to make the vision for Mundijong-Whitby a reality.

Following the Enquiry-by-Design workshop, this outcomes report will provide the basis for public consultation with the broader community before significant detailed planning (such as the preparation of a District Structure Plan) is undertaken.”

Community engagement

It was suggested in the Outcomes Report that the community consultation process include:

- *Making the outcomes report widely available through public libraries, the internet, and at other key locations where the community can access it easily.*
- *Providing the outcomes report directly to key community groups, stakeholders and agencies.*
- *Displaying the main outcome drawings at key locations, including the Byford shopping centre, supported by material that summarises and clearly conveys the main workshop issues, objectives and outcomes.*
- *General invitations to comment through newspaper advertisements, notices, letters and a page dedicated to the project on the Council and Partnership web-sites.*
- *Open public information and discussion forums.*
- *Small group discussions on specific proposals and areas of interest and concern.*

A broad approach to community engagement provides a greater opportunity to reach a representative cross section of the community, including groups who may find it difficult to participate through conventional ‘formal’ consultation processes.”

The only “advertisement” of the Outcomes Report after the EbD Workshop has been updating the MWDSP page on the Shire’s website with a few select figures and maps extracted from the Report and some text that provides a brief overview.

Preparation of the MWDSP Map and Documentation

Liveable Neighbourhoods is an operational policy of the Western Australian Planning Commission and outlines the level of detail and requirements for the preparation of District and Local Structure Plans. The core requirements to be addressed by the MWDSP as per Liveable Neighbourhoods, includes:

- Indicative neighbourhoods, with a designated town centre;
- Dwellings per urban hectare
- Existing and proposed neighbourhood centres
- Broad movement network (arterial routes and neighbourhood connector streets)
- Water Courses and Vegetation
- Major open spaces and parkland
- Major Public Transport Routes and Facilities
- Proposed land use distribution
- Proposed schools and facilities

In addition to the requirements identified in Liveable Neighbourhoods, the Shire's Draft Local Planning Policy 29 identifies the following considerations:

Community Design:

- Crime Prevention
- Design for Better Health
- Housing Diversity
- Townscape character and streetscape
- Energy Efficiency
- Community Farming
- Emergency Management

Movement Network:

- Regional Public Transport – infrastructure location, type of facilities, scale of facilities, connections to the road, cycle and pedestrian networks, integration with surrounding urban form
- Regional Public Transport – interim arrangements and staging plan for infrastructure development and surrounding urban form in consultation with Public Transport Authority.

Cost Sharing Provisions

- Developer Contribution Plan/Arrangement (District Level)

Many of these considerations are consistent with Liveable Neighbourhoods, albeit at various levels of detail. It is considered that the EbD report and its supporting technical documents provide a significant foundation to the required elements and can be incorporated in a DSP with a particular focus on establishing appropriate sustainability criteria and associated targets for:

- Character Statement
- Design Principles
- Dwelling yield/density
- Movement Network
- Centres (classification and indicative location)
- Major Open Spaces
- Urban Water Management
- Schools/Community Facilities
- Sustainability Criteria

Implementation Plan

As part of the EbD Workshop process, an expert planning team discussed and prepared a draft implementation strategy that identified the next steps in the statutory planning process – that is, the things that need to be done to put in place the regulatory framework for development, and, in particular, to ensure that development is ultimately consistent with the vision and principles expressed during the EbD Workshop.

The implementation items were grouped into five main categories:

- ***District Structure Planning***
- ***Local Structure Planning***
- ***Other Statutory Processes***
- ***Things to be achieved through non-statutory processes***
- ***On-going consultation and promotion***

The implementation team also identified the components of an Implementation Plan, as well as the areas of risk in achieving effective implementation of the workshop outcomes. The main implementation items, the components of the Implementation Plan, and the main areas of implementation risk are as follows:

District Structure Planning

- *Establish a District Structure Plan (DSP) Implementation Working Group – based on the Byford Technical Group / landowners group - meeting monthly to discuss Developer Contributions, staging/rollout of development, and protocols or information sharing ,etc.*
- *Re-establish the Community Reference Group (CRG) to meet at two-monthly intervals to receive reports on progress. The CRG should have at least one representative in the DSP Implementation Working Group .*
- *Finalise the current Enquiry by Design technical studies and contracts and complete the Enquiry-by-Design workshop outcomes report*
- *District Structure Plan (DSP) to be prepared.*
- *Seek consent from Council and the Western Australian Planning Commission (WAPC) for advertising of the DSP.*
- *Initiate Implementation Plan and contract .*
- *Final evaluation of the DSP and Draft Implementation Plan by Council.*
- *Refer to the WAPC for ultimate endorsement of DSP by the WAPC.*

Local Structure Planning

- *Preparation of a town centre Local Structure Plan (LSP) and a Management plan (as for the Byford Town centre)*
- *Submission of a Local Structure Plan for each of the major development areas once the DSP has received final approval by Council*
- *Submission of subdivision plans once the LSP's have received final approval by Council*

Other Statutory Planning Processes

- *Prepare relevant Local Planning Policies and an Urban Growth Strategy to address broadly relevant items not covered by District or Local Structure Plans and ensure that development is consistent with the workshop vision and planning principles.*
- *Prepare a Mundijong Planning Framework for the growth and consolidation of the Mundijong town site.*
- *Prepare a Developer Contributions Plan to be included in the draft Implementation Plan.*
- *Finalise an MRS amendment to ensure consistency of planning instruments.*
- *Prepare scheme amendments to ensure consistency of planning instruments and tidy up any areas not previously covered.*
- *Submission to Environmental Protection Authority (EPA) where plans require specific environmental approvals*

