



Shire of  
Serpentine  
Jarrahdale

# Special Council Meeting Agenda

**7.00pm**

**Monday, 22 June 2020**

**Purpose:** To consider the Draft Local Planning Strategy and Draft Local Planning Scheme

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## Contact Us

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### In Person

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6 Paterson Street, Mundijong WA 6123  
Open Monday to Friday 8.30am-5pm (closed public holidays)



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The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the resolutions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



### Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

### Council October 2019 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
18/05/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/05/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/04/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/04/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/03/20	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
23/03/20	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/03/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
24/02/20	PCF	✓	✓	✓	A	✓	✓	✓	✓	✓
17/02/20	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
03/02/20	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
03/02/20	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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Dear Elected Member

A Special Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 22 June 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7:00pm.

In accordance with the *Local Government Act 1995* and public health laws, the meeting will be open to the public with seating provided that meets physical distancing provisions.

Paul Martin  
**Chief Executive Officer**

8 June 2020

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## Agenda

1. **Attendances and apologies (including leave of absence):**
2. **Public question time:**
  - 2.1 **Public questions**
3. **Public statement time:**
4. **Petitions and deputations:**
5. **Declaration of Councillors and Officers interest:**



## 6. Receipt of reports:

### 6.1 Reports

<b>6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No.3 (SJ203 &amp; SJ701)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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### Report Purpose

The purpose of this report is for Council to consider the submissions received on the Draft Local Planning Strategy (Strategy) and Draft Local Planning Scheme No.3 (Scheme) and make a recommendation to the Western Australian Planning Commission (WAPC).

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 18 May 2020 – OCM111/05/20 – COUNCIL RESOLUTION / Officer Recommendation*

*That Council NOTES the key themes raised in the submissions received during the public advertising of the Draft Local Planning Strategy and Draft Local Planning Scheme No.3.*

*Ordinary Council Meeting – 19 August 2019 – OCM174/08/19 – COUNCIL RESOLUTION / Officer Recommendation:*

*That Council:*

- 1. NOTES the modifications required by the Western Australian Planning Commission to the draft Local Planning Strategy.*
- 2. NOTES the modifications required by the Western Australian Planning Commission to the draft Local Planning Scheme No.3.*
- 3. ENDORSES the Communication and Stakeholder Engagement Plan for the public advertising of the draft Local Planning Strategy and draft Local Planning Scheme No.3, as contained in attachment 3.*



4. *ADVERTISES the draft Local Planning Strategy in accordance with Part 3 Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
5. *ADVERTISES the draft Local Planning Scheme No.3 in accordance with Part 4 Division 2 Regulation 22 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

## **Background**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) require the preparation of a Local Planning Strategy that provides the long-term direction for the Shire and informs the preparation of the new Local Planning Scheme by providing the rationale for the statutory provisions and zonings included within the new Scheme. At the Ordinary Council Meeting held on 11 April 2016, Council initiated the preparation of the draft Strategy and Scheme.

At the Ordinary Council Meeting held on 18 December 2017, Council resolved to proceed to advertise the draft Strategy and Scheme. Under Part 3 Regulation 12 of the Regulations, the WAPC is required to certify a draft Strategy prior to advertising. Under Part 4 Division 2 Regulation 21 (4) of the Regulations, the Commission is required to advise the local government if the Scheme is suitable to be advertised, prior to advertising occurring. Following this Council decision, both documents were submitted to the Western Australian Planning Commission (WAPC) to gain consent to advertise in accordance with the Regulations.

The draft Strategy was certified for advertising by the WAPC on 14 August 2018, subject to modifications being satisfactorily undertaken. Officers worked with the Department of Planning, Lands and Heritage (DPLH) to undertake the modifications and seek clarification regarding the required modifications. Modifications relating to the three key issues including rural enterprise, special residential and the Byford Train Station were considered by Officers to represent a change to the intent of the draft Strategy. At the Ordinary Council Meeting on 17 December 2018, Council requested the WAPC reconsider the modifications relating to these three key issues.

