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

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON TUESDAY, 9<sup>TH</sup> MARCH 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 3.03PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** M Harris ..... Presiding Member  
WJ Kirkpatrick  
C Buttfield  
MJ Geurds  
E Brown  
C Randall  
A Lowry  
T Hoyer

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr A Hart ..... Director Corporate Services  
Mrs S van Aswegen ..... Director Strategic Community Planning  
Mr B Gleeson ..... Director Development Services  
Mr U Striepe ..... Acting Director Engineering  
Mr S Wilkes ..... Executive Manager Planning  
Mr T Turner ..... Manager Health and Ranger Services  
Mrs C McKee ..... Manager Community Development  
Mrs J Samson ..... Community Development Officer  
Mr M Daymond ..... Senior Planner  
Mr P Varelis ..... Planning Officer (from 3.12pm)  
Mrs L Fletcher ..... Minute Secretary

**APOLOGIES:** Cr S Twine (Leave of Absence)

**GALLERY:** 13

**2. PUBLIC QUESTION TIME:**

Nil

**3. PUBLIC STATEMENT TIME:**

SCM025/03/10 - Kris Nolan (Taylor Burrell Barnett)

Good Afternoon Madam President and Councillors, my name is Kris Nolan and I'm from Taylor Burrell Barnett, the proponent for the Byford Main Precinct or Glades Local Structure Plan and on behalf of our client LWP Property Group, I wish to speak in favour of the officer report and recommendations outlined in Special Council Meeting Item 25.

As many Councillors would be aware, LWP and its professional consultant team have been working closely with Shire staff and other government agencies during the advertising of the proposed Local Structure Plan addressing a number of matters including:

- water management
- the provision educational facilities and community facilities
- public open space
- bus routes
- major road alignments
- fire management

As a result of this ongoing review of the Local Structure Plan and working relationship with Shire staff, we believe that the proposed Local Structure Plan now meets the requirements of the Shire, state government agencies and the expectations of the Byford community.

Accordingly, the recommendations outlined in the officer report are very much supported by LWP; however we do have a concern with requested modification No.9 within the Schedule of Modifications. Modification 9 requires the alignment of Orton Road to be adjusted to depict an equal share of the road reserve for its entire length. The current Local Structure Plan proposes the equal sharing of Orton Road for the majority of the length of the road between Tonkin Hwy and Soldiers Road. At the far eastern end we acknowledge that the sharing of Orton Road on the LSP is uneven; this though has only been proposed to provide for a straight alignment through to Soldiers Road.

It is our opinion that the officer recommendation to realign this portion of Orton Road to ensure it is shared equally between Warrington and Soldier Roads will result in an unnecessary deviation and less than optimum design outcome. Whilst we are not seeking to alter the proposed schedule of modifications to the LSP, as it is outlined in the suggested notification to be placed on the Structure Plan, in the future, LWP will be particularly keen to work with the relevant landowners and Council in providing an appropriate and equitable design outcome.

We would also like to raise our concern with proposed modification No.2, which we understand will be modified to require a 4.0ha primary school site as opposed to a 3.5ha site. Again, whilst not seeking to modify the schedule of modifications, it is important to note that when co-located with public open space, a 3.5ha site is consistent with the requirements of the WAPC's Liveable Neighbourhoods.

In conclusion, the adoption of the Byford Main Precinct Local Structure Plan will provide both the Shire and LWP certainty in moving forward with future subdivision and development within the Glades Estate. The adoption of the LSP will also represent a culmination of over 4 years of work by both LWP and the Shire in resolving and overcoming a multitude of issues and arriving at a plan that meets the requirements of all.

For these reasons, our office strongly supports the officer recommendations and encourages Councillors to adopt the Byford Main Precinct Local Structure Plan.

SCM025/03/10 - Carolyn Benvenuti (1379 Orton Road, Byford)

We have three objections to the Local Area Structure Plan and they are:

1. Widening of Orton Road
2. Closure of Orton Road
3. Closure of Turner Road

We the landowners of Orton Road and Warrington Road feel we have been let down by our Council representatives on the grounds that we have no notification in writing or contact to advise us of the proposed resumption of 25.5 metres of our land to widen Orton Road.

We don't basically disagree with the general concept of the LSP however, we object to the manner in which the configuration of Orton Road has been handled.

Concerns were raised in 22 November 2006 – letter submitted by Mr and Mrs Benvenuti. Reply received from Council 28 November 2006.

Submissions put to Council on 7 December 2009 were in total 7 from the landowners on Orton and Warrington Road – three submissions have been omitted from Council record

thus creating a false report on the matter and issues surrounding the Orton Road widening. Also the Water Authority were against the proposal.

Since our 2009 letter to Council the property at 1367 Orton Road has been sold and the new owner was informed on Sunday 7 March 2010 by myself of the forthcoming meeting which we were told of on Friday evening after 6pm by Tony Simpson. This new landowner was informed at the time of purchase of her property of the pending changes and has written a letter of strong objection as she is unable to attend the meeting at such short notice.

*Question: Our question to Council is: there are other alternatives to upgrading Orton Road than resumption of our land. Why has Council not considered and discussed these options with the landowners and from our previous meetings held with Council officers, why has no Council member been out to Orton Road and viewed the reasons why we strongly oppose the option the developer has put forward to the Council?*

The proposed 30 metres inclusive of the road reserve being nominated as a maximum width or 21 metres as discussed in the minutes of Council meeting held on 26 October 2009 (page 35).

A preference to the road being dual carriageway retaining the existing road, waterway and trees with the extra lane being on the south side.

Our opposition and suggested alternative to the proposed widening is:

1. Three of these properties would have the road almost up to their front door.

All landowners on Orton Road will lose their grass trees, trees and vegetation on their verge.

One landowner is going to lose 25 metres of his property.

Another landowner will lose their limestone wall and garden beds.

One landowner stands to lose their bore.

At least two landowners have meter boxes that will be affected.

2. Our suggested alternative is to keep the trees, grass trees, vegetation, waterways, Telstra, transformer box, gas and power which all run past our properties on Orton Road. Also the waterways can be maintained as per the Glades structure, which will preserve the flow of water which uses this course to enter the Peel water supply.

Keeping the existing road as one way and on the south side of the waterway and trees structure a road travelling the other direction, again this is in keeping with the Glades structure. In keeping with this alternative it will make an ideal buffer zone for all residents of Orton Road. This alternative is then keeping Byford still with its country look and feel allowing current lifestyle to co-exist with Urban development.

3. *Why hasn't the Council considered these options?*
4. Should the proposed LSP go ahead with landowners losing their meterage, then it would be necessary for the developer to build a limestone wall for all residents as a buffer zone and re-establish driveways, power boxes, gardens and services to all properties and any unforeseen requirements by the landowners.
5. At the Council meeting on 11 February 2010, Tony Simpson, Brad Gleeson, Richard Gorbunow, Terry and Gay Goff, Madelaine and Jim Kelly, Desley Hutcheson, Chris Holder, Carolyn and Marino Benvenuti were present. Reg Angelini and John Wieske were unable to make it so we were there on their behalf. At that meeting Brad told us that Orton Road and losing our land was not going to happen.

6. As a result of this discussion held at the meeting on the 11 February 2010, Tony Simpson on behalf of the landowners offered to organise a meeting to be held at his office on the 18 February 2010, for the developer, Council members and the landowners to discuss this matter to reach an amicable resolution to the matter. The only attendees at the meeting were Tony Simpson and the landowners as the other invitees declined the invitation.

Objection 2: Closure of Orton Road from Hopkinson Road to Doley Road

*Please clarify what is meant by closure – does this mean permanent closure – no further access, temporary – with access for local traffic, and if temporary – duration of closure?*

Objection 3: Closure of Turner Road between Warrington and Soldiers Roads. This access is used by all landowners in the vicinity and in particular those staff members and family of residents of Graceford Hostel.

The staff members of Graceford will also be affected by the Orton Road closure as many of them reside to the west of Orton Road.

Planning Officer entered the meeting at 3.12pm.

Director Development Services advised that the abovementioned questions would be responded to in writing.

Director Development Services advised regarding the schedule of submissions in item SCM025/03/10, that six submissions were received relating to Orton Road. These submissions have been responded to, have been considered in this report and are what forms the Officer Recommended Resolution. The recommendation is suggesting equal sharing of Orton Road, five metres to the north and five metres to the south.

Council believes in the longer term plan, as the land is developed on the northern side of Orton Road through the structure planning process, road widening requirements will be dealt with through this process. 'Longer term' was defined as being five to ten years before any development will occur on Orton Road. Whilst properties on Orton Road are under multiple ownership it is not likely to occur in the short term.

The Deputy Shire President queried the section of Orton Road in question is east of LWP land.

Director Development Services clarified it is the Orton Road intersection with Doley Road. LWP owns land on the southern side with private ownership on the northern side. The land on the western side is owned by LWP and comes off the future Tonkin Highway.

Director Development Services advised Orton Road will be included in the developer contribution plan (Orton Road from Tonkin Highway to Soldiers Road) for the Byford Urban Cell to include land resumption or the purchase of land. This would be for the entire road and buildings/carriageways.

SCM025/03/10 - John Wieske (155 Warrington Road, Byford)

Does not have any objections to the general concept of the plan.

The only objection is with the Orton Road resumption he will lose 25 metres from the side of his property. The creek runs through one third of this area. The concept of the creek making up the centre of the carriageway is not economically or environmentally viable.

**4. PETITIONS & DEPUTATIONS:**

Nil

**5. DEPUTY PRESIDENT'S REPORT:**

Nil

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

The Chief Executive Officer declared an interest in common in item SCM029/03/10 as she is a resident of Keysbrook although is not affected by this proposal.

Cr Buttfield declared an interest of impartiality in item SCM029/03/10 as her mother owns land in Gobby Road (adjoining the proposal) and advised that this will not affect the way in which she votes on this matter.

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

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Hoyer**

**The *attached (E10/558)* minutes of the Annual Electors Meeting held on 3 February 2010 be confirmed.**

**CARRIED 8/0**

**Council Note: The Deputy Shire President congratulated the minute taker of this meeting as it was a very lengthy and complex meeting.**

## 8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

### COUNCIL DECISION

**Moved Cr Kirkpatrick, seconded Cr Brown**

**That confidential items SCM022/03/10, SCM028/03/10 and SCM029/03/10 be discussed at the end of the meeting.**

**CARRIED 8/0**

Manager Health and Ranger Services left the meeting at 3.26pm.

SCM023/03/10		COMMUNITY FUNDING PROGRAM (A1671)
Proponent:	Serpentine Jarrahdale Shire	In Brief  That Council authorise the CEO to sign the Byford & Districts Community Bank® Branch of Bendigo Bank and Serpentine Jarrahdale Shire Community Funding Program Partnership agreement document on its behalf.
Owner:	Not applicable	
Author:	Julie Sansom - Community Development Officer	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	9 March 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### Background

The Serpentine Jarrahdale Shire Community Funding Program (CFP) is long established in the community. The Byford & Districts Community Bank® Branch of Bendigo Bank (Bendigo Bank) has been in negotiations with the Shire to form a partnership to match the current funding offered to the community by the Shire. This will not only potentially double the funding pool so that more projects may be achieved within and by the community but will also mean the benefit of an organisation having to submit only one application form instead of approaching both the Shire and Bank. This partnership proposal was brought to Policy Forum on 1 December 2009 for discussion.

***A copy of the Serpentine Jarrahdale Shire and Byford & Districts Community Bank® Branch of Bendigo Bank Community Funding Partnership Agreement is with attachments marked SCM023.1/03/10.***

### Sustainability Statement

***Effect on Environment:*** This proposal does not directly affect the environment. However, projects that may be funded through the Community Funding Program may enhance the environment, particularly the social and cultural environment in which we live.

***Resource Implications:*** The proposed contribution by Community Bank® Branch is for matching funds plus GST per annum (i.e. \$20,000.00 plus GST) but is subject to change through mutual agreement and Council's annual budget process. The 2009/2010 funding round potentially enabled approximately \$119,150 worth of projects to be accomplished across the community. This partnership would naturally increase that potential.

***Use of Local, Renewable or Recycled Resources:*** The Community Bank® Branch is a local resource. The CFP encourages the use of local and regional resources (including volunteer labour). The CFP is only available to local groups and many projects use local resources both human and material to achieve their project outcomes.



**Economic Viability:** There will be no further costs to Council by forming the funding partnership agreement.

**Economic Benefits:** The community will definitely benefit from this funding partnership agreement due to increased funding. Furthermore, the Community Bank® Branch may consider further funding for some projects outside of the CFP. Historically, many of the projects funded utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

**Social – Quality of Life:** Increasing the funding amount will allow more access to a larger pool of money for more groups within the community.

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

**Social Diversity:** The increased funding will allow more opportunity to be inclusive of all social groups.

**Statutory Environment:** Under Department of Local Government Circular No 29-2009 - Proclamation of Local Government Amendment Act 2009 & Amendments to Regulations – operational from 21 November 2009 – Section 43, sections 9.49A. “ Pursuant to section 9.49A(4), a local government may, by resolution, authorise the CEO, an employee or agent of the local government, to sign documents on its behalf, subject to any conditions or restrictions specified in the authorisation. Note however that because section 23 of the Act, amends section 5.43 of the LG Act, a local government cannot delegate this power to authorise to a CEO.”

