



SPECIAL COUNCIL MEETING MINUTES

Tuesday, 13th December 2011

TABLE OF CONTENTS

1.	ATTENDANCES & APOLOGIES (including Leave of Absence):	3
2.	PUBLIC QUESTION TIME:.....	3
3.	PUBLIC STATEMENT TIME:.....	3
4.	PETITIONS & DEPUTATIONS:	3
5.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:.....	4
6.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:	4
	SCM012/12/11PROPOSED EDUCATIONAL ESTABLISHMENT (PRIMARY SCHOOL) – LOT 505 KARDAN BOULEVARD, BYFORD (P08843/01)	4
	SCM013/12/11DEVELOPMENT APPLICATION FOR PROPOSED FORWARD WORKS FOR BYFORD SENIOR HIGH SCHOOL (FILE NO.PO4151/02)	17
7.	URGENT BUSINESS:.....	28
8.	CLOSURE:	28

- 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, 13TH DECEMBER 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 1.35PM AND WELCOMED COUNCILLORS AND STAFF.

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

IN ATTENDANCE:

COUNCILLORS:	B Moore	.....Presiding Member
	M Harris	
	C Randall	
	D Atwell	
	B Urban	
	G Wilson	
	J Kirkpatrick	
OFFICERS:	Ms J Abbiss	.....Chief Executive Officer
	Mr R Gorbunow (arrived 1.44pm)	..... Director Engineering
	Mr A Hart	..... Director Corporate Services
	Mr B Gleeson	..... Director Development Services
	Mrs S van Aswegen	.....Director Strategic Community Planning
	Mr S Wilkes	.....Executive Manager Planning
	Mr M Daymond	..... Senior Planner
	Mrs C McKee	..... Manager Community Development
	Mr L Tressler	.....Community Planning Officer
	Ms P Kursar	.....Minute Secretary
APOLOGIES:	Cr M Ricketts	
	Cr S Piipponen	

Members of the Public - 0
Members of the Press - 0

2. PUBLIC QUESTION TIME:

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

6. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

SCM012/12/11	PROPOSED EDUCATIONAL ESTABLISHMENT (PRIMARY SCHOOL) – LOT 505 KARDAN BOULEVARD, BYFORD (P08843/01)	
Proponent:	EIW Architects	In Brief To consider a proposal for an Educational Establishment (primary school) at Lot 505 Kardan Boulevard, Byford. It is proposed that Council recommend to the Metropolitan East Joint Development Assessment Panel that the application be conditionally approved.
Owner:	Department of Education	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 November 2011	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 25 October 2011
 Advertised: Yes
 Submissions: Nil
 Lot Area: 3.5 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban Deferred, Urban
 Byford Structure Plan: Primary School, Road Reserve

Background

The Shire is in receipt of an application for a new primary school and associated facilities at Lot 505 Kardan Boulevard, Byford within the Kalimna residential estate. The school is proposed to cater for a future population of 430 students.

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* (the regulations), Council is required to provide a formal recommendation through to the Metropolitan East Joint Development Assessment Panel (JDAP).

***A copy of the location plan is with attachments marked [SCM012.1/12/11](#)
 A copy of the development plans are with attachments marked [SCM012.2/12/11](#)***
Sustainability Statement

Effect on Environment: It is considered that the proposal does not impact on the existing environment as the site is already cleared of vegetation. Through conditions of approval, it is recommended that the proponent provide a Landscape and Vegetation Management Plan for Shire approval prior to the commencement of site works.

In addition, the proposal incorporates a number of energy efficient measures in the design of the school, including but not limited to skylights, translucent roof sheeting and roof vents.

Economic Viability: The development application has an estimated construction value of \$9.1 million. The proposed development will bring substantial economic investment to enable the primary school to be progressively expanded to meet future student population requirements.

Economic Benefits: The proposal will provide economic benefits through to the Shire though external impacts during the construction phase of the primary school. Through the multiplier effect of this proposed development, the school will help establish a key destination and attractor within the Shire.

Social – Quality of Life & Social Diversity: The proposal seeks to enable the establishment of a government primary school within Byford. The majority of government primary schools are not subject to selective entry requirements, encouraging a broader representation of the surrounding community to be present.

Schools perform a key role in facilitating social interaction and community building not only for students but for parents, teachers, support staff and all members of the community involved with the school. This proposal will assist in developing a new community hub within Byford.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No.2 (TPS 2)
Planning and Development (Development Assessment Panels) Regulations 2011

Policy/Work Procedure Implications:

Draft Local Planning Policy No. 24 (LPP 24) – *Designing Out Crime*
LPP 27 – *Stakeholder Engagement in Land Use Planning*
LPP 58 – *Bicycle Facilities in Urban Developments*
LPP 59 – *Public Art Policy for Major Developments*
Draft LPP 62 – *Urban Water Management*
Draft LPP 63 – *Integrated Land Use and Transport Planning*
Draft LPP 67 – *Landscape and Vegetation*
LPP 68 – *Sustainability Assessment*

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

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		14	Buildings	Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				principles of environmentally sustainable design, suitable for our specific climate and location.
		21	Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		30	General	Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
	Infrastructure	33	Asset management	Ensure all decisions are consistent with the long term financial Plan for the Future.
		40	Water Management	Promote, implement and celebrate best practice integrated water cycle management.
		45	Utilities	Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		49	Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
	Integrated Water Cycle Management	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		8		Elected members provide a clear and consistent strategic direction.
PEOPLE AND COMMUNITY	Places	33	Vibrant	Plan and facilitate the provision of a range of facilities and services that meet community needs
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		38	Innovative	Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.

Community Consultation

The proposal was advertised in the following manner, with comments closing on the 25th November 2011.

- A sign was erected on site.

- Referral letters were sent to 41 surrounding landowners and 44 community groups for comment.
- Advertisements were placed in local newspapers circulating in the district; and
- Two public information sessions were held.

As a result of the advertising, no submissions were received.