The draft Strategy and Scheme were then further considered at the WAPC's Statutory Planning Committee (SPC) meeting on 28 May 2019. Following this meeting, the WAPC advised that the draft Strategy was certified for advertising subject to modifications and that the draft Scheme was granted consent to advertise, subject to modifications.

Both documents were modified as required by the WAPC and formal advertising commenced on 19 September 2019 and concluded on 10 January 2020. Over 340 submissions were received on the two documents during the advertising period. Officers have reviewed the draft Strategy and Scheme in light of the submissions received during the advertising period and recommend modifications be made to both documents.

This report presents:

- the schedule of submissions in respect of the Draft Strategy (containing details of the submissions received and the officer response);
- the schedule of submissions in respect of the Draft Scheme (containing details of the submissions received and the officer response);



- the schedule of modifications recommended for the Draft Strategy;
- the schedule of modifications recommended for the Draft Scheme.

## Community / Stakeholder Consultation

### Formal Public Advertising

The Draft Strategy and Scheme were publicly advertised for formal comment during the period between 19 September 2019 and 10 January 2020, for a period of 114 days. The advertising period was extended beyond the 90 days required by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) due to the community and stakeholder interest that was received. The documents were advertised in accordance with the requirements of Regulation 13 Part 3 and Regulation 22 Division 2 Part 4 of the Regulations which are as follows:

- publish the notice in a newspaper circulating in the area to which the strategy and scheme relates;
- display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
- give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy and scheme;
- publish a copy of the notice and the draft strategy and scheme on the website of the local government;
- advertise the draft strategy and scheme as directed by the Commission and in any other way the local government considers appropriate.

In addition to the above requirements, letters were sent to all landowners within the Shire to notify of the advertising of the Draft Strategy and Scheme.

Several community information sessions and drop-in sessions were held by Shire Officers during the advertising period in various locations throughout the Shire. These sessions provided an important engagement opportunity for members of the community and stakeholders to gain further information, have queries answered and receive assistance to make a submission. These engagement sessions were well attended by stakeholders and members of the community, with a total of 272 people attending the sessions. The following table provides a summary of the sessions held and the attendance at each session:

Date	Location	Attendance
12 November 2019	Byford – Byford Hall	75
13 November 2019	Serpentine – Clem Kentish Hall	32
19 November 2019	Jarrahdale – Bruno Gianatti Hall	31
20 November 2019	Mundijong – Serpentine Jarrahdale Civic Centre	67
30 November 2019	Shire wide – Serpentine Jarrahdale Civic Centre	41



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Date	Location	Attendance
12 December 2019	Business Forum – Serpentine Jarrahdale Civic Centre	8
13 December 2019	Shire wide drop-in – Serpentine Jarrahdale Civic Centre	18

The Shire received just over 170 submissions each on the Draft Strategy and Draft Scheme during the advertising period. Submissions were received on a number of different matters and in relation to various properties.

#### Pre-Advertising Consultation

Prior to the formal advertising of the Draft Strategy and Scheme, several consultation processes were undertaken in the preparation of the documents. There was a strong element of community and stakeholder participation in the formulation of the draft documents.

#### *Local Profile Workshops*

As a part of the preparation of the draft Strategy, a series of stakeholder consultation workshops were undertaken as guided by Section 2.6.4 of the WAPC's Local Planning Manual. The consultation workshops were held during April and May 2016. These workshops were undertaken to gain feedback on the local profile of the Shire, which included the environmental, socio-economic and planning profiles of the Shire. The local profile of the Shire is an integral component of Part 2 of the draft Strategy, which largely informs the long-term direction, objectives and strategies contained within the draft Strategy, and consequently the provisions of draft Scheme. These local profile workshops involved the presentation of the environmental, socio-economic and planning profiles of the Shire and discussions with various stakeholder groups to ensure that all relevant planning considerations would be addressed in the draft Strategy. Four workshops were undertaken with the following stakeholder groups:

- Council
- Community and Environmental groups
- Developers and Business groups
- State Government Agencies

#### *Rural Strategy Review 2013*

The draft Strategy is the culmination of the previously prepared and publicly advertised Shire strategies, such as the Rural Strategy Review 2013. The preparation of the Rural Strategy Review 2013 has been subject to extensive community consultation. This included various community workshops held in different locations within the Shire as well as the formal public



advertising period during November 2013 to January 2014. As the primary land use strategy, which has guided the Shire's development since 1994, the Rural Strategy Review 2013 is a key strategic document that has informed the preparation of the draft Strategy and Scheme. The feedback received from the community as a part of the Rural Strategy Review 2013 process has been reflected and consolidated into the draft Strategy and Scheme.

#### *SJ2050 Workshops and Consultation*

Significant community consultation was undertaken for the preparation of SJ2050 as the vision for the Shire. Council endorsed SJ2050 at the Ordinary Council Meeting held on 24 October 2016. SJ2050 has been an important informing document for the draft Strategy, and consequently the draft Scheme. Community consultation for SJ2050 included several community workshops, an online survey, postcards and media releases to capture the views and aspirations of the community. The draft Strategy and Scheme reflects these community aspirations, which were identified in SJ2050.

#### Policy Concept Forum

The Draft Strategy and Scheme has been presented at a number of Policy Concept Forums during the development and progression of the two documents.

The WAPC decision on the draft LPS and LPS3 and the required modifications were presented to Council at a Policy Concept Forum in July 2019.

#### Environmental Protection Authority Referral

Under Part 5 Division 3 Section 81 of the *Planning and Development Act 2005*, local planning schemes adopted by a local government are required to be referred to the Environmental Protection Authority (EPA). When a local planning scheme is referred to the EPA, the EPA decides under Section 48A of the *Environmental Protection Act 1986* whether or not the local planning scheme is required to be assessed under Part 4 Division 3 of the *Environmental Protection Act 1986*.

Following Council's decision to proceed to advertise the draft Scheme on 18 December 2017, the draft Scheme was referred to the EPA. On 14 May 2018, the EPA advised that the draft Scheme was not required to be assessed under Part 4 Division 3 of the *Environmental Protection Act 1986*. The EPA decision reflects their assessment that considers environmental issues as being able to be managed under the framework of the draft Strategy and Scheme.

#### **Statutory Environment**

Under Part 3 Regulation 14 of the Regulations, a local government must review a draft local planning strategy having regard to any submissions made during the submission period, and may support the strategy with or without modifications.

Under Part 4 Division 2 Regulation 25 of the Regulations, the consideration period in relation to a draft local planning scheme means the period ending on the day that is 120 days after the end of the submission period for the draft scheme or a day approved by the Commission.



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A local government must consider all submissions received on a draft local planning scheme within the submission period under this Regulation. Part 4 Division 2 Regulation 25 (3) states:

*‘Before the end of the consideration period for a draft local planning scheme, or a later date approved by the Commission, the local government must pass a resolution –*

- (a) to support the draft scheme without modification; or*
- (b) to support the draft scheme with proposed modifications to address issues raised in the submissions; or*
- (c) not to support the draft scheme.’*

In accordance with Regulation 25, and noting the close of the advertising period on 10 January 2020, the Shire received an extension to the ‘consideration period’ for submissions on the Draft Scheme until 16 June 2020.

### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

### State Government Planning Framework

- State Planning Strategy
- Perth and Peel @ 3.5 Million
- South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy Suite
- Development Control and Operational Policy Suite

### Local Planning Framework

- SJ2050
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy
- Activity Centres Strategy
- Socio Economic Profile
- Environmental Profile

## **Comment**

### Public Advertising and Submissions

The Draft Strategy and Draft Scheme were publicly advertised in accordance with the Regulations during the period between 19 September 2019 to 10 January 2020. The Shire received a number of submissions on the Draft Strategy and Draft Scheme relating to a range of planning matters and individual properties during the advertising period. A report



was considered by Council at the Ordinary Council Meeting held on 18 May 2020, which presented the key strategic themes of the submissions received on the Draft Strategy and Draft Scheme.