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

There are no financial implications to Council related to this proposal. Community Bank® Branch will maintain and match \$20,000 plus GST per annum but this is subject to change through mutual agreement and Council’s annual budget process. Community Bank® Branch will transfer \$20,000 plus GST or an agreed amount annually to the Serpentine Jarrahdale Shire bank account for disbursement of funds once recommendations are made through the Shire’s annual Budget deliberations.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

4. Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

**Community Consultation:**

This item relates to the authorization of an agreement which does not have to be advertised and so no consultation is required.

**Comment:**

The Shire's Community Development Officers will be responsible for collating applicant data in discussion with Community Bank® Branch Manager and Chairman of the Board. Applicant recommendations will be made to both the Shire's Community Funding Program Working Group and the Community Bank® Branch Board for review. Recommendations from the Working Party and Board will still be subject to Council resolution. The partnership with Community Bank® Branch will be promoted with all correspondence, advertising and application forms. The partnership agreement will be reviewed after one year, i.e. December 2010, before a decision is made whether to continue the Agreement for the 2011/2012 Community Funding Program round.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**SCM023/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Buttfeld**

**Council authorises the Chief Executive Officer to sign the Serpentine Jarrahdale Shire and Byford & Districts Community Bank® Branch of Bendigo Bank Community Funding Program Partnership Agreement at *Attachment SCM023.1/03/10*.**

**CARRIED 8/0**

SCM024/03/10		CLUB DEVELOPMENT OFFICER PARTNERSHIP WITH TOWN OF KWINANA (A1789)
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is asked to authorise the CEO to support a funding application, and the development of a Memorandum of Understanding to enable the development of a Club Development Officer Partnership with the Town of Kwinana.
Owner:	Not applicable	
Author:	Julie Sansom - Community Development Officer	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	2 March 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

On 15 December 2009 the Shire was approached by the Department of Sport and Recreation (DSR) and Town of Kwinana to gauge our interest in partnering with the Town of Kwinana in the Club Development Officer Program (CDOP). We were asked to provide a response backed by a joint letter of intent by 21 December 2009 in order for the Minister to be presented with the list of partners for the 2010 – 2013 extended program.

The primary role of the Club Development Officer (CDO) is to build the capacity of community based clubs by assisting and supporting club volunteers, and to develop clubs through education, facilitation and communication.

We had previously shown an interest in the CDOP several years ago, but at that time funding was in doubt and potentially based on a substantial contribution from each local government. At the time when we discussed this with potential Peel partners there were other business cases which competed with this in terms of priorities. The State Government are still not introducing any new partnerships – but are extending the current program by 3 years with existing partners before reflecting on what might follow.

The reason that we were approached to participate in the current program is because the City of Cockburn who are currently sharing a CDO funded position with Town of Kwinana until June 2010 does not wish to renew this agreement for 2010-2013. The Town of Kwinana therefore needs to find a new partner. The City of Cockburn have decided to apply for their own Club Development Officer as their needs have now changed in terms of the direction of the position and the amount of time they now require. They propose to provide some support to Fremantle and Melville who are more closely located and who they share synergies with including participation in the same sporting leagues.

***A copy of the Department of Sport and Recreation Club Development Officer Program Background is with the attachments marked SCM024.1/03/10.***

***The Letter of Intent submitted from the two local governments to the Department of Sport and Recreation is with attachments marked SCM024.2/03/10.***

### **Sustainability Statement**

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

**Resource Implications:** The proposal is for a 4 day a week grant funded position which Serpentine Jarrahdale Shire will benefit from 1 – 2 days per week. The Town of Kwinana already provides human resource and office support for the position as well as an additional day to make the position full time. Benefits will also be realised through the shared knowledge economy between the two local governments, the wide network of Club Development Officers (CDOs) and support of the Department of Sport and Recreation. The partnership has three year commitment from July 2010 to June 2013, with a withdrawal option of 90 days should circumstances change.

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

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

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

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

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

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

**Statutory Environment:** Under Department of Local Government Circular No 29-2009 - Proclamation of Local Government Amendment Act 2009 & Amendments to Regulations – operational from 21 November 2009 – Section 43, sections 9.49A. “ Pursuant to section 9.49A(4), a local government may, by resolution, authorise the CEO, an employee or agent of the local government, to sign documents on its behalf, subject to any conditions or restrictions specified in the authorisation. Note however that because section 23 of the Act, amends section 5.43 of the LG Act, a local government cannot delegate this power to authorise to a CEO.”

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this proposal. It is envisaged that a policy will be developed to inform the scope of the position (work procedure / MOU) which will enable Council to guide the overall focus and priorities in relation to achieving the Plan For The Future.

**Financial Implications:**

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

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.

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

Strategies:

4. Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

**Community Consultation:**

This item relates to the authorisation of an agreement which does not have to be advertised and so no consultation is required.

**Comment:**

The Town of Kwinana must submit their 2010–2013 funding application for existing CDO agreements to DSR by 10 March 2010. They must include a letter of support from their proposed new partner – Serpentine Jarrahdale Shire.

During the month of March the DSR and the two local governments plan to meet to discuss the operational detail in terms of a memorandum of understanding. This will then inform a clearly defined work program and protocols to guide the officer in terms of how they allocate their time to both local governments. A policy position will also be developed with Council during this process in terms of reflecting on Council's views of the priority objectives from the shared resource.

In speaking with the Town of Kwinana and DSR following Council's March Policy Forum it was confirmed that the aspirations expressed by Councillors in terms of Serpentine Jarrahdale being able to define the scope, priorities and focus of the role were well within the

scope of the program. The current Club Development Officer plays a very active liaison and communications role between the clubs and the local government.

In summary, this is a great opportunity to introduce a grant funded club development capacity building role that we are not currently able to provide, except on an ad hoc and very limited basis. It is also an opportunity to develop shared services with another local government. Should an opportunity arise in the future to realign with a partner in the Peel Region then the partnership will be reviewed.

**Voting Requirements:                      ABSOLUTE MAJORITY**

Community Development Officer left the meeting at 3.26pm.

Manager Health and Ranger Services returned to the meeting at 3.27pm.

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

**Moved Cr Hoyer, seconded Cr Lowry**

**A. Council authorises the Chief Executive Officer to:**

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

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

**CARRIED 8/0**

SCM025/03/10		BYFORD MAIN PRECINCT – CONSIDERATION OF SUBMISSIONS AND ADOPTION OF PROPOSED LOCAL STRUCTURE PLAN (A1654)
Proponent:	Taylor Burrell Barnet	<b>In Brief:</b>  The draft Local Structure Plan for the Byford Main Precinct (The Glades) has been advertised for public comment with 22 submissions received.  It is recommended that the draft Local Structure Plan be adopted by Council, subject to modifications, and be forwarded to the Western Australian Planning Commission for consideration.
Owner:	LWP Property Group Pty Ltd	
Officer:	Chris Donnelly – Contract Senior Planner Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 March 2010	
Previously	OCM26/10/09; SCM02/09/06 OCM05/08/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 29 July 2009  
 Lot Area: 329.45 ha  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban and Urban Deferred  
 Byford Structure Plan: Residential (R20)

	Residential (R30-60)
	Mixed Business
	Neighbourhood Node
	Neighbourhood Centre
	Drainage Basin Indicative Location
	Multiple Use Corridor
	Proposed Local Park (Approx. 3000m)
	Proposed Local Park Within MUC
	Proposed Neighbourhood Park (Approx. 4000m)
	Foreshore Reserve
	Conservation
	District Recreation
	Primary School
	High School
Rural Strategy Policy Area:	MRS / Structure Plan Urban and Future Urban Areas

## **Background**

### **Draft Local Structure Plan**

Council at its meeting of 26 October 2009 considered a draft Local Structure Plan (LSP) for the Byford Main Precinct, commonly known as “The Glades”, in Byford. The draft LSP has been prepared to facilitate the subdivision and development of a number of landholdings owned by the LWP Property Group.

The draft LSP seeks to provide for the following:

- Residential development at various densities (R10-R80).
- A neighbourhood centre on Doley Road;
- Several neighbourhood nodes;
- Multiple-use corridors (MUCs) providing dual drainage and public open space functions;
- District recreational areas;
- Two school sites; and
- A conservation/foreshore reserve for Cardup Brook.

At the Council Meeting, Council determined that the draft LSP was satisfactory for advertising subject to the boundary of the LSP being modified to accord with the boundary of the draft Byford Town Centre LSP. Council also passed a number of resolutions, the effect of the following:

- That the LSP may cover a portion of precincts seven and eight, as indicated on Plan 15A of the Shire’s Town Planning Scheme No. 2 (TPS 2).
- That the draft Local Water Management Strategy for the draft LSP was satisfactory for advertising.
- That a proposed modification to the Byford District Structure Plan (DSP) to remove notation B, with respect land to the south of Orton Road being subject to further study, was satisfactory for advertising.
- To advertise the proposed closure of a portion of the Doley Road, Orton Road and Cardup Siding Road reserves, at the applicant’s expense.
- That the applicant formulates an agreement between the Department of Education and Training, the Shire and the subdivider for the provision of, maintenance of and provision of on-going access to shared recreational facilities at the Primary School.
- To request Shire officers to negotiate with the proponent in relation to achieving the outcomes of the Shire’s Community Facilities and Services Plan, in particular a portion of land within the proposed neighbourhood centre.
- To request Shire officers to negotiate with the proponent regarding the on-going management of the proposed lake.

- Advise that proponent that it would consider a proposal to delete the proposed district open space between Orton Road and Cardup Brook in the context of alternative recreational opportunities being provided at the high schools and Briggs Park.
- Advise Main Roads that it does not support the option for the extension of Tonkin Highway, via Orton Road, to South Western Highway.
- Request Shire officers to investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to Brickwood Reserve.

***A copy of the draft LSP Map and Part One – Statutory Section, as advertised, is with the attachments marked SCM025.1/03/10.***

This report provides Council with the opportunity to consider:

- The submissions received during the advertising of a number of proposals
- Whether to adopt, with or without modification, the proposed LSP;
- Whether to adopt, with or without modification, the proposed LWMS;
- Whether to proceed with road closure proceedings for Doley Road; and
- Whether to proceed with the proposed modification to the BSP, in respect of Orton Road.

### **Sustainability Statement**

***Effect on Environment:*** The multiple use corridors will provide for increased water quality outcomes and provide recreational opportunities for the local community. Flora and fauna habitats will be protected within the Cardup Brook Foreshore Management Plan area. Higher residential densities in close proximity to the Village Centre and Neighbourhood Nodes will provide accommodation for more people in walking distance of services and facilities, thus encouraging a more sustainable community. The proposed Local Water Management Strategy (LWMS) is based on Better Urban Water Management principles that will result in a benefit to the environment.

***Resource Implications:*** A large portion of the area has been set aside for multiple use corridors. These corridors will address a drainage and recreation function to the benefit of the community. These areas will be in public ownership and the maintenance and upkeep of the areas will fall to the local authority. The Shire needs to consider the cost implications of establishing and maintaining large areas of public open space.

***Use of Local, Renewable or Recycled Resources:*** Where possible the developer is engaging local workers to complete works on site.

***Economic Viability:*** Establishing a clear planning framework, in the form of a local structure plan, will facilitate the timely delivery of land supply to potential purchasers.

***Economic Benefits:*** The development of land within the local structure plan area will consist of a mixture of residential and non-residential uses. Significant investment and employment will be generated during the construction phase of the residential development, anticipated to be in the order of 10 years. The residential population will provide significant demand for commercial activities, in areas such as the Byford Town Centre and the future Glades Village Centre, resulting in on-going employment generation and business investment.

***Social – Quality of Life:*** The LSP sets aside a significant portion of the developable area to public open space (POS). The community will benefit from the POS through increased recreational opportunities. The required DAPs will provide good design outcomes that will be established based on crime prevention principles. The developer has proposed a range of commercial and retail nodes that will provide a range of services and facilities to the community. In addition the developer is keen to establish a community purpose site and is working collaboratively with the Shire to identify the Shire's needs.



***Social and Environmental Responsibility:*** The proposed development seeks to incorporate principles of water sensitive urban design through a proposed LWMS. This approach to urban development establishes better water quality outcomes which will have a long term benefit to the environment. Significant vegetation will be retained and approximately 10,000 new trees will be planted.

***Social Diversity:*** The proposed LSP provides for a range of community purpose sites. Within the Village Centre the developer has proposed to construct a community purpose site and is also discussing other options such as a youth café. The proposed LSP also provides for a diverse range of housing stock that will provide for a diverse community. There are a number of commercial, retail and mixed use land uses that will ensure that the community is a sustainable development. There is also an area set aside for a retirement village.

**Statutory Environment:**

Byford Structure Plan  
TPS 2  
Metropolitan Region Scheme (MRS)

**Policy/Work Procedure  
Implications:**

LPP19 – Byford Development Requirements  
LPP22 – Water Sensitive Urban Design

**Financial Implications:**

There are minor administrative costs associated with finalising the draft LSP. There are however costs pertaining to the implementation of the LSP and the overarching Byford DSP. Financial implications will include:

- The preparation and finalisation of the Byford Development Contribution Arrangement (DCP) and its ongoing management.
- Any potential land acquisitions associated with district open space.
- The whole of life cycle cost related to the future maintenance and management of public open space and the public realm.
- The whole of life cycle cost related to the future maintenance and management of the artificial water body (lake); and
- Administration support and professional services to facilitate subdivision and development.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

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

3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

2. Build key community partnerships.

## **2. Environment**

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

Strategies:

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

## **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

## **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

## **Community Consultation**

A total of 22 submissions were received on the draft LSP. The schedule of submissions identifies the submitters, a summary of their submission, Shire staff comments on the submission and any recommended action.