PROPOSAL

The proposed development incorporates the following elements:

- Proposed new buildings include:
 - Administration;
 - Library / Staff Room;
 - Covered Assembly / Music Room / Canteen;
 - Learning Block 1: 2 classrooms / Early Learning Centre;
 - Learning Block 2 : 4 classrooms;
 - Learning Block 3 : 4 classrooms; and
 - Learning Block 4 : 2 classrooms / Arts & Craft / Inclusive Education.
- New hard courts, cricket practice nets and construction of a new shared oval. The proposed oval is to be a shared use facility by the school and local community. Discussions are still ongoing between representatives of the Department of Education (DoE) and Serpentine Jarrahdale Shire to determine extent of oval, cost arrangements and share use agreement. This is discussed later in this report.
- Embayment parking off Kardan Boulevard, Efficient Way, and Wodalla Parade, with additional onsite carports as noted on drawings.

COMMENT

In considering the development application for the primary school, there are a number of matters that need to be explored, as follows:

- Statutory Environment;
- Zoning and tenure;
- Urban Water Management;
- Traffic Management;
- Landscape and vegetation;
- Sustainability Assessment;
- Public Art;
- Designing Out Crime;
- Bike Facilities;
- Development Approval Framework & Process;
- Oval and Joint Use Agreement; and
- Timeframes.

Statutory Environment

The proposed development, as indicated on the development plans, is deemed to fall under the definition of 'Educational Establishment' under TPS 2 as follows:

“Educational Establishment - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home”.

Zoning & Tenure

The subject site is zoned 'Urban Development' under TPS 2 and identified as a 'public and community purposes' reserve under the adopted Local Structure Plan (LSP) for the Kalimna Estate. With respect to reserves, clause 2.3 of TPS 2 states:

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

Under the adopted LSP, the 'public and community purposes' reserve has been set aside for a future primary school. Therefore, the proposed application complies with the ultimate purpose intended for the reserve, satisfying clause 2.3 above.

Urban Water Management

In accordance with draft LPP 62, an Urban Water Management Plan (UWMP) is required to be lodged for the purposes of the proposed development to address stormwater quantity and quality issues due to the combined roof size of all buildings and from the hardstand car parking areas.

This matter is proposed to be dealt with as a condition of development approval to require an Urban Water Management Plan to be prepared prior to the commencement of works.

Traffic Management

The proponent has submitted a Transport Assessment in accordance with the requirements of LPP 63. The essential traffic/parking elements of the proposal include:

- Conversion of 4 parking bays on Kardan Boulevard to a school bus stopping area;
- Loss of a further 3 parking bays on Kardan Boulevard to provide for exit from an on-site car park;
- A 17 bay on-site car park with access from Kardan Boulevard;
- The loss of 1 of the proposed parking bays on Efficient Way to provide for access to an on-site car park;
- A 35 bay on-site car park with access from Efficient Way;
- A 19 bay on-site car park with access from Woodalla Parade;
- Pedestrian access to the site via all sides of the school; and,
- The new school should be expected to provide 47 cycle racks for 430 students and staff.

An analysis of the Traffic Assessment has indicated the following:

- The school will not generate any significant number of vehicular trips than that which the existing road infrastructure is designed for;
- There are adequate existing provisions of pedestrian / dual use paths on all roads adjacent to the school site;
- The traffic impacts associated to the school, to that of the existing networks, is considered acceptable; and
- There are ample provisions for parking in and around the school.

The number of proposed car bays for the development, as detailed within the Traffic Assessment has been based on the understanding that the developer of the estate will construct 23 bays on Woodalla Parade and 14 bays in Efficient Way, in accordance with the approved engineering drawings, however should these bays on the road not materialise at the time of the construction of the school, the DoE will need to provide the additional on street parking.

Landscape & Vegetation

With respect to the proposal, the relevant objectives of LPP 67 are:

- Provide guidance to stakeholders regarding the consideration of landscape and the standard of landscaping expected by the Shire;
- Ensure the effective integration of landscape and vegetation into land use planning processes, so that the right level of information and detail is provided and assessed, at each stage in the planning process;
- Facilitate the effective integration of both state government and Shire planning and environmental documents, in a way that facilitates efficient and effective decision-making; and
- Contribute towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant places for our communities.

In order to ensure that the objectives of LPP 67 are adequately met, it is recommended that the proponent be required to prepare a Landscape and Vegetation Management Plan prior to the commencement of site works to the satisfaction of the Shire. This is included as a recommended condition of approval.

Sustainability Assessment

In accordance with LPP 68, the proponent has submitted a completed 'project self assessment template' sheet to demonstrate compliance with the proposal has been assessed against the Sustainability Assessment Matrix. The proposed school buildings incorporate a number of energy efficient measures, including but not limited to skylights, translucent roof sheeting and roof vents. Additional requirements, relating to landscaping and water management, can be addressed via recommended conditions of approval.

Public Art

In accordance with LPP 59, based on the estimated cost of development, the 2% cost contribution will result in a contribution of \$182,000 to be provided for. This matter is proposed to be dealt with as a condition of development approval to require a public art contribution be made to the Public Art Fund prior to the commencement of works.

Designing Out Crime

LPP 24 identifies a number of 'micro principles' that should be addressed by the proponent at development application stage. These principles cover a number of considerations, including:

- Building orientation and built form;
- Materials and finishes;
- Fencing; and
- Access.

To help increase the security at the school, the applicant proposes to erect a 2.1 metre high garrison style metal fence around a majority of the school site. The only portions of the site that will not be fenced include car parks 1, 2 and 3 and the proposed oval. The proposed hard courts will be fenced by a separate 3.6 metre high link mesh style fence whereas the early childhood play ground and the rear of car park 4 will be fenced by a 1.2 metre high link mesh fence. It is considered that the proposed fencing of the site is to help ensure that the micro principles of 'principle 2 – access control' of LPP 24 are achieved.

A copy of the site plan showing the location of the proposed fencing is with attachments marked [SCM012.3/12/11](#)

Under the Shire's Fences Local Law, the subject property is classified as being within the 'Special Rural Zone' as follows:

'Special Rural Zone' means land classified within the Rural Living A, Rural Living B, Special Rural zones and land parcels in excess of 2000 square metres in the Urban Development Zone under a Town Planning Scheme.