Five key themes were identified, which included:

- rural/rural living;
- special control areas;
- land uses classifications and permissibility;
- transport corridors;
- significant proposals.

Officers have considered each submission received on the draft Strategy and Scheme, which has included the matters raised in the five key themes. Officers have responded to each submission in detail and where appropriate, have recommended that modifications be undertaken to the Draft Strategy and Draft Scheme. The detailed schedule of submissions on the Draft Strategy is contained within **attachment 3** and the detailed schedule of submissions on the Draft Scheme is contained within **attachment 5**.

The below provides a summary of the officer's recommended response in relation to the five key themes:

#### *Rural/Rural Living*

As detailed in the report presented to Council in May 2020, a number of submissions were received relating to matters within rural/rural living areas. The common submissions received for this theme included the following:

- Rural Residential RR-1 (1ha lot sizes) areas seeking subdivision below 1ha.
- Rural Residential RR-2 (2ha lot sizes) areas seeking to be identified as Rural Residential RR-1.
- Rural Smallholdings (4ha – 40ha lot sizes) areas seeking subdivision below the 4ha minimum lot size.
- Support for the Rural Residential RR-1 designation, particularly west of Hopkinson Road.
- Objection to existing Rural zoned properties being zoned Rural Residential.
- Objection to land use permissibility changes in the Rural zone.

In response to the submissions seeking further subdivision in rural living areas, officers have been guided by the WAPC's Perth and Peel @ 3.5 Million – South Metropolitan Peel Sub-Regional Planning Framework (the Framework), State Planning Policy 2.5 Rural Planning (SPP2.5) and the Shire's Rural Strategy. The Framework and SPP2.5 clearly state that the lot size range for Rural Residential is 1ha – 4ha and that the lot size range for Rural Smallholdings is 4ha – 40ha. The Shire is required to be consistent with the lot sizes ranges specified for these zones under the Framework and SPP2.5. As such, officers recommend that the lot size minimum in areas designated Rural Residential RR-1 is 1ha.



With regard to submissions from areas designated as Rural Residential RR-2, which allows a 2ha lot size minimum, that were seeking to be identified as Rural Residential RR-1, officers have been guided by the Rural Strategy and the intention of the land. Under the Shire's Rural Strategy, which has been approved by the WAPC, these areas were identified as Rural Living B (2ha lot size minimum). A large number of properties within these areas are equine properties and the Shire is advocating to support the equine industry throughout the Shire. Lots that are 2ha in size are more appropriate to sustain equine uses than 1ha lot sizes, as guided by stocking rate guidelines. While land management does provide opportunities for closer format subdivision, the reality is that equine opportunities are more flexible with larger lots sizes. Re-subdivision of 2ha allotments down to 1ha lot sizes, as requested in some submissions, would in the opinion of officers weaken the opportunity for flexible equestrian use over time.