***A copy of the schedule of submissions is with the attachments marked SCM025.2/03/10.***

### **Comment**

In light of the submissions received during the advertising period and further technical investigation, there are a number of key issues that Council needs to consider carefully in determining whether to adopt the LSP and progress with other statutory processes. The key issues are discussed in the following sections.

#### **Water Management**

At its meeting of 26 October 2009, Council, in considering the draft LSP, also determined that a draft Local Water Management Strategy (LWMS) for the site was satisfactory for advertising. The LWMS addresses water quality and quantity issues and will inform the preparation of urban water management plans (UWMPs) at the subdivision and development stages.

The Department of Water has advised that it is satisfied that the proposed LWMS is consistent with the Byford Townsite Drainage and Water Management Plan. Adoption of the LWMS, in parallel with the LSP, is therefore recommended. This course of action is consistent with the State's Better Urban Water Management Framework.

#### **Oaklands Drain Sub-Section M**

The Oaklands Drain Sub-Section M runs through the Byford Main Precinct LSP area. The drain is currently managed by the Water Corporation. The Corporation, in its submission on the draft LSP dated 18 December 2009, has indicated that it is not prepared to support the draft LSP as it does not meet their requirements for the drain in terms of floodplain width, possible additional flows and the need for restricted access.

In previous correspondence dated 27 October 2009, the Corporation advised landowners within the Byford Main Precinct LSP area of its requirements in terms of the drain. Council at its meeting of 21 December 2009 considered these requirements and the need for an agreement to be reached between the Water Corporation and the Shire regarding responsibilities for the drain. The Ordinary Council Meeting report identified that leaving the drain in the control of the Water Corporation was not likely to result in outcomes that would meet the expectations of Council or the community. It was noted that the Water Corporation was not currently investing funds into the maintenance of the drainage network.

The Corporation wrote to the Shire, seeking support for an agreement to be reached, where the drain would revert to a local urban drain, under the care, control and management of the Shire. As the Water Corporation does not currently invest any funds into the drain, it was considered that agreement proposed by Water Corporation would not change the status quo. As such, Council resolved to accept transfer of the Oaklands Drain Sub-Section M to the Shire as a local urban drain, subject to an agreement being signed between the Water Corporation and the Shire.

Although this agreement has not yet been finalised, it is considered that there is enough certainty established through Council's resolution to progress the draft LSP on the basis of the Oaklands Drain becoming a local urban drain. This is expected to satisfy the concerns of the Water Corporation.

### **Noise**

In their submission on the draft LSP, Main Roads Western Australia have identified that the applicant is required to prepare a transport noise assessment in accordance with the guidelines of the WAPCs State Planning Policy No. 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning. It is further identified that all noise treatments identified in the final noise assessment will be the responsibility of the developer at the time of subdivision. Key areas of potential impact within the Glades LSP include land within close proximity to the future extension of Tonkin Highway and also the Perth-Bunbury railway.

Transport noise assessments are commonly prepared as conditions of subdivision, having been identified as a relevant planning matter through a local structure plan. It is possible that minor variations to the LSP will be required at the time of subdivision, in order to accommodate the recommendations of noise management plans. Where a variation alters the material intent of the LSP, a formal modification to the LSP may be required.

To ensure that noise-related matters are adequately addressed at the time of subdivision, it is recommended that a requirement for a noise management plan be introduced into the statutory section of the LSP.

### Orton Road

Orton Road has historically been considered as a potential linkage between the future extension of Tonkin Highway and South-Western Highway; accordingly the BSP identified Orton Road as being 'subject to future study' as notation 'B'. Council, at its meeting of 26 October and concurrent with the consideration of the LSP, considered a proposed modification to the BSP in respect of Orton Road, in light of initial investigations. There would be significant vegetation impacts, project costs and engineering design considerations associated the extension of Orton Road.

Concurrent with the LSP, the proposed modification to the BSP in respect of Orton Road was advertised for public comment. There were 13 submissions in total, including 7 submissions of no objection/no comment (all from government departments), 2 in support (Main Roads WA and landowner) and 4 opposing the proposed modification.

### ***A schedule of submissions is with attachments marked SCM025.3/03/10.***

In general terms, the concerns raised by landowners in respect of the proposed BSP modification were in respect of the detailed alignment of the road and the potential impact on properties along the northern side. There were no technical reasons raised as to why the proposed modification to the BSP, with respect to the removal of the hatching/notation, should not proceed; accordingly, adoption of the modification is recommended. It is important to note that the BSP is a district structure plan, providing a very indicative layout only and should be interpreted as depicted a detailed outcome. That said, careful consideration, does need to be given to the future exact alignment, design, timing and responsibilities for Orton Road as part of the LSP.

It is anticipated that the ultimate configuration of Orton Road will be 30 metres. Where Orton Road abuts the 'Doley Road Precinct', the LSP has proposed that ultimately widening of Orton Road be provided both to the north and south of the existing road reserve, with a 5 metre widening on both sides.

No reserve or carriageway exists for the proposed extension of Orton Road from Warrington Road to Soldiers Road. This will necessitate the establishment of a new road reserve. The draft LSP proposes to retain the direction of Orton Road through to Soldiers Road. The approach does, however result in 25 metres of land being required from Lot 3 Warrington Road and Lot 101 Soldiers Road, and 5 metres of land from LWP's landholding. The owner of Lot 3 Warrington Road has expressed concern at this proposal and has provided several

suggested alternatives, as set out within the Schedule of Submissions; it is recommended that Council give careful consideration to the merits of the suggested alternatives.

The following key matters should be considered:

- Landowners abutting the future extension of Orton Road have raised concern about the proposed alignment
- The detailed design for Orton Road has not been completed at this time
- the timing of construction of Orton Road has not been determined at this time
- engineering/traffic input will be required at the time of detailed design to ensure that the proposed network is safe, functional and adequately provides for vehicular, pedestrian and cycle movements
- engineering/drainage input will be required at the time of detailed design to ensure that both water quantity and quality design objectives will be achieved
- The BSP, as a district structure plan, only shows an indicative layout that is to be more accurately defined through local structure plans
- There is no obligation on any landowner to subdivide and/or develop their land
- Land for road reserves is normally ceded through subdivision processes; the consent of a landowner is required for an application for subdivision to be lodged
- There is the potential for a road reserve to be established on a staged basis, with interim options including under-width road reserves
- Orton Road, although not guaranteed, is anticipated to be included in the Development Contribution Arrangement for Byford
- Orton Road will ultimately provide access to subdivided land to both the north and south

The coordination of infrastructure provision in areas of fragmented landownership offers a number of challenges for all stakeholders involved; there is generally no simple solution that meets the expectations of everyone. Where alternative arrangements have not been agreed up-front between landowners, it is common practice in Western Australia for a future road reserve to be equally shared across the multiple land-parcels. It generally becomes the responsibility of the landowner that is subdividing first to take the lead on making arrangements with other affected landowners.

The options available to Council in respect of this matter are as follows:

1. Retain the alignment of Orton Road, as proposed on the draft LSP.
2. Modify the proposed alignment Orton Road, to provide an equal ceding of land by adjoining landowners.
3. Modify the proposed alignment Orton Road, to provide the full extent of the ultimate road reserve within LWP land-holdings.
4. Modify the proposed alignment Orton Road, to provide some other alternative sharing of the land required.

Key considerations for Council in considering each of these options needs to include the timely provision of infrastructure, the equitable sharing of costs, the potential to achieve a safe, functional and effective movement network. To date, no information has become available to the Shire to indicate that a road reserve, equally shared by landowners to the north and south, could not be achieved.

In the interests of achievable the most equitable outcome, it is recommended that the LSP be modified to depict Orton Road being split equally between landowners to the north and south; it is acknowledged that not all stakeholders will be satisfied with this outcome. To highlight the need for careful attention be given to the matters raised by stakeholders, at the time of subdivision and engineering design, it is recommended that the LSP be modified to include a notation stating that 'at the time of subdivision and engineering design, consideration will need to be given to the exact alignment, design and responsibilities for the construction of Orton Road and the establishment of the required road reservation' or similar.

### Abernethy Road Intersection Treatments

Several submitters have raised concerns regarding proposed new road connections to Abernethy Road from the Byford Main Precinct. It has been identified that headlights shining into properties and dwellings will have an adverse impacts on amenity and may disrupt horses. These concerns are acknowledged, however this is a difficult matter to address.

The design of the draft LSP attempts to minimise the number of road connections to Abernethy Road. Some road connections are however required to ensure compliance with the State Government's Liveable Neighbourhoods Policy. This issue will need to be considered through detailed design for the upgrade of Abernethy Road where it abuts the Byford Trotting Complex. Measures which could be utilised include the provision of vegetation as a screen and intersection design which minimises direct headlight penetration into adjoining properties.

In the interim prior to Abernethy Road upgrades, it should be noted that most of the properties within the Trotting Complex abutting Abernethy Road have a significant amount of vegetation on their frontages which can assist in the screening of headlights. In addition, most dwellings on these properties are well setback from Abernethy Road, hence reducing the likely impact of headlights. Landowners could also seek to install heavy curtains, vegetation planting or other methods to limit the impact of vehicle headlights within dwellings; it is acknowledged that this will not meet the expectations of all stakeholders.

### Bus Routes and Integration with Byford West Local Structure Plan

The Public Transport Authority (PTA) has identified potential bus routes to service new residential development west of the railway within the BSP area. A briefing was provided to elected members on the proposed bus routes at the October 2009 Policy Forum.

A bus route is proposed to connect between the Byford Main and Byford West precincts on an east-west alignment. To facilitate this connection, a modification is proposed to the draft Byford Main Precinct to delete a staggered intersection and replace this with a direct connection four-way intersection. This change will result in a minor reconfiguration of public open space and residential development.

This modification has been made by the applicant and is reflected in the revised draft LSP presented to Council for adoption.

### Waste Water Pump Station

In its submission on the draft LSP, the Water Corporation has identified that the Plan makes reference to a 50m by 50m waste water pump station and a 50m odour buffer. The Corporation has advised that the actual size of the pump station site is required in the order of 80m by 90m, with a 50m odour buffer measured from the centre of the pump stations wet wells. This modification has been made by the applicant.

### Possible Water Corporation Service Corridor

The Byford DSP identifies a possible Water Corporation service corridor abutting Tonkin Highway which is subject to further study. Section 7.8 of the DSP Operative Part identifies that:

*'Land adjacent to Tonkin Highway, south of Abernethy Road to Orton Road, may be required for a possible future Water Corporation Service Corridor. The general location for the possible corridor is shown as number 26 on the Structure Plan.'*

The Water Corporation is currently undertaking a Strategic Environmental Assessment on the service corridor prior to commencing land acquisition proceedings.

With regard to the draft LSP, the Corporation has advised the following:

*'The Glades Local Structure Plan is affected by one of the proposed pipeline corridors traversing the western boundary of this area, generally along the eastern frontage of Hopkinson Road (future Tonkin Highway). This pipeline route appears to be mostly accommodated on the LSP, with the exception of:*

*A portion of the south-west corner of Lot 184 (in the vicinity of the future intersection of Tonkin Highway and Orton Road) which is indicated in the LSP as "Mixed Use (Residential R80)".*

*A strip of land along the western edge of Lot 184 which is indicated in the LSP as "Residential - R10".'*

The Corporation has stated that these areas must be excluded from the LSP pending the outcome of the Strategic Environmental Assessment and a final decision on the pipeline corridors.

It is not considered necessary that these areas be entirely excluded from the LSP, or that the proposed land classifications be changed at this stage. In compliance with the Byford DSP, it is proposed that the draft LSP be modified to identify the service corridor as being land subject to further study, with an appropriate notation provided on the LSP Map. It is recommended that provisions be inserted into the LSP Statutory Section, restricting subdivision and development until the Water Corporation has made a determination on the need or otherwise for the corridor.

### Vegetation Retention

The Shire places a strong emphasis on the retention of remnant vegetation. This is especially apparent in the Byford DSP area where due to past land use, much of the area has been cleared. The draft Byford Main Precinct LSP does attempt to retain existing vegetation identified as worthy of protection within public open space and foreshore reserves, and through the provision of oversized road reserves and the realignment of roads.

Submissions have been received from the community and Department of Planning seeking the retention of vegetation for various purposes, including amenity and as a fauna habitat. With regard to the second reason, the Department of Planning has suggested the retention of nine trees which have the potential to be nesting locations for Black Cockatoos.

The applicant has advised that through site inspections conducted over a number of years, there has been no evidence of Black Cockatoos in this location. Notwithstanding this, it has been advised that the trees will be retained where possible. Four of these trees are however stand alone and there would be little merit in setting aside open space areas for one tree. It has been identified that attempts will be made to retain those stand alone trees in road reserves or in lots where possible. Should any tree be proposed to be removed that is covered under the provisions of the federal legislation, the proponent may be required to obtain necessary approvals; the Shire's statutory obligation is to advise any proponents of the requirements.

This outcome can be achieved through the use of DAPs. It is proposed to modify Part 1 – Statutory Section of the draft LSP to insert provisions which require DAPs to be prepared for lots which accommodate vegetation to be retained and for lots which abut road reserves where vegetation is to be retained within the road verges. With regard to the second point, DAPs can be utilised to ensure the appropriate location of driveways.

### Number of Primary Schools

The Department of Education has previously identified the need for a possible additional primary school site within the Byford Main Precinct. In knowledge of this, Shire staff met with the Department of Education and the application in December 2009, to discuss amongst other matters, the provision of primary schools within the LSP area. Based on the outcomes of this meeting, the Shire is currently preparing a revised lot/dwelling estimate by sourcing information from various consultants and development within the Byford DSP area. This information has been provided to the Department as a basis for further discussion. .