As the subject land is currently zoned Urban Development under TPS 2 and is in excess of 2,000m², the requirements for the Special Rural Zone would generally apply. This is regardless of the fact that the land is intended to become a Public and Community Purposes Reserve. Under the Fences Local Law, the following is deemed to be a 'sufficient fence' in the Special Rural Zone:

- 1. A lot boundary fence shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council's Town Planning Scheme.*
- 2. A fence shall be erected and maintained so as to securely confine cattle within the boundaries of the property.*
- 3. Barbed wire is permitted on fencing within this Zone.*

At the time of adopting the Fences Local Law, it would not have been envisaged that these requirements would need to be applied to a proposed educational establishment within a residential estate. Therefore, the type and height of fencing to be erected around the proposed Primary School is a valid consideration for Council.

Bike Facilities

In accordance with LPP 58, an assessment has been undertaken to determine the provision of bicycle facilities for the proposed development. However, LPP 58 stipulates the requirements as being the number of spaces that are to be provided per 5 students over year 4. Specific details regarding the number of students per year group have not been provided. As such, the exact number of spaces cannot be determined.

Based on an average of 62 students per year group, there would be approximately 190 students above year 4. With 1 space required per 5 students under LPP 58, a total of 38 spaces would be required.

With respect to bike facilities, the applicant has provided the following information:

"To encourage the use of bicycles to and from school appropriate cycle parking facilities should be provided. These should be placed in highly visible areas so as to maintain a degree of passive security. The amount of cycle racks that should be provided is 3-5% for staff and 10% for children. Thus, the new school should provide 47 cycle racks for 430 students and staff".

It is considered that the number of spaces proposed comply with the number stipulated under LPP 58.

Development Approval Framework & Process

The value of works for this application has been stipulated at \$9.1 million, meaning that it is required to be determined by the Metropolitan East Joint Development Assessment Panel (JDAP). The JDAP was established by the Minister for Planning to help improve the planning system by providing more transparency, consistency and reliability in decision making on complex development applications. This is the first JDAP application to be considered by the Shire.

In terms of the approval process, the Shire is required to provide a formal recommendation on the application to the Western Australian Planning Commission (WAPC) who have delegated their powers in respect to primary schools to the Executive Director, Building Management & Works (BMW) under the Department of Finance. In this regard, BMW rather than WAPC is responsible for providing the 'responsible authority assessment report' through to the JDAP secretariat. Neither the Shire, the WAPC nor the BMW have any decision making abilities in this process as the decision making authority lies with the JDAP.

The purpose of this report is therefore to provide a recommendation on the proposed development through to the WAPC.

Oval and Joint Use Agreement

At the October 2009 Ordinary Council Meeting, Council resolved that a legally binding Joint Use Agreement (JUA) be pursued for the provision and ongoing maintenance and ongoing public access to shared recreation facilities at the future Primary School within the Kalimna residential estate. A series of meetings and correspondence have since taken place between the Shire, the Developer and the Department of Education (DoE). The Shire and the DoE are currently actively working through the final details and logistics to enable the provision and shared use of a senior sized oval and related facilities (cricket nets and wickets). Club facilities and related car parking is a Shire, not a DoE, responsibility at a later stage in the development of the District Open Space adjacent to the school.

The proposed application demonstrates DoE's intent for a Shared Use Agreement. It should be noted for clarity however that it is understood through Shared Use communications that a cricket wicket, whilst not listed in the scope of the application nor indicated on the site plan, will form part of the oval costings and shared use agreement. It is also understood that the cricket practice nets form part of the shared use oval area, and while this is not detailed in the scope of the application, the site plan shows that the practice nets are outside of the fenced off school area and so the practical intent is thereby demonstrated.

Whilst the practical aspects and logistics of design, funding and timing of construction are being finalised, a template for a Shared Use Agreement is being developed in parallel and in liaison with DoE and the Shire's solicitors so that once agreement is reached, firstly on strategic and ultimately detailed elements, these can be easily incorporated into the JUA (now termed a Shared Use Agreement – or SUA) for finalization through respective solicitors. Land tenure and confirmation of financial contributions are the key elements to enable this.

A number of challenges have presented themselves along the way – some of which have already been resolved and others are in the process of being resolved. These being:

- In order to confirm the possibility of building a senior size oval a tree was required to be removed. Permission has since been granted by the Department of Environment and Conservation (DEC).
- The lengthy process of transfer of land tenure from the Crown to the Shire is not yet resolved for lot 504 (where most of the oval will be constructed), but the application is being processed by the State and anticipated to be completed in January 2012.
- It was understood until recently that the developer was going to build the oval. While the developer still wishes to contribute to the development of the DOS (predominantly landscaping/playground) there is no obligation on the developer to develop the oval as it straddles DoE land and District (as opposed to Public) Open Space. This was partly a credit related issue relating to potential DCA compensation.
- Funding for the larger sized oval is not yet secured - linked to a number of factors including: the developer not being obliged to provide funding for district open space; the Traditional Developer Contribution arrangement not yet being in place; DoE are still working on confirming provisional costs (to compare with Shire costs) and the

costs of detailed design to secure detailed costings. These need to be understood before agreement can be reached on overall costs and negotiated contributions. A future item will be presented to Council for consideration of Council's commitment.

- The timing of the current application and proposed tender process (DoE prefer December/possibly early January) does not align with all elements being known.

To open the school for the start of the 2013 school year, the DoE must advertise for tenders urgently. It has been suggested that the DoE consider allowing the timing of the decision to award a contract for construction to be taken at the latest possible opportunity, without extending their timeframe, by exploring if they can build options into the tender process up front which can be costed, but two of which are dependent on the securing of funding and/or land tenure before tenders are awarded.

What this means is either:

- The senior size oval can be constructed immediately; or
- A junior oval spanning both DOE and DOS may be constructed initially; or
- The portion of the oval within DOE land grassed may be constructed initially.

The intent being that if the first option is not achievable at the time of awarding tender due to land or funding constraints, then either of the latter two options would allow for a senior oval and related infrastructure to be connected at a later stage as land tenure/funding becomes available. The Shire's fundamental position is that these two issues are procedural and will be resolved. It is not a matter of if, merely when.

The DoE are keen to work with the Shire to ultimately achieve a shared use senior sized oval as they bought a smaller land parcel for this primary school on the understanding that they would be able to achieve their normal provision of a junior size oval in cooperation with the Shire by utilizing a proportion of DOS and entering into a SUA.