Things to be achieved through non-statutory processes

- *Identify issues outside the structure plan area and draft action plans to address them (eg: a strategy to consolidate the surrounding agricultural land as an urban food bowl)*
- *Liaise with State Government to determine regional transport infrastructure outcomes such as the establishment/improvement of the Southern link road, Bishops road, and Patterson street.*
- *Liaise with State Government to implement the realignment of the Freight rail line and extension of the suburban rail service to the Mundijong-Whitby area.*
- *Research and seek available grants or other funding sources for public infrastructure improvements.*
- *Establish 'Green' power initiatives and infrastructure implementation targets (SEREG).*
- *Investigate the feasibility of the industrial area to the west of the Mundijong-Whitby area and seek expressions of interest from potential development partners.*

On-going consultation and promotion

- *Provide regular feedback to the media on progress and new initiatives.*
- *Establish joint development initiatives – public and private entities working together to achieve the best outcome for the local community.*
- *Undertake a 'road show' to inform various government agencies about the Mundijong-Whitby area's potential for agency inputs and obligations.*
- *Prepare a marketing strategy for Mundijong-Whitby to sell the common vision.*

Components of the Implementation Plan

- *Developer Contribution Plan*
- *Engineering Standards*
- *Management Plans*
- *Funding sources (Grants, Council budgeting, etc)*
- *Place-based design codes*
- *Schedule of resourcing and funding implications*
- *Linking of rates to development staging*
- *Provision of community facilities and services*

Major risks:

- *An inability of the major stakeholders to agree a development staging plan.*
- *The WAPC approval process and changes to the State Government policy framework.*
- *An inability to agree and finalise a Developers Contribution Plan.*
- *An inability to secure critical State Government agency sign-offs, specifically in reference to the Environmental Protection Authority for environmental improvements, and the Public Transport Authority for agreement to extend the suburban railway line to the Mundijong-Whitby area.*
- *Risk assessment processes in relation to rail safety that may require a significantly more expensive rail crossing solution.*
- *An inability to secure funding or State Government support for major infrastructure items.*
- *Downward trends in prevailing economic circumstances which may constrain the demand for new urban growth.*
- *Significant increase in oil prices that may inhibit community desire to settle in outlying urban fringe locations.*

The Outcomes Report states that whilst the implementation team discussed the issue of timing for the implementation process during the EbD Workshop, it was agreed that at this stage in the planning process it was too early to accurately determine timeframes due to the number of uncertainties still to be confronted and the need for greater buy-in to the process from developers and State Government agencies as part of a vision of strategic alliances.

The Outcomes Report stated in terms of timeframes that *“a conservative estimate would be three-five years to put the enabling planning controls in place”*.

What else was happening during the preparation of the MWDSP?

There was unprecedented urban development in Byford from 2004/2005 to 2007/2008 resulting in a 498% increase in residential lots released. Over the same period there was an almost three fold increase in the value of building approvals and the number of new dwellings more than doubled.

In order to manage this enormous increase in workload, staff numbers increased by 46% or from 63 in 2005/2006 to 93 in 2008/2009. Staff attraction and retention was unbelievably difficult during this time as there was an unprecedented national skills shortage that saw local governments cannibalising each other for staff. Solutions employed to address this included:

- Experienced staff were recruited from South Africa using the 457 Visa process
- A new banding structure for over award payments for Senior Staff was introduced
- Revised packages for new and existing positions including increased salaries and improved conditions were negotiated
- Part time, job share, school hours, work from home and study leave were offered
- External consultants, part time consultants and semi retired engineers were engaged
- A Collective Work Place Agreement was negotiated with the Outdoor workforce
- Management Team and Leadership Team training, mentoring and coaching was implemented

Experienced engineering staff, critical for the complicated development that was occurring, were impossible to obtain and creative solutions, in addition to those mentioned above, were constantly being sought.

Council responded from the 2006/2007 budget onwards with rates increases of between 8.5 and 12% compared to previous levels of around 6%. The total operating expenditure increased from \$10,960,387 in 2004/2005 to \$16,934,642 in 2008/2009.

Compared to other Outer Metropolitan Growth Councils we had considerably less staff to deal with the rate of development and, unlike these larger local governments, we also had to amend our processes to cope, for the first time, with thousands of residential lots when the most we had coped with previously was 50 or so mainly rural living blocks. The Shire went from rural to urban in the middle of the boom, amidst a national wide skills shortage with huge political impetus, and insatiable community desire, for residential housing lots.

So, not only was it very difficult to get staff to fill positions due to the skills shortage, there were not enough funds to meet demand. It was impossible, with the resources that we had available, to meet stakeholder expectations. Expectations that were more urgent, frenzied and excessive as everyone sought to cash in on the boom.

People were camping out for land, deposits were being taken for lots before local structure plans had even been approved, lots were getting title without basic infrastructure in place as everything had been bonded to allow for release of title and builders were signing clients up and taking their money knowing full well they were not going to be able to build it in time, ‘professional’ lobbyists were engaged by developers, the Department of Planning and Infrastructure were chronically understaffed and approvals were issued over our heads. There were no funding programs available to assist us.

Trying to manage the impacts of hyper-growth during a skills shortage whilst transforming from rural to urban with low staff numbers was difficult enough but with the added complexity of trying to implement water sensitive urban design in a complex natural environment with expert conjecture over required flood protection and drainage outcomes, with an inexperienced and short staffed engineering team, was beyond the endurance of many.

The Department of Water were a new agency and were still establishing where they integrated into the planning system. There were four different drainage standards expected to be enforced by the Shire in the 2 years between 2006 and 2008.

Due to the confusion and conjecture over applicable drainage standards just about every subdivision that proceeded to final approval did so through a resource intensive State Administrative Tribunal (SAT) process. Local Structure Plans and subdivisions were being held in abeyance pending the final Byford Townsite Drainage Water Management Plan at the peak of the market.