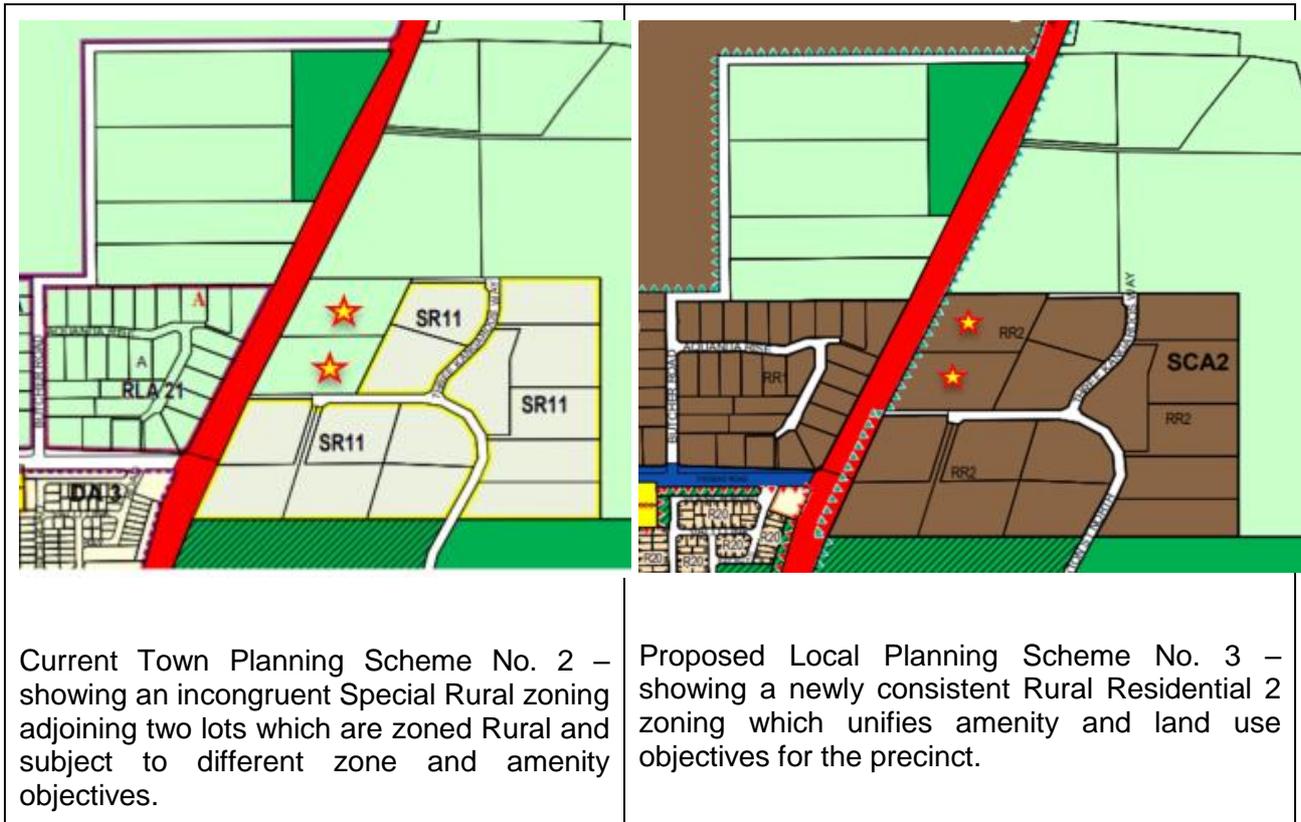
Larger lot sizes are also more appropriate to minimise land use conflicts between equine activities and residential uses. Furthermore, these areas are generally located on the periphery of the Shire's urban areas, providing a graduation of lot sizes between the urban core and rural land. It is the strategic vision of the Shire to contain urban development within defined precincts interspersed by green corridors and rural forms of development. Preserving Rural Residential development with 2ha lot sizes is important to maintain a clear separation between the urban areas. Officers recommend no changes to the Rural Residential RR-2 designation of these areas.

Submissions were received in objection to existing Rural zoned properties being zoned as Rural Residential RR-2 under the Draft Strategy and Scheme. The properties where this has occurred are located within established rural living precincts already, where this zoning is considered a logical completion of the intended land use outcome for the broader precinct.

It is important to consolidate rural living areas in defined precincts to ensure land use compatibility and minimise land use conflicts. Creating defined rural living precincts enables a high level of rural living character and amenity to be achieved, versus retaining contrasting zonings despite lots sizes and configurations being similar.

The lot sizes of these properties are consistent with the Rural Residential RR-2 lot size minimum of 2ha. It is important to ensure that land use permissibility is appropriate for the lot sizes and the surrounding development to protect the amenity of adjoining properties. Under the Rural Residential zone, rural pursuit/hobby farm is proposed to be a discretionary use, which means activities such as the rearing, agistment, stabling or training of animals can be considered. Officers do not recommend any changes to the identification of these properties as Rural Residential RR-2.