While it would be preferable to have everything in place in terms of a legally binding SUA to move forward with the current application, it is recommended that there is sufficient evidence that the process, land use and financial issues are understood, have been addressed or are capable of being addressed and therefore that the application be supported.

Timeframes

It is understood that the DoE is seeking to progress with a tender procurement process, commencing on 8th January 2012. For the tender process to be able to proceed, development approval is formally required. As per 12(3)(c) of the Regulations, the responsible authority assessment report, as prepared by BMW, is to be submitted to the JDAP within 80 days after the date on which the application was made.

It is therefore important that a timely recommendation is formed by the Shire and forwarded to the JDAP for formal determination.

Options

There are two options available to Council in dealing with this application:

Option 1: Recommended to the JDAP that the application be approved subject to conditions.

Option 2: Recommended to the JDAP that the application be refused, providing reasons.

The officer recommendation with respect to this application is option 1.

Voting Requirements: Simple Majority

COUNCIL DECISION

Moved Cr Urban, seconded Cr Wilson

That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 1.37pm.

CARRIED 7/0

COUNCIL DECISION

Moved Cr Urban, seconded Cr Harris

That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 1.48pm.

CARRIED 7/0

SCM012/12/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council:

- A. Note that the application for the proposed Educational Establishment (primary school) at Lot 505 Kardan Boulevard, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Recommend to the Metropolitan East Joint Development Assessment Panel that the proposed Educational Establishment (primary school) at Lot 505 Kardan Boulevard, Byford be approved subject to the following conditions:

PLANNING

1. A monetary contribution being 2% of the construction cost of the development be paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 *Public Art Policy for Major Development* to the satisfaction of the Director Development Services.

AMENITY

2. A Construction Noise Management Plan is required to be submitted, approved and thereafter implemented to the satisfaction of the Director Development Services should construction activities occur before 7:00am or after 7:00pm Monday to Saturday. No activities shall occur on Sundays and Public holidays.

LOADING BAY

3. All loading and unloading to take place within the boundaries of the premises.

VEHICLE PARKING AREAS, ACCESS WAYS & CROSSOVERS

4. A Traffic Management Plan to be prepared and approved by the Director Engineering prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety.
5. A minimum of seventy nine (79) car parking bays to be provided in accordance with the plans attached to and forming part of this approval. Should the 23 bays within Woodalla Parade and 14 bays within Efficient Way not be constructed by the developer, the Department of Education will be responsible for the provision of these bays.

6. A minimum of two (2) disabled parking bays to be provided along with the required statutory signage and markings to the satisfaction of the Shire.
7. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained and line marked in accordance with the approved plan prior to the occupation of the development and thereafter maintained to the satisfaction of the Director Engineering.
8. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.
9. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the proponent's cost to the specification and satisfaction of the Director Engineering Services and maintained at all times.
11. Bicycle parking facilities being provided in accordance with Local Planning Policy No.58 *Bicycle Facilities* to the satisfaction of the Director Engineering.

EXTERNAL LIGHTING

12. Lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with *Australian Standard AS 1158.3.1 (Cat. P)*.
13. A Lighting Plan to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the extent to which light from all external light sources is cast and shall not impact on adjoining landowners.

STORMWATER

14. An Urban Water Management Plan to be prepared and approved by the Director Engineering prior to the commencement of site works. Once approved, the Urban Water Management plan is to be implemented in its entirety.
15. A petrol and oil trap being installed in the car park drainage system prior to occupation of any building to the specification and satisfaction of the Director Engineering.

SITE WORKS

16. A Dust Management Plan to be prepared and approved by the Director Engineering prior to the commencement of site works. Once approved, the Dust Management plan is to be implemented in its entirety.

BIN STORAGE AND PICK-UP

17. A refuse receptacle area to be provided in accordance with the approved plans and the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*.

LANDSCAPING

18. A Landscape and Vegetation Management Plan for the entire development site, including all car parking areas and road verges, must be submitted to the Shire and approved by the Director Strategic Community Planning prior to the commencement of site works.

- 19. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.**

Advice Notes:

- 1. A building licence must be applied for and issued by Council before any work commences on the site.**
- 2. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.**
- 3. The development is to be designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.**
- 4. Detailed car parking layout plans showing the dimensions of parking spaces and access ways, traffic control devices, directions of traffic flow, bay numbering, special use (ie disabled) bays, existing and proposed vegetation are to be submitted at building application stage.**
- 5. Plants used to landscape the site shall comprise species indigenous to the area or the south-west of Western Australia.**
- 6. The proponent is advised that the landscape design should be guided by Crime Prevention Through Environmental Design principles.**
- 7. The Landscape and Vegetation Management Plan shall:**
 - a) Be drawn to a scale of 1:200 and show the following:**
 - i. The location, name and heights of existing trees and shrubs not affected by the development and nominated for retention;**
 - ii. The location, name and mature heights of proposed trees and shrubs;**
 - iii. Any lawns, walkways, paved areas, decks, water features, shade structures and the like to be established;**
 - iv. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles; and**
 - v. Landscaping strips comprising shrubs and/or trees being provided on verges along all street frontages.**
 - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.**
 - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.**
- 8. The existing trees on the site not affected by the development should be retained and protected.**
- 9. The Shire encourages the following Water Sensitive Urban Design principles:**
 - a) The use of permeable surfaces within the car park;**
 - b) Installation of flush kerbs around tree wells;**
 - c) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;**
 - d) Introduction of various measures slowing down the storm water run-off (meandering, mimicking nature);**
 - e) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;**
 - f) Harvesting storm water run-off from roofs and hard surfaces wherever possible;**