The advent of SAT meant that local governments had to focus on bringing their statutory and policy framework up to a standard to survive the quasi-judicial rigour of hearings. The Shire was not only trying to develop a policy framework to deal with the new issues generated by urban growth and reflect the non-main stream vision of council but develop policies which would withstand the SAT process.

Added to this there were a group of directors new to their roles and new councillors as a result of the 2007 election.

To have survived that period of phenomenal growth would have been an achievement in itself, but to have also managed to develop the necessary plans and strategies to take the Shire into the future with the best possible foundation, is a result of extreme commitment and incalculable effort by everyone.

The studies progressed during that time are listed below:

- Local Planning Strategy
 - *Status: Significantly progressed*
- Community Facilities and Services Plan
 - *Status: Adopted by Council*
- Biodiversity Strategy
 - *Status: Adopted by Council*
- Activity Centres Strategy
 - *Status: Final Draft*
- Demand Analysis for Employment Generating Land Study
 - *Status: Final Draft*
- Public Transport Study
 - *Status: Final Draft*
- Mundijong Whitby District Structure Plan (MWDSP)
 - *Status: Significantly progressed*
- Byford Detailed Area Plan
 - *Status: Adopted by Council*
- Byford Structure Plan Review
 - *Status: Adopted by Council*
- Population Projections
 - *Status: Completed*
- Byford Town Centre Local Structure Plan
 - *Status: Significantly progressed*
- Byford Development Contribution Plan

- *Status: Significantly progressed*
- Urban Growth Management Strategy
 - *Status: Significantly progressed*
- Serpentine Urban Development Zone Amendment.
 - *Status: Significantly progressed*
- Plan for the Future 2009 - 2014
 - *Status: Final Draft*
- Plan for the Future Action Plans
 - *Status: Significantly progressed*
- Fully Costed Plan for the Future
 - *Status: Significantly progressed*
- Communications and Marketing Strategy
 - *Status: Completed*
- Crime Prevention and Community Safety Plan
 - *Status: Adopted by Council*
- Disability Access and Inclusion Plan
 - *Status: Adopted by Council*
- Peel Climate Change Project
 - *Status: Significantly progressed*
- Jarrahdale Heritage Park Business and Marketing Plan.
 - *Status: Adopted by Council*
- WAAMI and Asset Management
 - *Status: Commenced*

In addition to the studies mentioned above the Shire also worked closely with the Department of Planning and developers respectively on the preparation of the following:

- Southern Metropolitan and Peel Region Urban Growth Management Strategy
 - *Status: Final Draft*
- Oakford Rural Village Concept Plan
 - *Status: Significantly progressed*

The Shire has also undertaken an ambitious capital works program aimed at bringing its ageing community infrastructure up to a standard that is more useable for today's generation. During this period the Shire also won national awards for its social and environmental initiatives.

More recently the Shire has been fully engaged in the Local Government Reform process, receiving a Category 1 rating which found that the Shire has the financial and organisational capacity to meet current and future needs and the Shire was acknowledged for its best practice strategic and financial planning.

Officers should be commended for significantly advancing the MWDSF amidst all of those others pressures and projects.

Financial Implications of Growth

High growth reduces a local government's financial capacity to invest in infrastructure. This is evidenced by the case of the City of Mandurah which experienced a rapid growth rate with its population growing from 30,000 in 1993 to 60,000 in 2005. This represents an average annual growth rate of 5.9%. Over this period the City generated \$220M in rate revenue. Over the corresponding period of time, the State grew at a rate of 1.7% per annum.

If the City had grown at the same rate as the rest of the State it would have reached its 60,000 population in 2040. Over this longer period, the City would have amassed rate

revenue of \$670M. It is standard for a local government to invest approximately 10% of its rate revenue into capital projects. Using this as a basis, the City has foregone \$45M in capital projects and missed out on 35 years of grant and borrowing opportunities.

This difficulty is reflected in the financial modelling that accompanied the Shire of Serpentine Jarrahdale's Community Facilities and Services Plan to 2020. The total Plan to 2020 requires \$207 M. The \$207 M is made up of the following components:

- \$163 M is required in real time costs to build new (or renovated) facilities at the cost that would be incurred when they will be actioned between 2008 and 2020.
- \$30 M then needs to be added to this for repairs and maintenance
- \$14 M also needs to be added for the human resources to enable and activate the facilities through a Futures Office (Economic/Funding/Architect/Major Projects), Mobile Librarian & extended CD Team (Place planners).

It is possible that \$155 M of this \$207 M could be funded to 2020 by:

- Community Infrastructure Contributions of \$40 M
- Shire 25% of revenue of \$85 M
- Shire loans of \$30 M

generating a cash flow related shortfall of \$52 M.

The Shire has adopted a best practice forward financial planning process and is working with other like local governments to bring to the attention of the State and Federal Governments the funding gap generated by rapid growth.

The Shire of Serpentine Jarrahdale has formed a strategic alliance of Outer Metropolitan Growth Councils with Wanneroo, Swan, Cockburn, Armadale, Kwinana, Mandurah and Gosnells to lobby at a State level regarding issues associated with growth as well as to conduct research and contribute to policy development.

This then led to the National Growth Areas Alliance (NGAA) where the Shire of Serpentine Jarrahdale is able to lobby at Federal level as part of a group of 25 who represent, 22.6% of the nation's population. Over the five years to 2006 54.7% of Australia's population growth occurred in NGAA councils. This trend will continue. More than 1.4 million people will move into growth areas over the next 15 years. This is the equivalent to building a city the size of Canberra every 3.6 years. We now have an Executive officer in place and a national marketing strategy. The NGAA's first campaign was the entitled "Fund the Gap" prior to the last Federal election.