The draft Byford Main Precinct LSP currently complied with the Byford DSP in terms of the number of primary schools required. It is recommended that the investigations into the number of primary schools required by the DET, as opposed to that depicted on the BSP, be progressed in parallel with the finalisation of the LSP. Should an additional primary school be required, consideration would need to be given to the merits of a potential modification to the BSP; any assessment would need to consider not only the availability of land but also locational merits.

The issues relating to the provision of primary schools, while progressing quickly, remain unresolved at this time. Should the DET and the Shire not be able to resolve matters adequately, it is possible there a shortfall of 0.25 of a school may result. In land area, such a shortfall would be equivalent to 1 hectare; for comparative purposes a standard primary school site is 4 hectares.

#### District Open Space, Schools and Briggs Park

The Byford DSP identifies two areas of district open space within the Byford Main Precinct, one located adjacent to Cardup Brook and one abutting the primary school site. Both of these district open space areas are reflected on the draft Byford Main Precinct LSP. It is however proposed that part of the district open space requirement be met through partly locating a senior size sporting oval with the primary school.

As detailed within the Ordinary Council Meeting report of 26 October 2009, several discussions have occurred between the applicant and Shire regarding district open space requirements. Issues raised included:

- The potential impact of fertiliser and nutrient runoff and leaching from the district open space on Cardup Brook.
- The distant location of the district open space from the existing facilities at Briggs Park and the lack of complementary facilities in the area.
- That the Shire's Community Facilities and Services Plan (CFSP) requires a minimum of four new district open space areas within the Byford DSP area.
- That the CFSP ideally seeks areas of district open space which are 10ha in size, being able to accommodate two senior ovals.
- That the Byford DSP and draft Byford Main Precinct LSP do not provide for pairs of ovals. Smaller district open space areas of four hectares are proposed, accommodating one senior oval each (one abutting Cardup Brook and one abutting the primary school site).
- There is the potential for a senior oval to be provided on each of the high school sites.
- The potential establishment of a consolidated recreation area in proximity of Briggs Park and the proposed high schools, offering greater recreational benefits than a number of district open space areas dispersed across the LSP area.
- Concerns about the use of shared recreation facilities, where access to senior ovals on school land may be restricted.

In response to this situation, Council at its meeting of 26 October 2009 resolved to:

- Require the applicant to formulate and execute a legally binding agreement between the Department of Education, the Shire and the subdivider for the provision, ongoing



maintenance and ongoing public access to the shared recreation facilities at the primary school site, prior to adoption of the draft LSP.

- The proponent be invited to formally request a modification to the Byford DSP to enable Council to consider the merits of deleting the proposed district open space adjacent to Cardup Brook in the context of recreational opportunities being provided at the proposed high schools and Briggs Park.

During the advertising period of the draft LSP, a submission was received from the Department of Education expressing concern about the impact of a senior oval on the primary school site, as this would constrict the configuration and size of the school. A submission was also received from Taylor Burrell Barnett (the applicant), requesting the removal of the district open space abutting Cardup Brook and replacing this with residential development of R15 to R30 densities.

While there may be merit in considering the deletion of the district open space abutting Cardup Brook, it is considered premature to consider at this point in time. Concerns regarding on-going access to and maintenance of the open space facilities must also be addressed appropriately, as per Council's previous resolution. While substantial progress is being achieved, these matters have not yet been resolved. Shire staff therefore do not support the deletion of the district open space adjacent to Cardup Brook at this stage nor the proposed reduction in the size of the primary school from four hectares to 3.5 hectares. It is recommended that the draft LSP be adopted by Council and forwarded to the WAPC retaining this area of district open space; this is consistent with the BSP.

In parallel with the WAPC's consideration of the LSP and potentially beyond, it is recommended that discussions continue between the Shire, the applicant, the Department of Education and the Catholic Education Office to address and resolve matters of:

- The potential to co-locate a district open space area with the primary school site, and the impact that this will have on the size and configuration of the primary school site.
- The potential to co-locate district open space in the high school precinct, facilitating the potential creation of a recreational hub consisting of the private school, high school and existing facilities at Briggs Park.
- Issues of provision of, ongoing public access to and maintenance of the district open space areas provided in conjunction with the school sites.

It is suggested that the Shire, DET and other stakeholders progress toward the finalisation of a 'memorandum of understanding' (MOU) at the earliest opportunity. Such an MOU could establish a framework for the effective co-location of facilities and form the basis for more detailed discussions. Discussions between stakeholders have been productive and good progress is already being achieved.

It may be necessary to modify the LSP and/or the BSP in the future, to reflect and facilitate outcomes negotiated between the different parties. Should substantial progress be achieved in the short-term, consideration could be given to the WAPC (in consultation with the Shire) to progressing a modification to the LSP prior to final adoption.

### Fire Management

In considering the LSP, FESA has identified the need for an overall fire management plan. The applicant, in response, initially advised that the LSP is for an Urban environment, which is mostly cleared and as such would not ordinarily warrant the preparation of a full fire management plan.

Having had regard to the advice received from FESA, the response from the applicant, internal technical advice and a review of the WAPC's publication 'Guidelines for Bushfire Protection' a full fire management plan is recommended. The applicant has accordingly engaged a suitably qualified consultant to prepare a fire management plan and provide input

into a landscape strategy for the estate, recognising the inter-relationship between the different design considerations.

It is also recommended that the statutory section to the LSP be modified to require that applications for subdivision approval in high fire risk areas are accompanied by a fire management plan. Depending on the outcomes of the fire management plan, some modifications to the LSP may be required before the LSP is presented back to Council for final adoption, or post approval by way of a separate modification.

### Public Open Space

As a standard requirement, Liveable Neighbourhoods requires the provision of a minimum of 10 percent public open space, 8 percent of which is to be unrestricted and two percent which can be restricted (ie certain natural and cultural areas and buffers, urban water management areas, artificial lakes, permanent drainage ponds and natural wetlands).

The draft Byford Main Precinct LSP, as advertised, contains a significant overprovision of public open space, with a total of 16.48 percent. Council needs to carefully consider the maintenance and associated financial implications with the proposed level of public open space provision.

Taylor Burrell Barnett, in their submission on the draft LSP, has proposed a rationalisation of the public open space provision by removing certain portions of open space. These reductions have been evaluated by Shire staff. They are considered to be minor in nature and will not adversely affect the ability for the community to readily access unrestricted public open space. The only exception to this is the proposed removal of the district open space area abutting Cardup Brook. As discussed previously within this report, Shire staff do not support its deletion at this time.

Their proposal, excluding the deletion of the district open space, will result in an overall provision of 15.22 percent of public open space, with 13.22 percent un-restricted and 2 percent restricted. The proposal is consistent with Liveable Neighbourhoods and the BSP; accordingly it is considered to be acceptable.

### Development Design Modifications

Taylor Burrell Barnett, in their submission on the draft LSP, has proposed two modifications to the development design of the LSP, as detailed below:

#### *'Road Layout and Density Coding Changes:*

*The attached overlay shows a modified street block layout with varied densities in the eastern portion of the LSP area (refer point C on the attached overlay). The proposed street block layout is considered to provide a more efficient urban structure. This area will accommodate front-loaded R20 lots, rear-loaded R25 lots and two R40 development sites adjacent to the MUC. This proposed modification to the LSP will facilitate a higher residential dwelling yield and, as such, will result in increased land use efficiency. The proposed redesign will also increase the number of dwellings overlooking or immediately abutting the MUC open space area, which will serve to maximise passive surveillance opportunities.*

*In addition to the proposed redesign of the road network and density coding changes in this area, it is proposed that the density coding for the thin triangular shaped portion of land abutting the western extension of Mead St and to the south of the private kindergarten to high school site be modified (see C2 on attached overlay). This cell is presently coded R40 on the advertised LSP, however, it is proposed that the majority of it be coded R10, with the eastern tip to be coded R30 to possibly accommodate a grouped housing site or child care facility. This change will provide for some additional large lots and generally increase the variety in lots sizes and housing types provided for throughout the estate. In addition, the larger lots will provide a more sensitive interface with the Bush Forever site to the south.*

*Both of these proposed changes have been identified as detailed subdivision design has progressed in this area. It is our client's intention to shortly lodge a subdivision application for these areas in accordance with the changes outlined above and depicted on the overlay. These changes seek to update the LSP to be consistent with the preferred subdivision design.'*

Shire officers have reviewed the two proposals and have no fundamental objection to the changes of development design proposed as they are considered to be consistent with the principles established under the BSP.

### Community Facilities and Services

The draft LSP proposes to classify a portion of land within village centre as community. It is the Shire's intention to have a community centre established on this site. To this extent, Council resolved at its meeting of 26 October 2009 to request Shire officers to negotiate with the applicant in relation to achieving community outcomes identified within the Shire's CFSP. This will include the provision of a community purposes site of at least 2,000m<sup>2</sup> in area in the village centre in the form of a freehold lot transferred free of cost to the Shire.

Discussions and negotiations with the applicant regarding this matter are progressing in parallel with the LSP. The applicant is expected to shortly progress with the lodging of a planning framework, in the form of a local planning policy, for the proposed village centre. In considering this draft Policy, Shire staff and Council will be able to continue these discussions and negotiations in an informed manner. Matters to be resolved include size, location, form and land uses.

In addition to the proposed community site, Shire officers are engaging in ongoing discussions with the proponent in terms of their community development plan and how the outcomes of the Shire's CFSP can be achieved in the draft LSP area.

It is recommended that negotiations continue with the proponent as a matter of priority, with a view to establish more formal arrangements for individual opportunities, for example the provision of community space within the future village centre.

### Village Centre

Section 5.2 of Part 1 – Statutory Section of the draft LSP, as advertised, states that the village centre shall be the subject of a detailed area plan approved by the Shire. The applicant, in their submission on the draft LSP, has proposed an alternative approach for the control and facilitation of development within the village centre:

*'As Council staff are aware, LWP and its consultant team have been progressing detailed design for the Village Centre. As part of this process, considerable consideration has been given to future development control within the Village Centre. Initially it was presented within the advertised Structure Plan that an overall Detailed Area plan may be the most appropriate approach to controlling land use and built form, however following discussions with Shire staff and after reviewing the Byford Town Centre Design Guidelines (Local Planning Policy), it is now our preference for development within the Village Centre to be guided by a Local Planning Policy.'*

*The consultant team are currently preparing this LPP and intend on presenting the documentation to the Shire in early 2010.'*

The use of a Local Planning Policy (LPP), as suggested by the applicant, is consistent with the Shire's proposed approach to the Byford Town Centre and is supported by Shire staff. The ability to achieve detailed design control for specific portions of the village centre can

still be achieved through the requirement for and preparation of detailed area plans (DAPs). Specific locations requiring DAPs could be identified within the proposed LPP, as has been done within the draft Byford Town Centre Design Guidelines LPP.

This modification has been made by the applicant and is reflected in the revised draft LSP presented to Council for adoption.

### Neighbourhood Nodes

The Byford DSP identifies six neighbourhood nodes on the subject site. Pursuant to the Shire's Local Planning Policy (LPP) No. 19 – Byford Structure Plan Area Development Requirements, neighbourhood nodes are envisaged to be small-scale retail and commercial centres.

### Abernethy Road and Provisions

The Byford DSP identifies two neighbourhood nodes on Abernethy Road within the Byford Main Precinct LSP area. These neighbourhood nodes are not however reflected on the draft LSP, with low density residential development being shown instead.

In this regard, two options are available to Council:

1. Require a modification to include the neighbourhood nodes on the draft LSP;
2. Do not require the draft LSP to include the neighbourhood nodes.

In making a determination on the LSP, Council will need to consider the merits of excluding or including neighbourhood nodes within the Plan. The Byford DSP was designed generally in accordance with the principles of Liveable Neighbourhoods, promoting a dispersal of commercial and retail development in smaller centres within walking distance of most residential areas. To ensure such sustainable development designs are achieved, it is considered necessary to require provision for neighbourhood node development.

Furthermore, Council has recently required more specific compliance with the Byford DSP. In considering the draft Byford West Local Structure Plan at its meeting of 21 December 2009, Council required the reinsertion of the neighbourhood nodes which had been removed by the applicant. In terms of applying consistent decision making, it would be in the best interests of Council to require provision of the nodes.

Council must however consider that the neighbourhood nodes:

- Are located in close proximity to the proposed village centre and Byford Town Centre. Provision of the nodes may detract commercial development from the centres, and the close proximity to the centres may make the establishment of the nodes unviable.
- Over half of the catchment of the nodes will consist of the Byford Trotting Complex. This low density form of rural-residential development will limit the catchment population in close proximity to the nodes, and may make their establishment unviable.

There are clear arguments for and against including or excluding the neighbourhood nodes within the LSP along Abernethy Road. Shire staff considered that whilst there may be factors which limit the viability of the nodes currently, as discussed above, this is no reasoning for excluding their potential development in the future.