- g) Extensive use of local plants, grown to provenance; and
h) The use of reticulation systems suitable for native plants where applicable.
10. Staff and public toilets are to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
11. The facility is required to comply with the *Health (Public Buildings) Regulations 1992*.
12. The development is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times.
13. The proponent is to make application with detailed specifications for effluent disposal including expected waste water volumes and site plans illustrating drainage lines and location of grease traps, tanks and irrigation fields shall be provided to the Shire's Health Services Department prior to the issue of Building Licence.
14. The construction and fit-out of the food business is to comply with AS 4674-2004 Design construction and fit-out of food premises, Food Act 2008 and subsidiary legislation unless otherwise approved by the Shire's Health Services.
15. Detailed drawings including elevations of all food preparation and storage areas are required to the satisfaction of the Shire's Health Services. The drawings must include all finishes, fixtures, fittings and equipment and will be required at time of application for Building License.
16. The food business must be registered under the Food Act 2008 by the Shire's Health Services prior to operation.
17. The refuse receptacle area shall be provided with:
- a) A tap connected to an adequate supply of water;
 - b) Smooth impervious walls constructed of approved material not less than 1.5 metres in height;
 - c) An access way not less than 1 metre in width fitted with a self-closing gate;
 - d) Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system;
 - e) Easy access to allow for the removal of containers; and
 - f) A floor area of not less than 3m² or not less than 10% of the floor area of the kitchen (or food preparation room).
18. All application forms 1, 2, 3 and 5, as specified by Health (Public Buildings) Regulations, 1992, Schedule 2, to be submitted to Council's Health Services before registration of the building as a public building can occur.
19. Provide a notice on the external side of any emergency exit which abuts a road, thoroughfare, passageway or lane, bearing the words "Emergency Exit" in letters not less than 100mm high and 12mm wide.
20. Approved illuminated directional signs exit signs to be provided in those portions of the public building where the emergency exits are not clearly visible to the public
21. A minimum of two designated fire exits to be fitted with exit signs in compliance with AS2293.

CARRIED 7/0

Director Corporate Services left the room at 1.50pm and returned at 1.51pm.

SCM013/12/11		DEVELOPMENT APPLICATION FOR PROPOSED FORWARD WORKS FOR BYFORD SENIOR HIGH SCHOOL (FILE NO.PO4151/02)	
Proponent:	Donaldson + Warn	In Brief An application for forward works for the proposed government high school site has been lodged with the Shire. It is recommended that Council provide support for the proposal and advise the Western Australian Planning Commission accordingly.	
Owner:	LWP Property Group		
Author:	Lawrence Man – Senior Planner		
Senior Officer:	Brad Gleeson – Director Development Services		
Date of Report	21 November 2011		
Previously	Nil		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Date of Receipt:	10 October 2011
Advertised:	2 November to 25 November 2011
Submissions:	Four (4) Submissions
Lot Area:	13.0554ha (Proposed Lot 282)
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	High School

Background

The State Government has committed to the delivery of a high school site on proposed Lot 282 Abernethy Road, with a programmed opening for the year 2014. The proposed application seeks to prepare the site to enable development (commonly referred to as “forward works”) including bulk earthworks for the filling of the site, and provision of utilities and infrastructure such as sub-soil drainage, stormwater management and partial sewerage construction. Subsequent development applications will be made for the purposes of the school buildings proper.

Planning for the government high school site has been progressing over a number of years though the Byford Structure Plan, the Glades Local Structure Plan (LSP) and more recently the Byford Town Centre Local Structure Plan.

Although the works may be argued to be preliminary in nature, the proposed works:

- Are significant in scale;
- Have the potential to have an impact on the local community during the construction phase;
- Will determine the finished levels for the site;
- Will determine the location of infrastructure services and in turn future building locations; and
- Require approval prior to finalisation of the Byford Town Centre LSP.

It is for the above-mentioned reasons that the matter is presented to Council for formal consideration.

The application proposes development that is considered to be ‘public works’, requiring approval under the MRS but not under TPS 2. Accordingly, Council is required to provide a

recommendation to the Western Australian Planning Commission (WAPC) for a formal determination to be made.

A copy of the development plans is with attachments marked [SCM013.1/12/11](#).

Sustainability Statement

Resource Implications: The proposed works are extensive in nature and extends over the entire 15ha site. The drawings depict forward works extending over the entirety of the site to facilitate subsequent stages of development. The forward works application represents the intent by the Department of Education to commence a major multi-staged development to deliver a high school for Byford.

This proposal has required extensive discussions between internal Shire staff including Engineering Services, Emergency Services, Community Development, Environmental Services, Strategic Planning and Statutory Planning. The Shire has also been liaising externally with the Department of Planning, Department of Education, Department of Finance (Building and Works), and Catholic Education Office to identify issues and explore opportunities for cooperation.

Use of Local, Renewable or Recycled Resources: The proposed forward works will primarily be introducing new materials onto the site. The Proponent has advised that the topsoil associated with the bulk earthworks for the site will be stored on site for the purposes of reuse.

Effect on Environment: Due to the sloping topography of the site and existing soil types, bulk earthworks for the site will be required to support the subsequent stages of development. This will require the filling of the site. Although the site is predominantly vacant due to the previous use of the land, filling of the site will result in the removal of flora and fauna habitat.

Economic Viability: The forward works development application has an estimated construction value of \$3.16 million. The subsequent stages of development will bring substantial economic investment to enable the high school to be progressively expanded to meet future student population requirements.

Economic Benefits: The proposal will provide economic benefits through to the Shire though external impacts during the construction phase of the high school. Through the multiplier effect of this proposed development, the proposed development will help establish a key destination and attractor within the Shire and within close proximity to the Byford Town Centre.

Social – Quality of Life: Schools perform a key role in facilitating social interaction and community building not only for students but for parents, teachers, support staff and all members of the community involved with the school. This proposal will assist in progressing the development of a school that will act as a new community hub within Byford.

Social Diversity: The proposal seeks to enable the establishment of a government high school within Byford. The majority of government high schools are not subject to selective entry requirements, encouraging a broader representation of the surrounding community to be present.

Social and Environmental Responsibility: The Proponent has indicated that the subsequent development applications will utilise the National Australian Built Environment Rating System rating tool and will need to conform to a minimum 4.5 star rating.

Statutory Environment: Metropolitan Region Scheme approval required. Development exempt from requiring approval requirements under TPS 2.

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 Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT			
	Infrastructure		
		Asset management	Ensure all decisions are consistent with the long term financial Plan for the Future.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
NATURAL ENVIRONMENT			
	Integrated Water Cycle Management		
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
OUR COUNCIL AT WORK			
	Leadership		
		Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	Strategic Direction	Prepare effectively for future development.
	Knowledge and Information	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
PEOPLE AND COMMUNITY	Wellbeing	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
	Places	Vibrant	Develop well connected neighbourhood hubs and activity centres.