Financial Implications of Growth for Serpentine Jarrahdale

The following table outlines the currently unfunded gap that is being generated by the rapid growth that the Shire is experiencing.

	DRAFT FULLY COSTED PLAN FOR THE FUTURE									
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Total Estimated Revenue (inclusive of a 7% increase in rates each year)	16,824,339	18,234,386	19,748,279	21,395,793	23,151,435	25,059,714	27,133,713	29,387,866	31,837,608	34,499,448
Total Estimated Expenses	24,749,771	25,606,143	25,437,615	26,985,106	29,270,668	31,411,668	32,555,184	35,804,906	39,057,193	44,026,332
Additional increase in revenue needed to fund growth in Byford	5,543,869	4,871,116	3,063,663	2,832,356	3,224,428	3,312,409	2,229,949	3,065,942	3,700,932	5,832,298
Additional increase in revenue needed to fund growth in Byford and Mundijong	6,778,985	6,044,436	3,702,964	3,490,050	4,113,610	4,358,826	3,090,967	4,366,997	5,401,285	8,449,287
Additional increase in revenue needed to fund Mundijong Whitby	1,235,116	1,173,320	639,301	657,694	889,181	1,046,418	861,018	1,301,055	1,700,354	2,616,989

Council has invested \$590,728 on external consultants thus far on the preparation of the MWDSP and anticipates spending a further \$323,078 this year to progress the DSP toward finalisation. During that time officers have managed to offset that cost by attracting \$310,000 in grant revenue.

As a matter of interest it is worth examining the level of State investment into the Armadale Redevelopment Authority, which does not have responsibility for the full range of services provided by a local government.

Armadale Redevelopment Authority – Annual Report Summary

Year	Total Revenue From Ordinary Activities	Total Cost of Service	Revenues From State Government	Net Profit/(Loss)
2002	4,814	172,119	755,000	587,695
2003	20,858	953,115	510,000	(422,257)
2004	134,606	1,429,955	3,261,500	1,966,151
2005	239,000	4,479,000	1,188,000	(3,052,000)
2006	8,739,000	12,936,000	1,470,000	(2,727,000)
2007	25,211,000	36,532,000	2,752,000	(8,569,000)
2008	3,691,000	5,057,000	1,450,000	84,000
2009	10,160,000	11,633,000	1,720,000	247,000

**Note the revenue received from State Government does not include additional one off injections such as, for example, \$10 million for the Forrestdale Industrial Park and others.*

The ARA also has a service level agreement in place with Landcorp to assist with human resources and DoP also assist with staffing. They outsource most of the technical staff. The other thing to note is that they are also a land developer, not just an administrator.

Land Supply:

On Page iv of Directions 2031 Gary Pratley, the Chairman of the WAPC, states “We need to use land and infrastructure more efficiently and we must in the first instance prioritise land that is already zoned for development. Fortunately we already have nearly 19,000 hectares of undeveloped urban and urban deferred land which can be used to accommodate most, if not all of the expected growth to 2031.

In that same document with regard to Serpentine Jarrahdale the following extract is provided:

Byford: The Byford District Structure Plan has identified growth capacity for a future population of 38,000 residents, which is anticipated to be sufficient to accommodate demand beyond 2031.

Mundijong: the town of Mundijong is experiencing significant development pressure. Structure planning for the area has recently been initiated and has identified the capacity to accommodate 30,000 residents over the long term. It is expected that development in Mundijong will follow Byford, and is therefore considered a medium to long term growth opportunity (i.e. beyond 2031).

The whole of the South East Corridor is estimated to have another 58,000 people by 2031 according to Directions 2031. If Byford can accommodate 38,000 and the City of Armadale is predicting that they will have another 69,617 people and Gosnells 35,096, there is almost triple the amount of land supply needed in the corridor without even thinking about Mundijong. Why on earth is there such a rush to bring Mundijong on stream by May next year? Even if DPls figures are conservative it is highly unlikely that they would be out by 100,000 people.

City of Armadale Population Projections

Forecast POPULATION the City of Armadale	Forecast year			Change between 2006 and 2031	
	2006	2016	2031	number	average annual % change
(Area)					
City of Armadale	52,747	77,373	122,364	69,617	↗3.4
Armadale North	5,228	6,019	7,178	1,950	↗1.3
Armadale South	7,248	8,123	9,831	2,583	↗1.2
Bedfordale - Ashendon - Illawarra	1,856	2,904	3,431	1,575	↗2.5
Brookdale - Wungong	2,607	3,358	6,078	3,471	↗3.4
Camillo	4,780	4,921	5,150	370	↘0.3
Champion Lakes	544	1,857	3,256	2,712	↗7.4
Forrestdale	1,131	1,328	1,935	804	↗2.2
Harrisdale	83	4,850	9,051	8,968	↗20.6
Haynes	152	978	5,968	5,816	↗15.8
Hilbert	366	4,701	22,735	22,369	↗18.0
Kelmscott East	5,318	5,859	7,135	1,817	↗1.2
Kelmscott West	4,518	5,427	6,617	2,099	↗1.5
Mount Nasura - Mount Richon	5,061	5,108	5,532	471	↘0.4
Piara Waters	97	3,628	9,656	9,559	↗20.2
Roleystone - Karragullen -	6,487	7,206	7,445	958	↗0.6

The State Government has spent millions of dollars on the development of Armadale as a strategic city centre providing a mix of retail, office, community, entertainment, residential and employment activities well serviced by high frequency public transport through the Armadale Redevelopment Authority, with large areas of broad hectare residential developments being planned allowing maximum utilisation of existing infrastructure. There is little hope of achieving these services in the district centre of Mundijong for at least the next decade, probably two. Those services don't even exist in Byford. Byford has an infrequent bus service, doesn't have a state high school (the Shire has had to help the first private high school to establish by accommodating it in its car park and hall for several years because there is community need that wasn't being met by the State) and the public primary schools in Byford are bursting at the seams and there are no plans for any new ones to be built.