To this extent, Shire staff will recommend that the draft revised LSP be modified to include two Neighbourhood Node sites, and insert appropriate provisions into the LSP ensuring that subdivision and development of the sites either incorporates neighbourhood node elements currently and/or does not prejudice the future development of a Node in the future. Potential wording for inclusion in the Statutory Section of the LSP is provided below:

(i) *Neighbourhood Nodes*

*The following provisions apply to the subdivision and development of land classified as Neighbourhood Node:*

*Subdivision and development of land classified as Neighbourhood Node shall be in accordance with an approved detailed area plan (DAP). The DAP is to address, as a minimum, the following matters:*

- *Objectives and principles*
- *Land use*
- *Retail/shopping floorspace allocations*
- *Detailed development requirements*
- *Public realm development requirements*
- *Transitional land use and development arrangements where an initial land use or development is not consistent with the intended form and function of a Neighbourhood Node.*

*Where there is no approved DAP, the Shire may support an application for subdivision or approve an application for development where at least one of the following circumstances apply:*

- *The application is for the amalgamation of lots.*
- *The application is for subdivision and there is a legally enforceable agreement already in place for the development of the subject land for a form and function consistent with the intended form and function of a Neighbourhood Node.*
- *The application is for a change of use that complies with the requirements of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, and if for a retail use, does not exceed any applicable restrictions on retail floorspace for the Neighbourhood Node.*
- *The application is for development on a lot which is already substantially developed and the granting of approval will not be in conflict with the intended form and function of a Neighbourhood Node.*
- *The application demonstrates that the proposed development is of a built form that is robust enough to allow conversion in the future to a use consistent with the intended form and function of a Neighbourhood Node.*

The applicant has provided their support for these changes and they are reflected in the revised draft LSP presented to Council for adoption. It should be noted that the additional provisions identified above will apply to all neighbourhood nodes within the LSP area, and not just those on Abernethy Road.

Neighbourhood Nodes on Orton Road

Four neighbourhood nodes are identified along Orton Road by the Byford DSP. All four of these nodes are reflected within the draft Byford Main Precinct LSP. According to the Byford DSP, three of the nodes are shared between LWP owned land and the various fragmented landholdings located within the Doley/Warrington Road Precinct, as they are located at road intersections.

The following is an extract from the Shire's Local Planning Policy No. 19 – Byford Structure Plan Area Development Requirements:

*'The maximum net lettable retail floor area of each Neighbourhood Node precinct (ie a single intersection containing 1 lot designated as a neighbourhood Node on each corner of the intersection) be restricted to a maximum of 300m<sup>2</sup> (ie corner store or delicatessen) plus other uses such as small offices, child care centres and consulting rooms as set out in the Land Use/Zoning table below.'*

It is clear that the intention is for neighbourhood nodes to be development on all corners of an intersection.

A submission was received on the draft LSP expressing concern that the neighbourhood nodes shown on the LSP do not reflect the establishment of neighbourhood node elements to the north of Orton Road within the Doley/Warrington Road precinct.

Whilst the draft LSP does not expressly prevent the establishment of neighbourhood node elements within the Doley/Warrington Road precinct, the concerns of the submitter are noted. To this extent, it is proposed that a modification be made to the Part 1 – Statutory Section and the Map of the draft LSP to ensure that the neighbourhood nodes at the intersections of Orton and Doley Roads, Orton and Warrington Roads and Orton and Soldiers Roads are reflective of the Byford DSP and LPP 19, ensuring an appropriate distribution of retail floorspace between the LWP land and that within the Doley/Warrington Road Precinct.

The modifications have been made by the applicant and are reflected in the revised draft LSP presented to Council for adoption.

#### Proposed lake

The draft LSP proposes an artificial water body (a lake) in proximity to the village centre. As detailed within the Ordinary Council Meeting report of 26 October, Shire staff have concerns regarding the on-going costs of maintaining the lake. In response to these concerns, Council resolved to request Shire officers to negotiate with the proponent to ensure that the maintenance of the lake is undertaken by the developer for a 15 year period, prior to the Shire taking responsibility for the lake. This 15 year period relates to the expected timeframes for the complete development of The Glades.

It is considered that it would be in the best interests of the applicant to maintain the lake for on-going marketing purposes during the development of the area. The applicant has provided in-principle agreement to this proposal of Council. This agreement will need to be reflected in the lake management plan required by the draft LSP.

It should be noted that Council has the ability to apply a special area rate to certain portions of the Shire where higher than usual costs are required for maintenance of the public realm. This is an option which can be considered for the LSP area (or part thereof) to ensure that the Shire is not financially burdened by the ongoing maintenance of the lake into the future.

It is recommended that the lake management plan be prepared and lodged with Council for formal approval at the earliest opportunity, in parallel with the LSP progressing through statutory processes. It is envisaged that substantial progress will have been achieved with the lake management plan prior to the LSP being presented back to Council for final adoption.

The adoption of the LSP will provide a statutory basis for requiring a lake management plan from the proponent; it does not, however, bind Council in considering the merits of the lake management plan and the detailed information contained within. It is envisaged that the lake management plan will be presented to Council separately and at the earliest opportunity for formal consideration.

#### Cats

In considering the draft Byford Main Precinct LSP, Council resolved to request Shire officers to investigate potential planning instruments to ensure the control of cats on residential lots in close proximity to the Brickwood Reserve and report back to Council on the matter.

In parallel with progressing the LSP and the submissions received during the advertising period, the Shire's technical officers have been working with the proponent to identify a number of practical strategies to address cat management issues and in particular achieve protection for the natural assets contained within the Brickwood Reserve. A range of potential initiatives have been identified including:

- A reduction in residential density
- Advice being made available to prospective purchasers
- Community education about the value of the reserve and the potential threat that cats pose to native fauna
- Partnerships with relevant community-based organisations
- Trapping within the reserve
- Encouraging the micro-chipping of animals
- Promoting sterilisation programs
- Signage
- The erection of 'cat-proof' fencing

As mentioned above, this initial list is of potential actions. The merits, costs/benefits, roles and responsibilities with each of these actions will need to be carefully evaluated. Officers are confident that a range of practical solutions can be implemented, particularly within 300 metres of the Brickwood Reserve. In parallel with progressing the finalisation of the LSP and future subdivision proposals, Shire officers will continue to work with the developer to evaluate and ultimately implement a number of positive actions. Further advice will be provided to elected members as investigations progress and information becomes available.

The developer has advised that they are not supportive of a full cat exclusion zone being established at this time, due to the proposed urban nature of the subdivision and the potential impact on the marketing of land for sale within the estate.

The option of a complete cat exclusion zone remains available to Council however Council would need to require it as part of the operative part of the LSP. Any requirement incorporated into a LSP can have the same statutory effect as if it directly formed part of a town planning scheme. The option also exists for Council to establish the area as a cat exclusion zone in the future, should the above-mentioned suite of measures for cat control not be effective; this approach is understood to be consistent with the direction that a number of other local governments, including the City of Swan, are progressing.

### Statutory Section

Through further technical review of the LSP documentation, some opportunities to refine the statutory section (part 1) have been identified as follows:

- Under Section 1.3, identifying that due regard will be paid to Part Two – Explanatory Report of the draft LSP.
- Under Section 5.2, identifying additional scenarios in which DAPs will be required for residential development, including development greater than a density of R20, development directly abutting schools and development directly abutting land classified as village centre, mixed-use or neighbourhood node.
- In Section 6.5, reference to the Director of Planning changed to the Shire.

These changes will ensure the effective implementation and operation of the LSP. The modifications have been made by the applicant and are reflected in the revised draft LSP presented to Council for adoption.

### Other matters

Council at its meeting of 26 October 2009 considered not only the LSP but also a range of associated matters that needed to be progressed in parallel. The following provides a general update on the various matters identified in the resolutions of Council.

#### *(1) Integration with Draft Byford Town Centre Local Structure Plan*

Council determined that the draft LSP was satisfactory for advertising subject to the boundary of the LSP being modified to accord with the boundary of the draft Byford Town Centre LSP. The draft LSP was modified prior to advertising to correspond with the boundary of the draft Byford Town Centre LSP.

#### *(2) Road closure proceedings.*

Council resolved to advertise the proposed closure of a portion of the Doley Road, Orton Road and Cardup Siding Road reserves, in parallel with the LSP. The proposed closure of a portion of Doley Road was advertised for public comment. Detailed design and investigations have not been progressed by the proponent at this time for the proposed closures of portions of Orton Road and Cardup Siding Road reserves and as such formal advertising of these proposed closures has not been progressed at this time.

***A schedule of submissions in respect of the proposed closure of a portion of Doley Road is with attachments marked SCM025.4/03/10.***

Having reviewed the submissions received during the advertising period, officers are of the opinion that there is no technical reason why the road closure proceedings should not progress. Accordingly, it is recommended that Council, in parallel with considering the LSP for adoption also pass a resolution to allow the road closure proceedings to progress.

#### *(3) Tonkin Highway*

Council resolved to advise Main Roads that it does not support the option for the extension of Tonkin Highway, via Orton Road, to South Western Highway. Main Roads has been advised accordingly and is partly reflected in the Main Roads submission during the advertising period for the various proposals.

### Statutory Process

Pursuant to Clause 5.18.3.7 of TPS 2, Council is required to consider all submissions received and is to either adopt the draft LSP with or without modifications, or refuse to adopt the LSP and give reasons for this to the applicant. It is recommended that the draft LSP be adopted with modifications.

Should Council resolve that the LSP be adopted, it will be necessary to forward the following information to the WAPC for consideration, pursuant to Clause 5.18.3.9:

- A summary of all submissions and comments received and the Shire's decision or comments in relation to these;
- The Shire's recommendation to the WAPC to approve, modify or refuse to approve the LSP; and
- Any other information the Shire considers may be relevant to the WAPCs consideration of the LSP.

### Options

Under the provisions of TPS 2, there are two primary options available to Council, as follows:



- (1) To adopt the LSP, with or without modification
- (2) To not adopt the LSP and provide reasons.

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

### Conclusion

The draft Byford Main Precinct LSP is considered to provide a suitable framework for subdivision and development. The modifications proposed to the LSP will ensure that it successfully operates in a statutory sense as well as address several issues which have emerged during the advertising period and since Council considered the LSP in October 2009. The concurrent LWMS has also been supported by the DOW and is consistent with the Byford Townsite DWMP; adoption is accordingly recommended.

The proposed modification to the BSP, in respect of Orton Road and is recommended to proceed. It is, however, noted that careful consideration will need to be given to the final design, alignment and responsibilities associated with the implementation of the Byford Main Precinct LSP; accordingly, two modifications to the LSP are recommended.

The proposed closure of a portion of Doley Road has planning merit and will facilitate the retention of existing vegetation. Proceeding with the required road closure proceedings is recommended.

**Voting Requirements:** Simple Majority

### **Officer Recommended Resolution:**

Council:

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Local Structure Plan for the Byford Main Precinct, Byford as per *Attachment SCM025.2/03/10* and endorses the Shire staff responses to those submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft revised Local Structure Plan for the Byford Main Precinct, Byford (as advertised) subject to the modifications outlined in *Attachment SCM025.5/03/10* and that the draft Local Structure Plan Part 2 – Explanatory Report be updated to the satisfaction of the Director Development Services.
- C. Adopts the draft Local Water Management Strategy for the draft Byford Main Precinct Local Structure Plan, as provided in *Attachment SCM025.6/03/10*.
- D. following compliance with Part B of Council's resolution and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
  1. A summary of all submissions and comments received by the Shire in respect of the draft Local Structure Plan for the Byford Main Precinct, Byford, and Council's decisions or comments in relation to these.
  2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Local Structure Plan for the Byford Main Precinct, Byford, with modifications.
  3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Local Structure Plan for the Byford Main Precinct, Byford.
- E. Advises the applicant and all agencies and persons who made a submission on the draft Local Structure Plan for the Byford Main Precinct, Byford, of its resolution.
- F. Notes the submissions received during the advertising of the proposed modification to the Byford Structure Plan in respect of the deletion of hatching associated with Orton Road and resolve, pursuant to 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town

- Planning Scheme No. 2, to adopt the proposed modification and forward the matter to the Western Australian Planning Commission for approval.
- G. Notes the submissions received during the advertising of the proposed closure of a portion of Doley Road and resolve to proceed with the closure proceedings, pursuant to Section 56 of the Land Administration Act.

Manager Community Development left the meeting at 3.41pm.

**SCM025/03/10 COUNCIL DECISION:**

**Moved Cr Geurds, seconded Cr Hoyer (proforma)**

**Council:**

- A. For the purposes of Clause 5.18.3.9(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, notes the submissions received on the draft Local Structure Plan for the Byford Main Precinct, Byford as per *Attachment SCM025.2/03/10* and endorses the Shire staff responses to those submissions.
- B. Pursuant to Clause 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, adopts the draft revised Local Structure Plan for the Byford Main Precinct, Byford (as advertised) subject to the modifications outlined in *Attachment SCM025.5/03/10 (as amended)* and that the draft Local Structure Plan Part 2 – Explanatory Report be updated to the satisfaction of the Director Development Services, including the following additional modification:
1. the inclusion in the statutory section – part 1 of text that prohibits the keeping of cats within 300 metres from the outside perimeter of the Brickwood Reserve.
- C. Adopts the draft Local Water Management Strategy for the draft Byford Main Precinct Local Structure Plan, as provided in *Attachment SCM025.6/03/10*.
- D. Following compliance with Part B of Council's resolution and pursuant to Clause 5.18.3.9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, forward to the Western Australian Planning Commission:
1. A summary of all submissions and comments received by the Shire in respect of the draft Local Structure Plan for the Byford Main Precinct, Byford, and Council's decisions or comments in relation to these.
  2. Council's recommendation to the Western Australian Planning Commission to adopt the draft Local Structure Plan for the Byford Main Precinct, Byford, with modifications.
  3. Any other information that may be relevant to the Western Australian Planning Commission's consideration of the draft Local Structure Plan for the Byford Main Precinct, Byford.
- E. Advises the applicant and all agencies and persons who made a submission on the draft Local Structure Plan for the Byford Main Precinct, Byford, of its resolution.
- F. Notes the submissions received during the advertising of the proposed modification to the Byford Structure Plan in respect of the deletion of hatching associated with Orton Road and resolve, pursuant to 5.18.3.7(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, to adopt the proposed modification and forward the matter to the Western Australian Planning Commission for approval.
- G. Notes the submissions received during the advertising of the proposed closure of a portion of Doley Road and resolve to proceed with the closure proceedings, pursuant to Section 56 of the Land Administration Act.