Community Consultation:

In accordance with the requirements set out in Local Planning Policy No. 27 – Stakeholder Engagement, the application was advertised for stakeholder comment including the following:

- A letter being sent to all landowners within the local structure plan area
- A public notice being published in a newspaper circulating within the district
- The placement of a sign on-site

- The convening of two community information sessions (combined with a number of other planning proposals out for comment)

A total of four submissions were received with three (3) being from government agencies and one (1) being from the Byford Progress Association.

A schedule of submissions is with attachments marked [SCM013.2/12/11](#)

Comment:

In considering the application, there are a number of matters that need to be taken into consideration, as follows:

- (1) Development proceeding ahead of the finalisation of the Byford Town Centre Local Structure Plan
- (2) Degree of consistency with the Byford Town Centre Local Structure Plan
- (3) Potential impacts during the construction phase.
- (4) The Shire's various policy requirements.
- (5) Status of discussions with respect to joint use arrangements.

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

- (1) Development proceeding ahead of the finalisation of the Byford Town Centre Local Structure Plan

The Byford Town Centre LSP has not yet been finalised. It is anticipated that a formal determination on the LSP will be made by the WAPC in either late 2011 or early 2012. There is a general presumption against development proceeding ahead of the finalisation of the LSP. The Shire has not historically supported commercial/residential developments ahead of finalisation of the LSP. A commitment has been given by the state government to deliver the proposed high school in 2014. In order to achieve the delivery of the school in 2014, works on site need to commence in January 2012, as this is part of the established project schedule. The works required constitute 'development' under the Planning and Development Act and as such development approval is required to be obtained prior to the commencement of works. Accordingly, the DoE requires development approval to be granted by the WAPC (as the decision-making authority) by not later than the end December 2011.

The proposed development of a high school in this location is consistent with the Shire's adopted Byford Town Centre LSP. It is not anticipated that the WAPC will further consider the location of the school in its determination on the local structure plan in December 2011.

There is significant (and rapidly growing) community demands for educational facilities. The works proposed are preliminary only and constitute 'public works' and therefore do not require formal approval under the Shire's TPS 2.

On the basis of the above-mentioned matters, it is not recommended that Council object to an approval being granted by the WAPC.

- (2) Degree of consistency with the Byford Town Centre Local Structure Plan

Although the proposed works are preliminary only, the works once completed may effectively lock in finished levels and service locations for future buildings. Accordingly, it is important that Council give early consideration to a number of matters and provide comment to the WAPC and DoE.

The Draft Local Planning Policy 31 (Town Centre Design Guidelines) establishes the high school area as a separate design zone/precinct. With respect to building height, draft LPP seeks to encourage buildings of a height typically 2-3 storeys. With respect to building orientation, the draft LPP sought to establish 'development massing' at the intersection of Abernethy Road and proposed road 17/future extension of Gordin Way to establish a 'gateway' to the Byford Town Centre'. With respect to the proposed oval location, draft LPP31 sought to establish sporting facilities located adjacent to the wetland buffer zone, with the wetland feature itself located on Lot 15, providing an opportunity for drainage functions. The proposed layout is not strictly in accordance with that previously envisaged under draft LPP31.

The Shire has not actively progressed the finalisation of draft LPP31, pending direction on the LSP by the WAPC. Upon a determination being made by the WA Planning Commission on the LSP, it is recommended that the Shire update and finalise draft LPP31 as a matter of priority.

Although not strictly in accordance with draft LPP31, the draft site layout/master plan would appear to have merit, having regard to the following matters:

- The locating of sporting facilities in the South-Western corner of the site provides opportunities for effective sharing of facilities, as part of established shared-use arrangements
- The site contains a significant fall in elevation, with some 6 metre variation across the site; accordingly the location of drainage storage in a large event is generally most suited to the South-Western corner. This approach is also consistent with an approved Urban Water Management Plan, that demonstrates compliance with the Byford Townsite Drainage and Water Management and the proposed local water management strategy that forms part of the Byford Town Centre Local Structure Plan.

Matters relating to access and parking, building height, design, signage may be able to be considered at the time of detailed design/lodgement of formal development application for Stage 1 works in the context of draft LPP 31.

Based on the above, the development application currently before Council is not inconsistent with the objectives set out in the Byford Town Centre LSP and associated draft design guidelines.

(3) Potential impacts during the construction phase.

In respect to potential traffic and dust impacts, the applicant has indicated in their submission that the successful contractor at the time of award, will be required to submit to the Shire, prior to commencement of works, a Traffic Management Plan (TMP) and a Dust Management Plan (DMP) that will comply with the relevant statutory guidelines and standards.

(4) Policy requirements for subsequent development application

The Shire has a number of local planning policies that will need to be taken into consideration by the proponent in the preparation of the next phase application for development approval, including but not limited to:

- Local Planning Policy No.24 – Designing Out Crime
- Local Planning Policy No.31 – Byford Town Centre Design Guidelines (draft)
- Local Planning Policy No.58 – Bike Facilities
- Local Planning Policy No.59 – Public Art Policy for Major Developments
- Local Planning Policy No.63 – Integrated Transport and Land Use Planning

- Local Planning Policy No. 67 – Landscape and Vegetation (draft)
- Local Planning Policy No.68 – Sustainability Assessment

(5) Potential Joint Use Arrangement

Council resolved at the December 2010 Ordinary Council Meeting to pursue a legally binding Joint Use Agreement between the Shire, Department of Education (DoE) and the Catholic Education Office (CE Office). Ongoing communications between the Shire, CE Office & DoE have continued to indicate a high level of support in finalising negotiated outcomes for the delivery of joint use (now referred to as shared use) facilities.

In recent months Shire staff have been working closely with the DoE representatives and their architects to ensure the adequate provision of and access to various facilities within the future Byford Senior High School site. While the current Development Application (DA) is only for Bulk Earthworks and the next DA for Stage 1 works is not anticipated to include shared use facilities, the attached Master Plan (still in Concept stage) demonstrates that an appropriate outcome can be achieved for shared use facilities over time.