The images below depict the current Town Planning Scheme No. 2 zoning in the area north of Byford (which shows the contrasting zones) as well as the proposed Local Planning Scheme No. 3 zoning, which seeks to create a logical response given the same lot sizes and integrated land relationships which exist.



### Special Control Areas

As detailed in the report presented to Council in May 2020, a number of submissions were received relating to Special Control Areas (SCAs). The common submissions received for this theme were concerns in regards to the application of the following SCAs:

- SCA2 – Darling Scarp Landscape Protection
- SCA5 – Extractive Industries
- SCA6 – Buffers

In response to the submissions received expressing concerns in regards to SCA2, officers note that SCA2 has an important role in protecting the landscape value and amenity of the Darling Scarp. In particular, concerns were raised from extractive industries which are operating within the area that has been designated as SCA2. To address these concerns, officers recommend that an additional provision be added to SCA2 which states:

*‘For industry – extractive development, the local government will require pre and post mining landscape modelling, as part of any application for development approval. This is to assist the local government in considering the merits of any such application in respect of the degree to which the landscape value of the area will be protected.’*

Concerns were also raised in some submissions on SCA5 and SCA6 with the identification of the buffers of extractive industry sites and industries with offsite impacts. SCA5 and SCA6 were included within the Draft Scheme to protect extractive industries and to be able to control development in close proximity to industries which may have offsite impacts. The identification of these buffers enables specific development controls to be implemented to



ensure the amenity of any development in close proximity to these industries. Appropriate measures such as noise attenuation, siting and building orientation can be applied to minimise land use conflicts and to ensure an adequate level of amenity is achieved. For these reasons, officers recommend that SCA5 and SCA6 be retained within the Draft Scheme and updated with any new industries that have been approved since the Draft Scheme was prepared. This enables planning to deal with managing the risk of incompatible land uses being located close to one another.

### *Land Uses*

As detailed in the report presented to Council in May 2020, a number of submissions were received relating to the proposed land use permissibility in the various zones under the Draft Scheme. Some of the common submissions included the following:

- Clarity on what is permissible under the rural pursuit/hobby farm land use.
- Objection to the industry – light land use being not permitted in the Rural zone.
- Objection to the service station land use being not permitted in the Rural zone.
- Support for tourism land uses within the Rural zone.

Some submissions were seeking clarity with regard to stables and the keeping animals in the Rural Residential zone, given the changes to the land use terms under the model scheme provisions. Activities such as the rearing, agistment, stabling or training of animals, which are common uses in rural living areas, fall under the land use of 'rural pursuit/hobby farm'. Under the Rural Residential zone, rural pursuit/hobby farm is proposed to be a discretionary use, which means that these land uses can be considered.

Officers maintain that the land uses of industry – light and service station should be not permitted within the Rural zone as these uses are not considered to align with the objectives and intent of the Rural zone. While the objectives of the Rural zone allow for some non-rural land uses to be considered where they have demonstrated benefit and are compatible with surrounding rural uses, officers do not consider that the land uses of industry – light and service station provide such benefit or are compatible with rural uses. Officers consider that industry – light land uses are not aligned with the agricultural focus of rural areas and the objectives to maintain and enhance environmental quality. Such uses are instead considered to be appropriate for designated industrial areas, or (where appropriately scaled) to the proposed Rural Enterprise zone. The land use of road house is discretionary within the Rural zone, which allows for the provision of service station facilities, in conjunction with broader uses which support regional travel needs with certain locational characteristics being, inter alia, direct access to a State road.