**CARRIED 5/3**

**Cr Randall and Cr Harris voted against the motion**

**Council note:** Added B1 and Attachment SCM025.5/03/10 is to be replaced with a new version deleting Part 2 relating to the size of the primary school, include new parts relating to noise management and neighbourhood nodes and replace the wording in part 9 *'The alignment of Orton Road is also to be adjusted to depict an equal share of the road reserve.'* with *'The road linking Hopkinson Road and Soldiers Road be*

***moved south leaving the existing road, trees and drain between Doley Road and Warrington Road.'***

**During debate Cr Randall foreshadowed that she would move the Officer Recommended Resolution with modifications including a revised part B if the motion under debate is defeated.**

SCM026/03/10		DRAFT DETAILED AREA PLANS 1 & 2 - LOT 3 LARSEN ROAD & LOT 3 ALEXANDER WAY, BYFORD (P05318/01)
Proponent:	RPS Koltasz Smith	In Brief  To adopt Detailed Area Plans (DAPs) 1 and 2 lodged with Council, setting out design requirements for the future development of the subject site.
Owner:	Goldtune Investments Pty Ltd	
Officer:	Peter Varelis – Planning Officer	
Senior Officer:	Simon Wilkes – Executive Manager Planning	
Date of Report	2 March 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: July 2009  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential  
 Local Structure Plans: Lots 3 Larsen Road & Lot 3 Alexander Way, Byford Structure Plans not yet finalised.

**Background:**

Council has received a Draft Detailed Area Plan (DAP) 1 & 2 for Lot 3 Larsen Road & Lot 3 Alexander Way, Byford for consideration under the Serpentine Jarrahdale Shire Town Planning Scheme No. 2.

***A copy of the DAPs are with the attachments marked SCM026.1/03/10.***

The Draft DAPs set out design requirements for the development of lots associated with the respective Structure Plan areas. The requirements stipulated in the DAPs apply in addition to normal Town Planning Scheme (TPS2) and State Planning Policy No. 3.1 (Residential Design Codes of Western Australia) requirements and will permit particular variations related but not limited to dwelling placement, fencing, store areas, and service locations. Stipulating modified provisions under DAPs facilitate optimal design outcomes. The requirements also extend to promoting energy efficiency through maximising solar passive design. This carries significant merit given Council's strong views on sustainability and the current day issue of resource management and climate change.

A technical assessment was completed by the Shire's staff and this report provides Council with the opportunity to adopt Detailed Area Plans 1 & 2 for Lot 3 Larsen Road & Lot 3 Alexander Way, Byford.

**Sustainability Statement**

**Effect on Environment:** The DAPs submitted to Council incorporate passive solar design principles through mandated provisions accompanied by those stipulated in the Residential Design Codes and Building Code of Australia.

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

**Economic Viability:** Adoption of the proposed DAPs presented to Council will facilitate the release of these properties to the local property market.

**Social – Quality of Life:** The DAP provisions focus on environmental sustainability and particularly an appropriate neighbourhood environment promoting the objectives and requirements of Liveable Neighbourhoods.

**Statutory Environment:** Planning and Development Act 2005  
TPS2  
Statement of Planning Policy No. 3.1 (*R Codes*)

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

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

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

6. Ensure a safe and secure community.

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

**Strategies:**

3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.

**2. Environment**

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

**Strategies:**

1. Increase awareness of the value of environmental requirements towards sustainability.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

**Strategy:**

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

**Community Consultation:**

The Local Structure Plan has not formally been adopted by Council and thus formal consultation processes are yet to be conducted. The LSP has been referred for comment internally and to the Department of Water during 2009 and is currently being finalised.

**Comment**

Below are a number of highlighted key considerations for Council with respect to the DAPs:

- Solar Passive Design
- Rear Setbacks
- Fencing
- Public Open Space & Significant Land Uses
- Front Setbacks Laneway Lots
- Private Open Space Laneway Lots
- Secondary Street
- Bin Pick Up
- Storage Area
- Policy Context

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

### Solar Passive Design

The DAPs are sensitively designed to create an urban environment that is responsive to solar passive design. This is addressed through the following provision:

*Dwelling must minimise east/west facing windows or provide adequate summer shading with awnings, eaves, pergolas or use energy efficient glazing (i.e. solar performance film, tinting or toned).*

The applicants should be commended for their willingness to negotiate sustainability provisions that go over and beyond the standard provisions stated in the R codes and BCA.

### Drainage / Rear / Garage Setbacks (laneway lots)

Drainage connections are contained within the private property of laneway lots. Garage setbacks have been allocated a minimum of nil and maximum of 1.0m, subject to the location of services. In designing the garage layout for lots covered under a DAP, the applicant has opted to designate garage locations as opposed to preferred garage locations. Explicitly designating garage locations allows the garages to be located in such a fashion that they do not impede on the functionality of service connections and thus a nil setback could possibly be achieved. However should service access junctions necessitate a rear setback this flexibility is provided within the DAP. Garages will only be constructed in locations as depicted on the DAP's.

### Fencing

Fencing is a critical aspect of achieving suitable streetscapes, with style, height and material of fencing visible to the public realm, fencing needs to be carefully considered. The DAPs stipulate that fencing is strictly provided by the developer and any fencing erected (other than dividing fencing) shall be in accordance with developers requirements.

No provision within this DAP seeks to vary the requirements of fencing within the Residential Design Codes. Provision 6.2.5 as stipulated in the R Codes (Acceptable Development) states that:

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

Solid style fencing to side boundaries in urban environments is generally proposed to ensure sufficient privacy in designated private open space areas. The further particulars of fencing within the Shire will be addressed in a future Local Planning Policy currently being prepared by Shire staff. A draft form of the policy is expected to be presented to Council in the near future. The provisions of the DAP and R codes seek to preclude solid style fencing within the primary street setback area.

### Public Open Space & Significant Land Uses

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

### Front Setbacks Laneway Lots

The proposed front setback to laneway lots is a 2.5 metre minimum with a 3.0 metre average. This provision seeks to vary the R code average by 1 metre. The following justification was provided by the applicant in support of this variation:

Reduced setbacks will assist in achieving an “inner city style” village character within the precinct, which is consistent with the objectives of the Byford Structure Plan.

The Byford Structure Plan (Chapter 11 – Urban Form and Character, Clause 11.2 – Medium Density Residential) provides that development of small lots should be guided by policy guidelines prepared by Council, and that the key attributes of such policy guidelines should include that setbacks are reducible to 3m average to the front.

Reduced setbacks to the laneway will assist in providing surveillance of the laneway areas, consistent with urban design objectives for designing out crime.

Reduced setbacks will not result in overdevelopment of the laneway lots, as development bulk and scale is governed by the R Codes and the DAP, which provides that a minimum of 40% of the site area shall be comprised of open space. In this regard, any suggestions that reduced setbacks will lead to overdevelopment of the laneway lots if erroneous.

Reduced setbacks will provide more development flexibility for landowners given the narrow width of the laneway lots. In this regard more optimal distribution of private open space and building bulk can be achieved by allowing reduced setbacks. This will lend itself to better solar orientation and innovative energy efficient designs being incorporated into the design of laneway lot dwellings.

Closer setback to Evans Way will also assist in achieving better surveillance and security of the POS and multiple use corridor.

On balance the proposed variation is considered appropriate and sufficient justification has been provided by the developer. Council’s adopted Byford Structure Plan report promotes such variations in the R30-R60 zone of the R codes.

### Private Open Space - Laneway Lots

The primary consideration in regards to private open space as outlined in Part 6.4 Open Space of the R codes requirements is to:

*‘Provide...attractive settings to complement buildings, privacy, direct sunlight and the recreational needs of residents.’*

The LSP for lots Lots 3 Larsen Road & Lot 3 Alexander Road, Byford predominantly provides for front loaded R20 lots with a private open space requirement of 50%. The DAPs propose that laneway lots have a private open space requirement of 40%. This requirement is consistent with other DAPs adopted at 45% for R20 lots and 40% for laneway lots. The slight reduction in private open space is sought on laneway lots as identified in the Local Structure Plan, are located in areas of high amenity and generally accessible or adjacent to public open space.

On balance the proposed 5% reduction in private open space is considered reasonable and consistent with adopted DAPs and the objectives of the Residential Design Codes.

### Secondary Street

Due to their prominence in the neighbourhood, those buildings situated on a corner should address the secondary street in a manner consistent with the primary facade. The provisions outlined in the DAP aims at doing this and clearly outlines the expectation of buildings situated on a corner lot.

### Storage Areas / Outbuildings Laneway Lots

Previously adopted DAP's for laneway lots have opted to explicitly exclude outbuildings. The proponent seeks to allow outbuildings to laneway lots provided that they are not visible from any street. This is addressed through the following provision:

*'Any sheds or outbuildings not integrated into the dwelling shall not be permitted to be visible from any street.'*

The size of outbuildings will be governed as per the R Codes which state that:

*'Outbuildings...collectively do not exceed 60sqm in area or 10% in aggregate of the site area, whichever the lesser.'*

### On Street Parking

The DAP's illustrate the location of on street car parking within the proximity of lots necessitating a DAP. On street car parking is not addressed through a DAP but rather through detailed engineering drawings approved as part of subdivision works.

### Policy Context

In order to support and further Council's commitment to sustainable development, officers are currently making arrangements for the following policies to be established and progressed through statutory processes including stakeholder engagement:

- Residential development – to ultimately replace LPP 17 and provide guidance on the use of performance criteria under the R-Codes;
- Streetscape – to address the public realm, effectively between property boundaries;
- Detailed Area Plans – to guide the content, structure and statutory operation of detailed areas plans.
- Fencing

Officers are committed to progressing these policies in a timely manner. The development of these policies will provide significant opportunities for Council to further improve the quality of the built environment for not only those properties covered by DAPs but for all residential development within the Shire.

It is not considered appropriate to defer consideration of the proposed DAPs until the policy framework at the Shire is further developed. Applications that are lodged need to be assessed against the policy framework that exists at that point in time. Deferring consideration of the DAPs would likely result in the proposals being referred to the State Administrative Tribunal for a determination.

### Options

There are primarily two options available to Council, as follows:

- (1) adopt the proposed Detailed Area Plans
- (2) not adopt the proposed Detailed Area Plans and provide reasons to the applicant.

Option 1 is recommended.

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

### **Conclusion**

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

**Voting Requirements:** Simple Majority

### **SCM026/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Geurds, seconded Cr Randall**

**That Council:**

- A. Pursuant to Clause 5.8.5.1(c)(i) of Town Planning Scheme No. 2 adopt Detailed Area Plans 1 and 2 for Lots 3 Larsen Road and Lot 3 Alexander Road, Byford subject to the insertion of a clause that states that no solid dividing fencing shall be permitted forward of the building line.**
- B. Advises the applicant and Western Australian Planning Commission accordingly.**

**CARRIED 8/0**

<b>SCM027/03/10 WATER STORAGE TANK, MUNDIJONG OVAL (RS0016)</b>		In Brief  Council approve out of budget expenditure of \$16,750 for the installation of a second water storage tank, connecting pipework and security fencing for the Mundijong Oval.
<b>Proponent:</b>	Cr Kirkpatrick	
<b>Owner:</b>	Serpentine Jarrahdale Shire	
<b>Author:</b>	Uwe Striepe - Acting Director Engineering	
<b>Senior Officer:</b>	Joanne Abbiss - Chief Executive Officer	
<b>Date of Report</b>	3 March 2010	
<b>Previously</b>	Not Applicable	
<b>Disclosure of Interest</b>	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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

In February 2010, Cr Kirkpatrick put forward a notice of motion that out of budget expenditure be considered for installation of a second water storage tank and connecting pipe work for the Mundijong Oval.

At the Ordinary Council Meeting of 22 February 2010 the following was resolved:

**"OCM032/02/10 COUNCIL DECISION/Officer Recommended Resolution:**

*Moved Cr Brown, seconded Cr Randall*



*Council defers the decision on the installation of a second water tank at the Mundijong Oval until the Special Council Meeting scheduled for 9 March 2010, when valid quotations for the supply and installation of the second water tank will be available and a comprehensive review of Council's budget will be before elected members so that they may make an informed decision.*

*CARRIED 6/1"*

*Cr Kirkpatrick voted against the motion*

*Council note: Council will do what is necessary to improve the surface of the Mundijong oval until the appropriate due process for quotations has occurred and the most appropriate solution is found to remedy the oval situation.*

### **Comment**

The cost of supply and installation of a second water tank to service the reticulation at Mundijong Oval has been investigated. Two options were investigated by officers and they are detailed below with costings;

<b>Detail</b>	<b>Option 1-Steel Tank</b>	<b>Option 2- Polyethylene Tank</b>
Number of Tanks Required for Capacity	1	3
Estimated Capacity	106,500 litres	96,000 litres
Cost of Tank (Installed)	\$7,900	\$10,950
Site Preparation, plumbing and electrical costs	\$2,000	\$2,000
Security Fence	\$2,850	\$2,850
Contingency (20%)	\$2,500	\$3,100
Supervision fees (10% of cost of project)	\$1,500	\$1,800
<b>Total</b>	<b>\$16,750</b>	<b>\$20,700</b>

The most cost effective solution will be the installation of a steel tank at an estimated cost of \$16,750, which has a capacity of 106,500 litres (23,500 gallons). This compares to polyethylene tanks costing approximately \$20,700 with a capacity of only 96,000 litres.