High school level provision of facilities identified for shared use in the Concept Master Plan includes:

- i. Rectangular playing fields for hockey, soccer and rugby,
- ii. Ovals for cricket, AFL;
- iii. Performing arts centre;
- iv. Six (6) tennis courts, and
- v. Two (2) multi-marked courts for netball, basketball, tennis

A copy of the Concept Master Plan is with attachments marked [SCM013.3/12/11](#)

The Concept Master Plan also illustrates additional negotiated shared use items including:

- i. Community change room
- ii. Two (2) additional tennis courts; and
- iii. Tennis pavilion.

Discussions with DoE and their architects since the drafting of this current Concept Master Plan have confirmed that the future community change room should in fact be located where the Health education building is currently depicted. This is to ensure that this Community change room is located to look out over the future oval. This is a minor change that DoE does not require modification to the current proposal as the location of buildings and staging of development will be subject to future development applications. It is anticipated that applications in the future will reflect this change.

Due to the unanticipated six (6) metre fall across the site, the DoE will now have to bring in a considerable amount of fill to level the site. This has stretched their budget and as a result may affect the timing of a number of elements including the construction of the oval.

This application is for forward works for the new high school site. Although focused on the delivery of bulk earthworks and provision of utilities, this development application will also influence the location of school and associated buildings and facilities. Being the first application for a school with future shared use facilities, the proposal is subject to additional scrutiny to meet the expectations of the community.

The Shire recognises its position as a high growth authority with extensive existing demands on active sporting facilities and has proactively negotiated in good faith to ensure the delivery of future shared use with the Byford Senior High School and the likely shared use of facilities at the Catholic K-12 school as identified above.

Due to the staged nature of development of schools and associated funding constraints such as unanticipated additional earthwork costs, the Proponents have enquired with the Shire regarding the potential use of the Briggs Park Upper Oval. Although the Shire would normally like to reciprocate and offer to assist the DoE, the Shire has been consistent in its advice that the oval at Briggs Park is at or near-capacity. A recently undertaken turf management plan has now provided the evidence to substantiate the fact that Briggs Park is currently at or beyond capacity and requires substantial attention to ensure an adequate level of service and so will not be available for the Byford Senior High School to use in the interim.

Shire officers along with DoE are working together to examine various options. The Shire will also examine various funding options with the desire to help enable the construction of the playing fields as soon as possible.

There will be an opportunity for the community to provide letters of support for these alternative funding options and for Council to lobby State and Federal government bodies to ensure the playing fields are delivered in a timely manner. A collaborative and evidence based approach is encouraged to allow for effective communication by all parties to achieve the desired outcome. In the context of this it should be noted:

- The Department of Local Government guidelines for dealing with planning matters read as follows: *“Elected members must not, when lobbied, commit their vote on the proposal. Members may offer support or otherwise but as decision-makers they are obliged to consider all relevant facts, including the debate at the meeting, prior to making their decision. Elected members who commit their vote may be faced with claims of perceived bias.”*
- To that end, it is important that Council carefully considers the full information that is being presented with the Development Application for the high school preliminary works
- Should Council wish to progress further discussions with the State Government and seek to achieve the delivery of sporting facilities at the earliest opportunity, it is recommended that a communications strategy be developed (in consultation with elected members), signed off and ultimately implemented. Such a strategy may involve a range of different stakeholders and communication techniques and may assist in the effective use of resources and a coordinated/professional approach that will deliver maximum benefit for the community, while not compromising the integrity of the Shire’s formal decision-making processes and working relationships with relevant officers of state government agencies.

In parallel with the above priority of securing funding for the timely delivery of playing fields, Shire officers are working in collaboration with the DoE to secure interim physical activity areas. These include but are not limited to:

- Utilising a temporarily grassed 5,000m² area (similar size to a soccer field) within Stage 1 of the school site development which is earmarked as a future Performing Arts Centre, Materials Technology and courtyard area, for the purposes of a grassed physical activity area.
- Greater use of the Serpentine Jarrahdale Recreation Centre
- Interim use of other playing fields within Byford as they come online. These include the Byford Central and Kalimna District Open Space.

The DoE has provided preliminary estimated student population figures that in the first year there will be around one hundred and forty students (140) which equates to five physical education classes per week with a combined demand for indoor and outdoor activity of 10

hours per week. The student population is anticipated to grow incrementally to the year 2020 to eight hundred and ninety (890) students.

The CE Office is aware of the progress being made with the State High School Master Plan and intend to start their own Master Planning at the commencement of 2012, which will aim to compliment the design of the State High School. Shire staff will be equally involved in the development of potential shared community infrastructure on the Catholic site.

The legally binding Shared Use Agreement structure and content being developed with DoE for the primary school site in the Kalimna development will be used as a template for future shared use facilities. With the Byford High School facilities now negotiated in principle (albeit at Concept stage) and progress anticipated with the Catholic K-12 School early in 2012, it is anticipated that significant progress will be made in 2012 in terms of the detail required to populate this template to create the legally binding agreement between the Shire, DoE and CE Office. This process is anticipated to align with the DoE DA for Stage 2 which incorporates shared use facilities.

In terms of how the shared use process relates to the current DA, Officers are satisfied that land use and financial issues are understood and have been addressed or are capable of being addressed and that it is understood when this can take place in the process. There are no fundamental reasons (spatial or otherwise) not to proceed with DA from a spatial or any other perspective.

(6) Need for a timely decision by Council

The proposed school is scheduled to open in 2014. To achieve this opening date, the DoE has established a construction program that lasts a full 2 years. Any delays to obtaining required approvals and/or delays experienced during the construction of the site, may compromise the ability of the school to open in 2014.

Due to site constraints associated with local soil types, forward works are required to be undertaken during the dry months of the year to negate the need for dewatering and associated works. Delays in the determination of the application will result in cost implications, potentially constraining the delivery of school facilities.

As outlined in the statutory environment section of this report, the Shire is not the decision-making authority for development applications relating to 'public works'; that responsibility rests with the WAPC. The Shire is afforded a 42 day period to provide a recommendation to the WAPC. In this instance, the WA Planning Commission has agreed to consider the Shire's recommendation, provided that it is provided by the Commission by not later than Wednesday 14 December 2011. Accordingly, it is recommended that the matter be formally considered at a Special Council Meeting on 13 December 2011.