The Southern Metropolitan and Peel Sub Regional Structure Plan recently released for public comment was conducted over many years involving close collaboration between DPI, local governments, key state government agencies especially the Department of Water and Department of Environment and Conservation and service providers, especially the Water Corporation. This study has provided even more detailed population projections for Serpentine Jarrahdale and estimates that only 7,600 people of the 93,100 increase in population of the Sub Region will occur in Serpentine Jarrahdale.

Southern Metropolitan and Peel Sub Regional Structure Plan Population Projections

6. Population

6.1 Current population and population projections

The population in the five local government areas making up the sub-region, has risen from approximately 148,000 in 1997 to approximately 222,600 in 2008, representing an annual average growth rate of 3.78% per annum in this period.

In terms of WA Tomorrow population estimates and Directions 2031, the population of the sub-region is projected to grow to 315,700 by 2031 as reflected in table 1.

Table 1: Sub-regional population: current projections

Local government	2008	2031	Growth 2006 to 2031	Proportion of growth 2006 to 2031
Kwinana	26,900	37,000	10,100	10.8%
Rockingham	96,400	128,500	32,100	34.5%
Mandurah	71,900	105,700	33,800	36.3%
Murray	13,000	22,500	9,500	10.2%
Serpentine Jarrahdale	14,400	22,000	7,600	8.2%
Total	222,600	315,700	93,100	100%

It is projected that the additional population, will be accommodated in an additional 54,900 dwellings as summarised in table 2.

Table 2: Projected additional dwellings required

	Kwinana	Rockingham	Mandurah	Murray	Serpentine Jarrahdale	Total
Additional dwellings 2008 to 2031	6,000	18,900	19,900	5,600	4,500	54,900

The number of new dwellings needed could almost be provided by The Glades local structure plan in Byford alone.

The Southern Metropolitan and Peel Sub Regional Structure Plan also indicates that Mundijong Whitby is not on the Water Corporations water and wastewater timeframe for the provision of services until 2021. Development in Byford which has been underway for 3 years is currently being constrained by the inability of Water Corporation to build a sewer pump station.

Water and wastewater	Etc (\$'000,000)	Start	Finish
Water Corporation			
Years 11 – 20: 2017-18 to 2026-27			
Amarillo South Main PS PM and Main Sewer	10.8	2017	2021
Byford Main PS and PM Transfer to PS B	14.4	2018	2019
Baldivis South Main Pump Station	15.8	2018	2020
Baldivis South Main Sewer Section 3	22.7	2018	2020
Halls Head WWTP upgrade to 8.8 ML/d	33.2	2019	2024
Mundijong: PS, PM and Main Sewer	20.9	2021	2022
Amarillo South Main Sewer Stage 2	13.3	2021	2025
Karnup: PS F, PM and Main Sewer	13.2	2022	2023
Kwinana WWTP: Upgrade to 24ML/d	73.0	2022	2025
Caddadup TWWM Improvements Stage 2	35.1	2022	2027
Baldivis South Main Sewer Section 4	21.6	2023	2025
Amarillo South Main Sewer Stage 3	15.0	2023	2027
Serpentine Tunnel - PH Dam to Main Dam	409.9	2023	2027
Mandurah Gordon Rd WWTP 26 ML/d	15.7	2024	2027
Tims Thicket WWTP: Ocean Outfall	14.0	2026	2027
Mandurah Biosolids Storage and Treatment	14.0	2026	2027
Tims Thicket WWTP: Stage 1 10ML/d	28.1	2028	2027

This is not just about the Shire of Serpentine Jarrahdale, it is about every government agency and utility being able to service the opening of another development front. The Southern Metropolitan and Peel Sub-Regional Structure Plan liaised with all of those key agencies and yet forecast that only 4,500 homes were needed until 2031, Byford will more than adequately provide this. The reason the Department of Planning were forecasting such low numbers is they were trying to create a more compact city that better utilises existing infrastructure, opening Mundijong up prematurely goes against all those principles.

Continuing skills shortage

As part of the Shire's Local Government Reform submission the Chamber of Commerce and Industry (CCI) were engaged to examine the feasibility of a shared service model for the Peel local governments. As part of that analysis one of the key drivers for advancing the project is the forecast continued shortage of skilled labour and the inability for local government to effectively compete in the market place due to the higher rates paid by the private sector. The following is an extract from the report:

Labour Pressures

The strong economic growth translated into extremely tight labour market conditions. Since the current phase of economic expansion started six years ago, almost 200,000 jobs have been created in the WA economy, while the unemployment rate has also dropped to historically low levels, reaching a low of 2.8 per cent in October 2008. Since then, the unemployment rate has increased as global and domestic economic conditions have deteriorated, although this may be a temporary situation.

The strong employment growth has been hampered by an inability to source suitable labour, with labour shortages becoming a key limiting factor to additional growth in WA. Labour shortages and associated wage pressures were identified as the single largest concern in 2008 by nearly 70 per cent of WA businesses. These labour shortages were not isolated to one particular sector of the economy and impacted most occupational groups.

Local governments have not been immune to the labour shortage challenge. In fact, the ability to attract and retain suitably qualified staff was identified by the sector and Minister as one of the reasons for considering reform.