In order to prevent vandalism to the existing and proposed units, it is suggested that Council also install a fence (including a gate) around the storage tanks and pump.

**Voting Requirements:                      ABSOLUTE MAJORITY (part 2 only)**

### **SCM027/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick, seconded Cr Hoyer**

- 1. Council amends the 2009/10 budget to facilitate the installation of a steel water tank at the Mundijong Oval at an estimated cost of \$16,750.**
- 2. The funds for this project be reallocated from EST113 to MUR730.**

**CARRIED 8/0**

SCM030/03/10		BUDGET REVIEW (A1512)	
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To consider the budget review and approve recommended changes to the adopted 2009/2010 budget.	
Owner:	Not Applicable		
Officer:	Casey Mihovilovich - Executive Manager Finance Services		
Senior Officer:	Alan Hart - Director Corporate Services		
Date of Report	2 March 2010		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

### **Background**

The budget review is a statutory review that is undertaken in accordance with the Local Government Act (1995).

The purpose of this review is to identify significant variations from the Annual Budget and to recommend amendments to the Annual Budget.

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year and amendments to the Annual Budget will ensure that tight fiscal control is maintained on Councils Finances.

The format of the report is to be set out providing the following information:

- Forecast of operating income and expenditure for the financial year ended 30 June 2010 and their effect on the end of year result.
- Review of capital expenditure and projects (including variations from original budget).

***A copy of the budget review report is with attachments marked SCM030.1/03/10 (E10/1042).***

### **Sustainability Statement**

This review provides an indication of current allocation of resources to provide services as adopted in the 2009/2010 budget. It ensures that allocations are undertaken in accordance with the adopted budget and proposes any changes required to maintain the most efficient use of the available resources.

***Economic Viability:*** The net result of the review is economically viable in terms of that there will be no further ongoing costs or additional funding required outside what was identified in the original budget, adopted in July 2009.

***Social – Quality of Life:*** The review enables officers to identify and adjust, where required, the costs associated with delivering services in the 2009/10 budget. By conducting the review it has enabled officers to adjust the funds required to deliver these services to ensure responsible fiscal management is maintained and services are delivered.

**Statutory Environment:** Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that;

- (1) between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
  - (2A) The review of an annual budget for a financial year must —
    - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
    - (b) consider the local government's financial position as at the date of the review; and
    - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review. \*Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The financial implications related to this review are outlined in this report. No additional finds are required from these adjustments. Based on the review there will be a budget surplus at year end of nil.

**Strategic Implications:**

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Required: No

**Comment:**

The review has been undertaken by all Managers and Directors and the effect on service delivery by the proposed amendments has been taken into account. Full details are provided in the budget review report. When undertaking the budget review, actual and committed expenditure was taken into account.

A summary of performance is included in the Budget Review Report. The following information is a summary of the overall performance of the Shire;

### **Operating Revenue**

	<b>2009/10 Budget (\$)</b>	<b>2009/10 Proposed Budget (\$)</b>	<b>Variance (%)</b>
Total Operating Revenue	16,753,413	17,557,950	5%

Additional building revenue has been received. This has led to interim rates and building inspection revenue to increase. Grant income has been received that was not included in the budget and the expenditure has been included in this budget review. Profit on sale of Karbro Drive has also resulted in the increased revenue.

### **Operating Expenditure**

	<b>2009/10 Budget (\$)</b>	<b>2009/10 Proposed Budget (\$)</b>	<b>Variance (%)</b>
Total Operating Expenditure	17,826,273	18,102,041	2%

Additional expenditure is as a result of receiving grant funding to complete specific projects. The income has also been included in the budget review. An additional \$145,000 is required to complete the Byford Town Centre Policy, which has also resulted in increased expenditure. This increase is funded by borrowings.

### **Capital Revenue**

	<b>2009/10 Budget (\$)</b>	<b>2009/10 Proposed Budget (\$)</b>	<b>Variance (%)</b>
Total Capital Revenue	3,989,074	3,966,525	0%

The decrease in the proposed capital revenue is a result of non operating grants for Royalties for Region funding that has been deferred until July 2010, with the total amount of revenue reducing by \$593,000. As a result of not receiving this funding until July 2010 the following projects have also been deferred;

- Bore Installation-Jarrahdale Oval – \$45,000
- Mundijong Pavilion – Kitchen Replacement – \$40,000
- SJ Recreation Centre – Kitchen Upgrade – \$50,000
- Ivan Elliot Pavilion – Refurbishment – \$22,000
- Resurfacing Jarrahdale Tennis Courts – \$45,000
- Serpentine BMX Track Upgrade – \$10,000
- Bridle Trails Construction – \$50,000
- Path Construction – \$50,000
- Briggs Park – Kitchen Replacement – \$40,000
- Bruno Gianatti Hall – Kitchen Replacement – \$40,000
- Clem Kentish Hall Kitchen – To Complete – \$25,000

There have been developer contributions from the Byford Developer Contribution Plan which have been included in the budget review. There were no funds allocated in the annual

budget due to the uncertainty of the timing or amount of this capital revenue. Based on actual contributions the proposed developer contributions have increased to just over \$560,000.

This type of capital revenue has been received for specific purposes and it is transferred to restricted cash until that expenditure is made. The developer contributions have increased the amount transferred to restricted cash.

### **Capital Expenditure**

	<b>2009/10 Budget (\$)</b>	<b>2009/10 Proposed Budget (\$)</b>	<b>Variance (%)</b>
Total Capital Expenditure	8,330,836	8,380,471	1%

***A summary outlining capital additions and capital projects delayed/deleted are with attachments marked SCM030.2/03/10 (E10/1043).***

### **Transfers**

To Restricted Cash: An additional amount of \$563,000 has been transferred to restricted cash, which has been a result of the Byford Developer Contributions received to date.

From Restricted Cash: Fire and emergency services works (static water supplies) are expected to be completed from developer contributions. Grant revenue that was placed in restricted cash will also be transferred as a result of the project being completed.

To Reserves: Additional transfer from the profit from sale of Karbro Drive to be transferred to the investment reserve (the purpose of the investment reserve is for funds to be used to leverage opportunities that may present themselves to Council from time to time)

From Reserves: Additional transfer from reserve as a result of Council commitments to community improvements reserve for Serpentine and Jarrahdale town sites.

Following the detailed review that each business unit manager conducted, it is recommended that Council adopt the changes recommended.

**Voting Requirements:                      ABSOLUTE MAJORITY**

### **SCM030/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Randall**

**That Council:**

- 1.     Receives the budget review for 2009/10 and adopts the following budget adjustments to the 2009/10 statutory budget as marked in *Attachment SCM030.1/03/10*.**
- 2.     Receives the capital additions and capital projects delayed/deleted as marked in the *Attachment SCM030.2/03/10*.**
- 3.     Transfers the profit on sale of Karbro Drive to the investment reserve, being an estimate of \$242,385.**

**CARRIED 8/0**

SCM031/03/10 AMENDMENT OF SHIRE OF SERPENTINE-JARRAHDAL STANDING ORDERS LOCAL LAW 2002 (A0090/13)		<b>In Brief</b>  To adopt an amendment to the Local Law known as Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002 (published in Government Gazette on 7 May 2003) to enable elected members to ask a question without notice at Ordinary Council Meetings. Following the completion of the notification period and consideration of submissions it is recommended that Council now endorse and make the amendments to the Standing Orders Local Law.
Proponent	Serpentine Jarrahdale Shire	
Owner	Serpentine Jarrahdale Shire	
Officer	Anna Nolan - Manager Executive Services	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	2 February 2010	
Previously	OCM001/07/09; OCM026/03/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

## **Background**

This matter was raised by an Elected Member in correspondence to the Chief Executive Officer on 30 September 2007 which included a request to amend the Shire's Standing Orders Local Law.

Some local government authorities provide for questions without notice from Elected Members. Examples of these were discussed at Policy Forum on 4 March 2008. The proposed changes discussed were as follows:

### **QUESTIONS BY MEMBERS**

#### **1.1 Questions without notice**

(1) *A Member who wishes to seek general information from the CEO at a Council meeting may, without notice:*

- (a) *ask the CEO a question; and*
- (b) *with the consent of the Presiding Member, ask the CEO one or more further questions.*

(2) *Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that:*

- (a) *the question be placed on notice for the next meeting of the Council; or*
- (b) *the answer to the question be given within 7 days to the Member.*

#### **1.2 Questions during debate**

*At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.*

Council members who wish to ask a question without notice at Ordinary Council Meetings will be able to do so only if the Shire's current Standing Orders are amended to allow it. In amending the Standing Orders to allow this motion, it could be argued that the new process will:

1. Indicate to ratepayers that their questions were delivered to Council in an accountable and transparent manner.
2. Raise ratepayer confidence in Council processes.
3. Provide Council members with the same opportunity to ask questions at Ordinary Council Meetings as given to members of the public.

Conversely it could be argued that the Standing Orders provide Councillors with sufficient opportunities to ask questions about matters on the agenda, raise motions of which notice has been given and Urgent Business and that the ability to ask questions without notice could be abused in order to promote individual agendas.

### **Policy/Work Procedure**

#### **Implications:**

Work procedures and policy implications were followed as set out in the CSWP19 - Local Laws Procedure Checklist and Eight Year Review. The work procedures experienced some delay as the Shire Officer needed to consult with the Department of Local Government and Regional Development on the statutory requirements for making an amendment to a local law. Accuracy and attention to detail will reduce the risk of the local law becoming an issue of concern with the Joint Standing Committee on Delegation Legislation.

#### **Financial Implications:**

The costs of advertising and publishing the amendment to the local law are accommodated within the 2009/2010 budget.

#### **Strategic Implications:**

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

##### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

1. Respect diversity within the community.

*Objective 3: High level of social commitment*

##### Strategies:

1. Encourage social commitment and self determination by the SJ community.

##### **4. Governance**

*Objective 1: An effective continuous improvement program*

##### Strategies:

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

#### **Community Consultation:**

The amendment to the local law has been through a community consultation period of not less than six weeks in accordance with the *Local Government Act 1995*.

#### **Statutory Environment:**

Section 3.15 of the Act requires that a local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the **purpose** and **effect** of all of its local laws. Previous reports recommended displaying the State-wide public notice in the local government's library and community notice boards, including the local government's website.

### **Statutory Requirement:**

When making a local law, the Act requires:

- (i) the presiding person to give notice of the **purpose** and **effect** of the proposed new local law at a Council Meeting, and follow the set procedures:
  - (ii) to give State-wide public notice of its intention to make a local law, publicising the purpose and effect of the proposed local law, making a copy of the proposed local law available, to allow the public to make a submission during the public consultation period of not less than six weeks;
  - (iii) to display a copy of the new proposed local law in any place specified in the public notice, and take submissions about the new local law up to the date given in the public notice;
  - (iv) to give a copy of the public notice and copy of the proposed local law to the Minister(s) administering the Act(s); and
  - (v) request the CEO to report back to the Council on any submissions received, after the close of the public consultation period, for Council's consideration before making the decision to resolve to adopt the new local law.

### **Presiding Member's Notice of the proposed Local Law**

The **purpose** of the proposed amendment to the local law is to include a provision for Questions by Elected Members of which due notice has not been given and a provision for Questions during debate.

The **effect** of the amendment to the local law is to allow Elected Members to ask questions of the Chief Executive Officer when due notice has not been given and to ask questions during debate.

Below is the Gazette-ready format of the proposed amendment local law made available to the public during the period of community consultation:

## **LOCAL GOVERNMENT ACT 1995**

### **SHIRE OF SERPENTINE-JARRAHDAL STANDING ORDERS AMENDMENT LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Serpentine-Jarrahdale resolved on [insert date of adoption after consultation is completed] to make the following local law.

#### **1. Citation**

This local law may be cited as the *Shire of Serpentine-Jarrahdale Standing Orders Amendment Local Law 2010*.

#### **2. Principal local law**

In this local law, the *Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002* published in the *Government Gazette* on 7 May 2003 is referred to as the principal local law. The principal local law is amended.

#### **3. Clause 9.6A inserted**

After clause 9.6, insert:

#### **9.6A Questions during debate**



- (1) At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.

#### **4. Clause 3.11A inserted**

After clause 3.11, insert:

##### **3.11A Questions by Members of which due notice has not been given**

- (1) A Member who wishes to seek general information from the CEO at a Council meeting may, without notice –
  - (a) ask the CEO a question; and
  - (b) with the consent of the Presiding Member, ask the CEO one or more further questions.
- (2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that-
  - (a) the question be placed on notice for the next meeting of the Council; or
  - (b) the answer to the question be given within 7 days to the Member.

Dated: \_\_\_\_\_ 2010.

The Common Seal of the Shire of Serpentine-Jarrahdale was affixed by authority of a resolution of the Council in the presence of-

S. TWINE, Shire President

J. ABBISS, Chief Executive Officer

#### **Comment:**

Following the period of public advertising no submissions were received from the community.