It is also important to note that in order to achieve the 2014 opening date, the DoE had to progress with procurement (tender) processes in parallel with development approvals processes, with the tender advertisement period having opened on 25 November 2011 and closing on the 16 December 2011. The Christmas shut-down period for the construction industry was a further consideration for the DoE for these tight timeframes. Any additional requirements by Council may have the effect of triggering a 'variation to contract' for the DoE, with associated cost implications and thus impacting on deliverable school facilities.

The current development application (and associated tender) is for forward works only. There is the opportunity for Council to provide further direction/suggestions to the DoE and other stakeholders, as part of its consideration of the full development application for Stage 1 buildings. The Stage 1 development application is anticipated to be presented to Council at its January Ordinary Council Meeting to enable a Development Assessment Panel determination in early February.

Options:

There are primarily two options available to Council in considering the current application:

- (1) Recommend to the WAPC that the application be approved and provide recommended conditions accordingly
- (2) Recommend to the WAPC that the application be refused and provide reasons accordingly.

Having had regard to the matters outlined in this report, option 1 is recommended.

Voting Requirements: Simple Majority

COUNCIL DECISION

**Moved Cr Wilson, seconded Cr Urban
That standing orders 9.5, 9.6, 10.7 and 10.13 be suspended at 1.52pm
CARRIED 7/0**

Director Engineering left the room at 2.09pm and returned at 2.11pm

COUNCIL DECISION

**Moved Cr Kirkpatrick, seconded Cr Harris
That standing orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 2.14pm
CARRIED 7/0**

Officer Recommended Resolution:

That Council:

- (A) Note the submissions received during the advertising period, as outlined in Attachment SCM013.2/12/11.**
- (B) Note the project timeframes that the Department of Education is working toward, for the opening of the school in 2014.**
- (C) Notes that a separate application for development approval is required for the actual construction of buildings.**
- (D) Recommend to the Western Australian Planning Commission that development approval is granted under the Metropolitan Region Scheme, subject to the following conditions:**
 - 1. A Traffic Management Plan to be prepared in accordance with IPWEA Guidelines, Local Planning Policy 63 – Integrated Transport and Land Use Planning, and Western Australian Planning Commission Transport Assessment guidelines for Development for approval by the Shire and thereafter implemented to the satisfaction of the Director Engineering.**
 - 2. A Dust Management Plan to be prepared and approved by the Shire and thereafter implemented in accordance with IPWEA Guidelines and the Shire's Engineering Standards.**

3. The Urban Water Management Plan will be required to be implemented by the Proponents for the purposes of identifying and managing stormwater, groundwater management and monitoring systems.
4. Works are to be contained within the boundaries of proposed Lot 282 unless otherwise approved in writing by the Shire.
5. Works are not to commence until approved engineering plans and specifications are prepared and approved.
6. No activities associated with this approval causing nuisance and/or inconvenience shall be carried out after 6.00pm or before 7.00am Monday to Saturday and not at all on Sundays or public holidays.
7. Temporary toilet facilities will need to be provided on site prior to any works commencing and appropriate water supply and treatment services shall be connected.
8. Should any existing septic tanks be found on site, the Shire will require them to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
9. Earthworks must create spaces and levels that are capable of receiving landscaping along roads and future landscaping areas.
10. With the use of fill on site, only clean fill that is certified to be free of dieback and not sourced from moderate or high risk acid sulphate areas shall be used. This is in accordance with Department of Environment and Conservation Guidelines.
11. A Construction and Environment Management Plan to be prepared, approved and thereafter implemented to the satisfaction of the Shire.
12. A geotechnical report to be prepared certifying that the land is physically capable of development prior to the commencement of ground disturbing activities.

SCM013.2/12/11 NEW MOTION:

Moved Cr Kirkpatrick, seconded Cr Randall

That Council:

- A) Note the submissions received during the advertising period, as outlined in Attachment SCM013.2/12/11 with the addition of the submission provided by the Byford Progress Association.
- B) Note the project timeframes that the Department of Education is working toward, for the opening of the school in 2014.
- C) Notes that a separate application for development approval is required for the actual construction of buildings.
- D) Council requests an urgent meeting with the Minister for Planning and Minister for Education to raise serious concerns regarding the lack of dedicated funding and a definitive and realistic timeline for the provision of sporting and community facilities at the High School, in particular the construction of the playing fields and associated facilities.

E) Recommend to the Western Australian Planning Commission that development approval is granted under the Metropolitan Region Scheme, subject to the following conditions:

- 1. A Traffic Management Plan to be prepared in accordance with IPWEA Guidelines, Local Planning Policy 63 – Integrated Transport and Land Use Planning, and Western Australian Planning Commission Transport Assessment guidelines for Development for approval by the Shire and thereafter implemented to the satisfaction of the Director Engineering.**
- 2. A Dust Management Plan to be prepared and approved by the Shire and thereafter implemented in accordance with IPWEA Guidelines and the Shire's Engineering Standards.**
- 3. The Urban Water Management Plan will be required to be implemented by the Proponents for the purposes of identifying and managing stormwater, groundwater management and monitoring systems.**
- 4. Works are to be contained within the boundaries of proposed Lot 282 unless otherwise approved in writing by the Shire.**
- 5. Works are not to commence until approved engineering plans and specifications are prepared and approved.**
- 6. No activities associated with this approval causing nuisance and/or inconvenience shall be carried out after 6.00pm or before 7.00am Monday to Saturday and not at all on Sundays or public holidays.**
- 7. Temporary toilet facilities will need to be provided on site prior to any works commencing and appropriate water supply and treatment services shall be connected.**
- 8. Should any existing septic tanks be found on site, the Shire will require them to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.**
- 9. Earthworks must create spaces and levels that are capable of receiving landscaping along roads and future landscaping areas.**
- 10. With the use of fill on site, only clean fill that is certified to be free of dieback and not sourced from moderate or high risk acid sulphate areas shall be used. This is in accordance with Department of Environment and Conservation Guidelines.**
- 11. A Construction and Environment Management Plan to be prepared, approved and thereafter implemented to the satisfaction of the Shire.**
- 12. A geotechnical report to be prepared certifying that the land is physically capable of development prior to the commencement of ground disturbing activities.**

CARRIED 7/0

7. URGENT BUSINESS:

Nil

8. CLOSURE:

There being no further business, the meeting closed at 2.15pm

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 23 January 2012

.....
Presiding Member

.....
Date