As a consequence of tight labour markets, WA has experienced considerable wage pressure, with the wage price index in WA increasing by more than the national average for the past four years. This strong wage pressure was spread across the labour market, with higher wage price pressure in almost every Western Australian industry. While this pressure is easing in the short term, due to changed international global conditions, the expectation is that wage pressures will resume in the medium to longer term.

In 2006 the main industries of employment in the Peel region were: manufacturing, accounting for 14.3 per cent of the total workforce; retail trade, accounting for 11.9 per cent; and construction, accounting for 11.6 per cent. The three major employment areas in the Peel, manufacturing, construction and retail trade, have seen considerable wage increases above the Australian average.

The unemployment rate in the Peel has been higher than the State and regional average over the last 3 years. However, this differential has narrowed as the labour market expanded significantly. In March 2008, the unemployment rate was 4.1 per cent in the Peel compared to a 3.5 per cent average for regional Western Australia and 3.2 per cent for the state. Over this three year period ending in 2008 the Peel labour force has grown by 6.3 per cent to 39,967. During this period, the number of people employed in the Peel has risen by 9.1 per cent while unemployment fell by 33.1 per cent. This indicates a tightening of the labour market.

Competition for local employees has been increasing over the last six years as can be seen with the lowering of the unemployment rates at the local level and is likely to continue into the future. Increased competition is likely to increase the difficulty of local government's recruiting and retaining staff due to low unemployment rates resulting in higher wages which local governments often struggle to match and as a result will lose employees to the private sector.

Labour markets are tightening across the Peel region, with the most significant reductions in unemployment rates occurring in the smaller population local governments giving them the most need to produce a solution relating to labour needs.

The current global uncertainty has resulted in a significant increase in the number of unemployed. However, CCI forecasts that there will be considerable growth in the WA economy in the medium to longer term.

Over the longer term, CCI estimates, on the strength of business investment and offshore demand for resources, economic growth will be maintained at the average rate of growth experienced over the first six years of this decade. On that basis, it is expected that an additional 400,000 workers will be required in the WA economy in the years to 2017. Based on current population growth rates, which are at historically high levels, Western Australia is likely to experience a shortfall of available workers of approximately 150,000 people. This will create extraordinary pressure on businesses, and in particular local governments, to attract and retain appropriately skilled staff.

The forecast is for strong growth to return to the Peel region due to expected future population growth and the high level of business investment being considered for Western Australia, over \$172 billion in March 2009. As a consequence, local government business conditions are likely to return to a state of constrained labour markets and rapidly expanding economic activity in the medium to long term.

The detailed analysis by Council Officers of the human resources needed to support the growth of the Shire generated by the implementation of the Byford and Mundijong District Structure Plans is in the order of fifteen staff per year for the next ten years. There is going to be enormous pressure on the Shire to not only find the money to fund these new staff but to recruit them and then retain them. This is going to be made even more difficult by prematurely advancing the MWDSP and setting them a task that cannot humanly be achieved with the resources that will be available.

Councillor motion of which notice has been given

One cannot question the intent behind the councillor notice of motion as being an honourable endeavour to maintain Shire responsibility for the preparation of the MWDSP.

However with regard to the wording of the notice of motion, there is no need to initiate the MWDSP process as Council has already resolved to initiate the process back in April 2006. There is also no statutory requirement to receive the EbD Outcomes Report.

With regard to the “offer from developers” stated in the motion received on 11th November 2009, only the two councillors on the Implementation Working Group received a written offer from the major developers, this offer was dated Monday 16th November and copies were provided to other members of the Sustainable Development Committee during the Committee meeting on Tuesday 17th November 2009. The offer states that the Shire has requested support from the landowner group to resource the assessment of future local structure plans. At no stage has Council formally resolved to seek this support. The offer is also subject to the achievement of certain dates including formal adoption of the MWDSP for referral to the WAPC by May 2010 and adoption by the Council of the EbD Outcomes Report at their meeting of 30th November 2009.

The developers’ desire for the EbD Outcomes Report to be adopted may be motivated by a desire to produce their own DSP which, if Council endorses the EbD Outcomes Report, allows them to then argue that it has been prepared in accordance with an adopted position of Council.

The May 2010 deadline for the final adoption of the MWDSP for referral to the WAPC is physically unachievable.

To produce the MWDSP the Shire would need to appoint consultants, if this engagement is over \$100,000 it will have to go out to tender in accordance with the Local Government Act requirements and be presented to Council for endorsement, all of the issues to be resolved as outlined in the EbD Outcomes report would need to be determined, the Implementation Plan inclusive of a Development Contribution Plan would need to be finalised, all of the individual studies would need to be resolved against an agreed concept plan, the DSP would then need to be written, then a report would need to go to Council for adoption of the DSP for advertising, advertising conducted, all of the submissions assessed, a report written and presented to Council for final adoption.

Realistically this would take until May 2012, with all of the fast tracking in the world and a supreme concerted effort you may be able to come close to a stretch target of May 2011 but May 2010 is impossible if you want to have any hope of securing a half way decent outcome.

COMMENT

The vision for the future of Mundijong Whitby arising from the EbD workshop was:

“A contemporary, connected place reflecting the community’s rural character, green values and vibrant village feel.”

Discussions had been held with the previous Minister for Planning and Infrastructure who was able to see that the potential risk to prematurely advancing the Mundijong front would be creating another poor replication of suburbia on the urban fringe and she acknowledged the need to do something different with Mundijong and create something quite unique in order to avoid that outcome. The Minister had agreed to call a visioning workshop with the developers, DPI officers, the Shire and a number of key sustainability specialists to try and reach a tripartite agreement as to the overall vision for a completely sustainable urban village on a scale that had never been achieved in WA before.