#### **Conclusion**

The next stage of the development and implementation of the Local Law is for the Council to formally endorse the new Local Law with an absolute majority. This stage is referred to as making the Local Law. After making the Local Law it is to be published in the Gazette and then a copy of it is to be given to the Minister to be reviewed by the Joint Standing Committee for Delegated Legislation. The Minister may still require an explanation or other material in relation to the Local Law and if there are significant changes required at any stage of the process the procedure for making a Local Law must recommence as if it were a new Local Law.

All this considered, the officer recommendation is to endorse and make the Local Law, publish it in the Gazette and give local public notice in accordance with the Local Government Act 1995.

#### **Voting Requirements:**

**ABSOLUTE MAJORITY**

**SCM031/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Kirkpatrick**

**Council:**

1. Pursuant to section 3.12 of the Local Government Act 1995, makes the Shire of Serpentine-Jarrahdale Standing Orders Amendment Local Law 2009 that has;

**Purpose:** To include a provision for Questions by Elected Members of which due notice has not been given and a provision for Questions during debate.

**Effect:** To allow Elected Members to ask questions of the Chief Executive Officer when due notice has not been given and to ask questions during debate before the motion is put.

2. Appoints the Shire President and the Chief Executive Officer to be witnesses to the affixing of the Common Seal to the adopted Law.
3. Publishes a local public notice in accordance with section 3.12(6) of the Local Government Act 1995.
4. Approves the publication of the new Local Law in the Government Gazette in accordance with section 3.12 (5) if the Local Government Act 1995.
5. Provides explanatory material to Parliament in accordance with 3.12 (7) of the Local Government Act 1995.

**CARRIED 8/0**

SCM032/03/10		ELECTED MEMBER VACANCY NORTH WEST WARD (A1788)
Proponent:	Serpentine Jarrahdale Shire	In Brief  For Council to consider a date to hold an extra ordinary election to fill a vacancy in the North West ward.
Owner:	Not applicable	
Officer:	Alan Hart – Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	3 March 2010	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

**Background**

On 12 February 2010 a vacancy occurred within the North West Ward of the Shire due to the unfortunate passing of Cr Kevin Murphy. In accordance with the Local Government Act, the President or the Council has 30 days from the vacancy occurring to determine a date to hold an extra ordinary election. The extra ordinary election must occur within four months of the vacancy occurring unless the Electoral Commissioner approves an extended period.

**Statutory Environment:**

**“4.8. Extraordinary elections**

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.

- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an extraordinary election.

#### **4.9. Election day for extraordinary election**

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed:
  - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
  - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
  - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
  - (b) advise the CEO of the day fixed.”

#### **Policy/Work Procedure Implications:**

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

#### **Financial Implications:**

The costs of holding an extra ordinary election are estimated to be \$11,000. This service would be contracted to the Western Australian Electoral Commission and this extra ordinary election will be conducted by postal ballot. There are no funds in the 2009/10 budget and a budget adjustment will be necessary to fund an extra ordinary election.

#### **Strategic Implications:**

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

##### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### **Strategies:**

6. Ensure a safe and secure community.

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

##### **Strategies:**

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

4. Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Not required.

**Comment:**

It is a statutory requirement that the Shire fill the vacancy of an elected member if the status quo were to remain. The Shire is required to review ward boundaries and elected member numbers at least every eight years, the next review is due in 2012.

The Shire considered the number of elected members in 2009 in the context of the Shires reform submission to the Department of Local Government. ***An excerpt of the submission in relation to elected member representation is with the attachments marked SCM032.1/03/10.***

At the Special Council Meeting on 29 September 2009, Council resolved unanimously to adopt all of the recommendations from the Shire's Submission including one which would see the number of elected members reduce from ten to nine subject to a review of ward boundaries.

It is proposed that this review commence in the 2010/11 financial year as funds will need to be allocated in the 2010/11 budget to undertake this review. It is therefore recommended that until the boundary review takes place, the status quo remain.

The Western Australian Electoral Commission has recommended that the extra ordinary election occur on Friday, 28 May 2010.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**SCM032/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Kirkpatrick**

**Council:**

1. **Determines the date to hold the extra ordinary election for the vacancy of a Councillor in the North West Ward to be 28 May 2010.**
2. **Declares in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of the extra ordinary local government election for the vacancy in the North West Ward to be held on 28 May 2010 for the Shire of Serpentine Jarrahdale.**
3. **Decides in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the ordinary local government elections to be held on 28 May 2010 be as a postal election.**

**CARRIED 8/0**

SCM033/03/10		ANNUAL ELECTORS' MEETING DECISION – REMOVAL OF MOUNDS OF DIRT AND OTHER MATERIAL AT THE CORNER OF LARSEN AND THATCHER ROADS (R0168 & R0175)
Officer:	Joanne Abbiss – Chief Executive Officer	In Brief  At the Annual Electors' Meeting held on the 3 <sup>rd</sup> February 2010 a decision was made requesting the mounds of dirt and other material at the corner of Larsen and Thatcher Roads be removed. It is recommended that the Annual Electors' Meeting decision be supported.
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	3 March 2010	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Annual Elector's Meeting was held on the 3<sup>rd</sup> February 2010 at the Serpentine Jarrahdale Recreation Centre and was well attended by members of the community, councillors and staff. The following decision was made by the meeting:

*“Moved C Rankin, seconded T Thorp that:*

*The entirety of the mounds of dirt and other material at the corner of Larsen and Thatcher Roads be removed within three months from today at the developer's expense to the satisfaction of the Director Engineering.*

*CARRIED 31/0”*

***A copy of the Annual Elector's Meeting minutes is with attachments marked SCM033.1/03/10.***

In accordance with the requirements of the Local Government Act 1995, Council is to give consideration to the decision and, should Council make a decision in response to the decision made at the electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

### **Statutory Environment:**

Local Government Act 1995

#### **Subdivision 4 — Electors' meetings**

##### 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

##### 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.30. Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
  - (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

**Division 3 — Acting for the mayor or president**

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

Local Government Administration Regulations 1996

15. Matters for discussion at general electors' meetings — s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

17. Voting at electors' meetings — s. 5.31

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.

- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

18. Procedures at electors' meetings — s. 5.31  
Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

**Policy/Work Procedure**

**Implications:**

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

**Financial Implications:**

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

**Community Consultation:**

Not required.

**Comment:**

Further to the Annual Electors' Meeting of 3 February 2010, the issues relating to the stockpile at Byford Central were discussed with the developer at a meeting on 9 February 2010.

The developer advised that the relocation of the stockpile is dependent upon the final drainage levels being determined for Thomas Road, the future Town Centre Distributor Road, future stages of Byford Central and other downstream environments.

The developer for Byford Central advised that once the levels have been determined, the stockpile will be able to be relocated and the material used for future stages of subdivision and/or relocated off-site.

Officers of the Shire have been working with all relevant developers, and their consultants, to resolve and identify the final drainage levels as a matter of priority, including a further series of meetings held over the last two to three weeks. The drainage levels have now been set and there would appear to be no impediment to the developer removing the mounds.

Therefore it is recommended that Council support the decision of the Annual Electors' Meeting.

**Voting Requirements:**

Simple Majority

**SCM033/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Butfield**

**Council requests that the entirety of the mounds of dirt and other material at the corner of Larsen and Thatcher Roads be removed within three months from today at the developer's expense to the satisfaction of the Director Engineering.**

**CARRIED 8/0**

**Council Note: The decision of the Annual Electors' Meeting was supported in order to improve the amenity of the area.**

**COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Brown that the meeting be adjourned at 4.36pm.  
CARRIED 8/0**

The meeting reconvened at 4.43pm. All those present at the time of adjournment of the meeting were present in the room after the adjournment except Acting Director Engineering.

### **COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Butfield**

**That the meeting be closed to members of the public at 4.44pm to allow Council to discuss confidential item SCM022/03/10 as per the Local Government Act section 5.23(2)b.**

**CARRIED 8/0**

Acting Director Engineering entered the meeting at 4.45pm.

SCM022/03/10	<b>CONFIDENTIAL ITEM - UNDERTAKING OF WORKS UNDER THE HEALTH ACT – ASSESSMENT # 12508, SERPENTINE (P02195)</b>	
Author:	Tony Turner – Manager Health & Ranger Services	In Brief
Senior Officer:	Brad Gleeson – Director Development Services	This report outlines an issue with the failing Ecomax Septic System on a property in Serpentine. The system needs to be rebuilt and Council's endorsement is sought to give delegation to the Manager Health and Ranger Services to undertake works in accordance with provisions of the Health Act, and to authorise out of budget expenditure of up to \$8,000 to complete the works.
Date of Report	19 February 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Officer Recommended Resolution:**

1. Council delegates authority to the Manager Health and Ranger Services to undertake works to make good an effluent disposal system at Assessment no. 12508, Serpentine as required by the current Health Notice issued under the provisions of Section 108 of the Health Act.
2. Council authorises approval for an out of budget expenditure of up to \$8 000 (HIA502) to undertake the works required by the Health Notice.
3. Council notes the expenses incurred by the Shire will be recovered from the landowner.

### **SCM022/03/10 COUNCIL DECISION:**

**Moved Cr Hoyer, seconded Cr Geurds**

1. **Council delegates authority to the Manager Health and Ranger Services to undertake works to make good an effluent disposal system at Assessment no. 12508, Serpentine as required by the current Health Notice issued under the provisions of Section 108 of the Health Act.**
2. **Council notes the expenses incurred by the Shire will be recovered from the landowner.**

**CARRIED 8/0**

**Council notes:**

**The Officer Recommended Resolution was changed (upon advice from the Director Corporate Services) by removing Part 2 as the Council does not need to authorise an out of budget expenditure to allow for these works to be undertaken. The works will be a private works job and the expenses incurred by the Shire are to be recovered from the landowner.**



The Deputy Shire President congratulated the Manager Health and Ranger Services for his continued efforts regarding this matter.

**COUNCIL DECISION**

Moved Cr Kirkpatrick, seconded Cr Brown  
The meeting was re-opened to members of the public at 4.57pm.  
CARRIED 8/0

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Butfield that the meeting be closed to members of the public at 4.58pm to allow Council to discuss confidential item SCM028/03/10 as per the Local Government Act section 5.23(2)d.  
CARRIED 8/0

Manager Health and Ranger Services left the meeting at 4.57pm.

SCM028/03/10		<b>CONFIDENTIAL ITEM - DRAFT DETAILED AREA PLAN FOR THE GLADES RESIDENTIAL ESTATE STAGE 2, BYFORD (S136679)</b>
Proponent:	Taylor Burrell Barnett	<p>In Brief</p> <p>Council is requested to reconsider its decision to adopt the Detailed Area Plan (DAP) for Stage 2 at The Glades Residential Estate.</p> <p>The deletion of the secondary street requirements from the decision of Council to adopt the DAP is recommended.</p>
Owner:	LWP Byford Syndicate Pty Ltd	
Author:	P Varelis – Planning Officer S Wilkes – Executive Manager Planning	
Senior Officer	B Gleeson – Director Development Services	
Date of Report	3 March 2010	
Previously	SD094/01/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**SCM028/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Kirkpatrick, seconded Cr Hoyer

1. Council advises the proponent that, upon receipt of written confirmation that the application for review to the State Administrative Tribunal has been withdrawn that Council would be prepared to support the deletion of amendment (A) (i), as outlined in Council resolution SD094/01/10.
2. Subject to part 1 being satisfied by the proponent withdrawing from the SAT appeal, Council delegates authority to the Director Development Services to adopt a modification to the Stage 2 Detailed Area Plan for The Glades Residential Estate, to the effect of substituting the requirement for '4.5m' and replacing it with the wording that 'dwellings are required to address the secondary street'.
3. Council advises the proponent and the Western Australian Planning Commission of Council's decision.

CARRIED 8/0

Council note: Council officers are to discuss with the Developer matters of concern raised by Cr Kirkpatrick relating to bin pads, north facing living areas and setbacks to garages.

**COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Lowry**  
**The meeting was re-opened to members of the public at 5.02pm.**  
**CARRIED 8/0**

Planning Officer entered the meeting at 5.04pm.

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Lowry that the meeting be closed to members of the public at 5.04pm to allow Council to discuss confidential item SCM029/03/10 as per the Local Government Act section 5.23(2)d.**  
**CARRIED 8/0**

SCM029/03/10 <b>CONFIDENTIAL ITEM - LOCAL GOVERNMENT BOUNDARY AMENDMENT, KEYSBROOK (A0162)</b>		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council to provide comment to the Local Government Advisory Board regarding a proposal to amend the boundary between the Shires of Murray and Serpentine Jarrahdale.  It is recommended the proposal be opposed.
Owner:	Not applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	26 February 2010	
Previously	Not applicable	
Disclosure of Interest	The Chief Executive Officer declares an interest in common as a resident of Keysbrook although is not affected by this proposal.	
<b>Delegation</b>	<b>Council</b>	

**SCM029/03/10 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Brown**  
**That Council:**

- 1. Opposes the proposal to amend the boundary between the Shires of Murray and Serpentine Jarrahdale.**
- 2. Informs the Advisory Board of its decision, including the full officer report and all its attachments.**

**CARRIED 8/0**

**COUNCIL DECISION**

**Moved Cr Hoyer, seconded Cr Buttfield**  
**The meeting was re-opened to members of the public at 5.08pm**  
**CARRIED 8/0**

**9. URGENT BUSINESS:**

Nil

**10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**11. CLOSURE:**

There being no further business, the meeting closed at 5.09pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 22 March 2010.

.....  
Presiding Member

.....  
Date