The EbD Outcomes Report also acknowledges there is a risk that the low land values in Mundijong Whitby will not bring the high quality development that the community envisage. The vision of something different, may result in the generation of something ordinary if the implementation is not carefully planned and adequately resourced. Equally the vision of something different is at risk if Council does not control the process.

The risk of prematurely advancing the MWDSPP is that you will not get the vision and Council needs to understand that by accepting this timeframe they are unlikely to achieve their desires in relation to integrated water cycle management and renewable energy.

This could be seen as a no win situation, either put forward an unachievable timeframe that will mean sub optimal outcomes because time hasn’t been taken to put the correct planning controls in place or continue with the proper process that will not suit the developer’s timeframes and they will by pass the Shire and lodge a DSP with DPI which, if approved, will still result in a sub optimal outcome that Council will have to deal with in the future with no resources to staff the implementation or the provide the needed community infrastructure.

Since this project commenced the developers have been eager to explore every avenue to shorten the process as it is in their business interest to do so. It is appropriate that the Council has control of the planning processes as they serve the community’s interest as was intended from the very origins of planning legislation in WA.

The answer does not lie in wresting control of an orderly and proper planning process being conducted by the responsible local government in the best interests of the community in order to satisfy the expectations of the major developers. Given that the State’s own strategic planning document Directions 2031 recently released for public comment considers Mundijong Whitby a long term prospect “i.e post 2031” one cannot help but wonder if the haste to finalise the MWDSPP by the developers is to pre-empt the finalisation of this document.

If the councillors want to resolve to go with the councillor recommended resolution then they should also resolve to go out to their community and advise them that the likely consequence is that their rates may increase and they’re probably going to receive a reduced level of service because Council have advanced the MWDSPP ahead of time out of concern that the developers’ push for this project would be supported by the State and the Shire would lose control of the preparation of the District Structure Plan. Councillors should acknowledge that they have made this decision without resolving the significant impacts it will have on the Shire’s financial and organisational sustainability as well as how they are going to ensure the quality of outcomes and the provision of adequate infrastructure and services to prevent the creation of a low quality development.

The Shire deviated from the endorsed CEWP process at the EbD workshop by having developers as part of the technical team. Under the original scenario they were to attend

only at the evening sessions with the community reference group to review the outcomes from the technical group. The current imbalance of community input was identified in the EbD Outcomes Report with the recommendation that at least one community reference group member be appointed to the Implementation Working Group and that the EbD Outcomes Report be the subject of extensive community engagement prior to the preparation of the MWDSP documentation. If this community consultation does not occur with the broader community then Council will be making decisions on the unresolved issues without feedback from the general public reflecting a changed priority on community input into this process.

Council needs to be assured that by making this decision it is doing so in the interests of the good governance of all residents of the Shire and that it truly understands the ramifications on its ability to provide services to community.

Council also needs to be mindful that they have a contract with the CEO which requires that they provide her with an acceptable level of resources and personnel in order for the CEO to be able to perform her duties.

The Shire is undertaking an enormous task in planning a District Centre to accommodate 30,000 people, a development that will generate a population the size of the City of Albany, which is recognised within the State's recently released Activity Centres Strategy hierarchy.

The Southern Metropolitan and Peel Sub Regional Structure Plan states that the provisions of State Planning Policy 4.2, or such interim policy statement as approved by the WAPC, shall apply to District Centres such as Mundijong. The final extent of the Centres is to be approved by the WAPC on submission by the local government of an Activity Centre Plan. There is a potential risk that the DSP process could be delayed as the Shire's Activity Centres Strategy has not yet been endorsed by Council or the WAPC.

The Byford District Structure Plan took 10 years to prepare, by the same logic the MWDSP shouldn't be finished until 2016. Even the EbD Outcomes report suggests another 3 – 5 years taking it to 2014.

This is an argument about orderly and proper planning. If Council agree to this they risk repeating the errors of our nation's forebears with poor urban fringe development that will create social problems for our successors.

The Minister for Planning's latest press release regarding the rationale for the introduction of his planning reform Bill into Parliament for Development Assessment Panels and a range of other reforms aimed at denuding local governments, and more importantly their communities, of their level of influence over their own planning, states that this will allow local government's to refocus their resources on strategic planning. If the MWDSP is advanced prematurely through WAPC or DoP support of the developer push then this statement will be revealed to be a falsehood.

If the MWDSP is advanced prematurely then all of the planning principles espoused in the recent suite of strategic planning documents released by DoP will be seen as rhetoric without substance. To support this push by the developers is not consistent with orderly and proper planning and will more than likely result in a socially unjust outcome, not only for the current residential rate base that will have to fund it but the future rate base who won't be able to be serviced.

The Shire has a history of quality long term strategic planning which is evidenced by the alignment of the Southern Metropolitan and Peel Sub Regional Structure Plan to the Shire's Rural Strategy.

This decision needs to be considered in the context of the Shire's Rural Strategy. This is the last urban village identified in the Rural Strategy. The Southern Metropolitan and Peel Sub Regional Structure Plan does not indicate any further areas for urban growth at this scale. Mundijong is the last opportunity for at least the next 20 – 30 years that Council has to realise the community's vision. There will not be another opportunity to get it right.

The Shire acknowledges the sensitivity of the State Government to ensuring that there is sufficient land that can be brought on rapidly if the economic situation requires it and the Shire is committed to finalising the MWDSPP properly with all of the necessary planning controls and contribution mechanisms in place so that Mundijong will be ready when needed on the proviso that the State is able to ensure that it can provide the required level of infrastructure and services.

The correct way forward is to progress the MWDSPP in an orderly and proper manner ensuring that all stakeholders can service the development front, including local and state government, whilst letting Byford establish into the high quality urban village that The Glades, The Scarp and Red Gum Brook are delivering, cementing the attractiveness and vision of the area and then do something special with Mundijong.

Implementing the MWDSPP will result in significant costs being added to the operating and capital expenses of the Shire, conservatively placing an additional burden in the order of \$1.2M per year for the next ten years. The Shire already has to find an average of \$3.8M per year for the next ten years to deal with the growth generated in Byford. These figures are in addition to the funds generated by a 7% rate rise every year for the next ten years. There needs to be serious discussions with both levels of government and the major developers to find viable funding options to service rapid urban growth. Grant funding is not the solution as the majority of costs are operational and not subject to capital grant opportunities, opportunities that are likely to diminish considerably as the Federal Government contracts its spending to manage the deficit created by the stimulus package.

Should Council make this decision the pain will not be felt immediately and that will lull decision makers into a false sense of satisfaction that the concerns raised over this matter were spurious. However it will be when the avalanche of local structure plans and subdivisions hit, when skilled staff can't be sourced and the Shire has insufficient funds to put them on and all of the planning controls aren't in place and the outcomes on the ground are not delivered that the initial pain will be felt. But the real pain will be when those people attracted to cheap land move in without any infrastructure, jobs or public transport and the Shire and the State have to deal with the social problems it will create. That is an outcome no-one wants and we need to take the time to get it right.

There is actually no need from a statutory sense for Council to make any formal resolutions at all at this point. However, what there obviously is a need for is to give the major land developers a clear indication of council's commitment to progressing finalisation of the DSP in a timely manner and informing the WAPC that we are proceeding with orderly and proper planning of the Mundijong Whitby urban cell.

The Shire needs to enter into serious discussions with the major developers and the State Government to address the economic issues outlined in the Outcomes Report namely:

- Creating an environment that encourages businesses to move to Mundijong.
- Delivering sufficient jobs to reduce the export of labour.
- Locating commercial activity where it has the most potential to survive and thrive.

- Achieving high quality development outcomes from a base of relatively low land values.
- Establishing sufficient residents and workers to justify the extension of the passenger rail service from Armadale.

This critical issue is echoed in Directions 2031 which states that *“the south-east sub-region has a relatively low level of employment self-sufficiency, which means that a significant number of residents must travel outside of the area for work. Under the connected city scenario it is estimated that by 2031 the population of the sub-region will have grown to 228,000, a 34 per cent increase on current population levels. Directions 2031 has identified an employment self sufficiency target of 55 per cent for the sub region, which will require 31,000 new jobs by 2031. This is a significant increase on current employment levels and will require concerted action over the next two decades if it is to be achieved.”*

A high level of government investment in infrastructure and services will be necessary to give full effect to the MWDSP. The State Government will have to be just as equally committed to fast tracking the West Mundijong Industrial Area, the freight line relocation and the provision of the electric rail to Mundijong as they may be to expediting the progression of the MWDSP. There is a very real question as to whether the State is able to resource the implementation of the MWDSP.

The Shire is certainly not being asked by its community to expedite the MWDSP, if anything they are saying they don't want it and concentrate on getting Byford right. The Shire is not naïve, it recognises the pressure from the developers and the current political landscape but as is stated in the EbD Outcomes Report the risk associated with implementation that needs to be managed is that of ***“Responding quickly to demand vs. getting the right planning solution”***.

At the very least, even if councillors don't support the officer's motion, it is recommended that a decision on this matter should be deferred pending a meeting between the Shire and the Director General of the Department of Planning, the Chairman of the WAPC and the Minister for Planning, without developers being present, to determine the State's position on the timing of the adoption of the Mundijong Whitby District Structure Plan.

CONCLUSION

It is imperative that Council firmly advises the major developers, the Department of Planning and the Western Australian Planning Commission that it has been undertaking with due diligence its role as a responsible planning authority in the preparation of the Mundijong Whitby District Structure Plan (MWDSP).

Any threat or attempt to wrest control of the MWDSP process from the Council, which is being undertaken in the best interests of the community, could only be perceived to be motivated by the profit driven self interest of the major developers. This is particularly evident when every strategic planning document recently released by the Western Australian Planning Commission identifies that there is sufficient zoned land and land under investigation in the Southern Corridor to cope with the growth of Perth for the next 20 years without Mundijong Whitby. This isn't a debate about land supply nor is it about affordable housing.

That being said, the Shire remains committed to progressing to finalisation the preparation of the Mundijong Whitby District Structure Plan in the most expedient manner practicable and to systematically working through the implementation components of the EbD Outcomes Report as well as to working with both levels of government and the development industry to

proactively address the significant resourcing implications that will be generated by its adoption.

Strategic Plan Implications: ***A copy of the Shire's Plan for the Future objectives that are relevant to this proposal are attached at OCM015.6/11/09.***

Voting Requirements: Simple Majority

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.

Denis McLeod attended the meeting and declared a financial interest prior to providing advice as the decision made at this meeting may impact on the work his firm may do for this Shire.

COUNCIL DECISION

Moved Cr Brown, seconded Cr Lowry that the meeting be closed to members of the public at this point in accordance with S5.23.(2)(d) of the Local Government Act 1995 to allow consideration of legal advice relating to item SD069/11/09.

CARRIED 9/1

Cr Geurds left the meeting at 8.29pm and returned at 8.30pm.

Denis McLeod also declared that his firm may currently be engaged by land developer Mark Hector. He declared that this engagement will not affect the advice that he provides to the Shire.

COUNCIL DECISION

Moved Cr Lowry, seconded Cr Buttfield that the meeting be re-opened to the public.

CARRIED 10/0

Council 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.

THIS MOTION WAS WITHDRAWN

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.

Manager Community Development left the meeting at 9.04pm and returned at 9.10pm.

Manager Community Development left the meeting at 9.11pm.

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.