Officers consider that the land use of road house is appropriate to provide these facilities within a rural context and that the land use of service station is appropriate for urban and industrial areas only. Where development already exists under Town Planning Scheme No.2 (TPS2) for industry – light or service station within the Rural zone, or where a valid approval exists, non-conforming use rights can be enjoyed as follows:

**22. Non-conforming uses**

- (1) Unless specifically provided, this Scheme does not prevent -
  - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
  - (b) the carrying out of development on land if -
    - (i) before the commencement of this Scheme, the development was lawfully approved; and
    - (ii) the approval has not expired or been cancelled.

This will enable the Shire to maintain the strategic intent of regulating ‘industry – light’ and ‘service stations’ to the more appropriately termed zones under the new Scheme. These being:

USE AND DEVELOPMENT CLASS	ZONES																
	Residential	Urban Development	Special Residential	Rural Residential	Rural Smallholdings	Rural	Environmental Conservation	Rural Enterprise	Light Industry	General Industry	Industrial Development	District Centre	Local Centre	Rural Townsite	Mixed Use	Service Commercial	Special Use (refer Note 1)
industry – light	X	X	X	X	X	X	X	D	P	P	P	X	X	X	X	A	
service station	X	A	X	X	X	X	X	X	A	A	A	A	A	A	X	A	



### *Transport Corridors*

As detailed in the report presented to Council in May 2020, a number of submissions were received relating to future transport corridors. Some of the common submissions included the following:

- Extension of Tonkin Highway south of Mundijong Road
- Freight Rail Realignment
- Future of Jarrahdale Road

With regard to the future extension of Tonkin Highway south of Mundijong Road, Main Roads have advised the proposed extension of Tonkin Highway further south to Pinjarra will require an extensive planning study and no further planning work is programmed or funded at this time. The planning, design and construction of this project is considered a long-term proposal. Main Roads have further advised that as part of the rail realignment planning study, a short section of Tonkin Highway south of Mundijong Road will be investigated to ensure integration with the rail realignment.

In regards to the proposed freight rail realignment, Main Roads is undertaking a planning study to determine an alignment and the feasibility of including the construction of a proposed freight rail realignment as part of the Tonkin Highway extension to South Western Highway. Two rail alignment options have been identified by Main Roads. Main Roads will undertake site investigation works along each of the rail alignment options to identify the preferred alignment. The outcomes of the planning study will be used to inform a future reservation in the Metropolitan Region Scheme for the freight rail realignment and to identify the potential for the realignment to be constructed at the same time as the Tonkin Highway Extension to South Western Highway. The Shire has actively engaged with Main Roads to ensure a robust form of community and landowner engagement occurs as part of this process, to provide the best opportunity to adopt a route which is the most optimised for the long term future.

Concerns were raised on the future of Jarrahdale Road, with submitters expressing an objection to Jarrahdale Road becoming a freight connection between South Western Highway and Albany Highway. It should be noted that this has not been proposed in the Draft Strategy and officers do not recommend any changes in regards to this. Officers also recommend a specific statement that recognises the concern of Jarrahdale Road becoming a defacto freight route, especially post extension of Tonkin Highway.

### *Significant Proposals*

As detailed in the report presented to Council in May 2020, a number of submissions were received relating to significant proposals for specific strategic sites and development proposals. Submissions received on this theme could generally be categorised as the following:

- Proposals on strategic sites identified under the current State and local planning framework.
- Proposals for substantial changes to the current State and local planning framework.
- Proposals relating to specific development applications.



Where submissions have been received for strategic proposals that have been identified within the current State and local planning framework, officers recommend that where the proposals are aligned with the strategic planning for the Shire, that the vision for such proposals be recognised within the Draft Strategy. This involves including additional text, objectives and/or strategies within the Draft Strategy to articulate the intent or vision for the strategic site. Where the proposal is identified in the WAPC's Frameworks, officers recommend that the proposal can be similarly depicted on the Draft Strategy map, but importantly include provisions that set out expectations for delivery of land use and development outcomes.

One example is Lot 33 Hopkinson Road, whereby the Minister granted approval to zone the land Urban under the Metropolitan Region Scheme. The Draft Strategy and Scheme had identified that any change for areas (like Lot 33) that were designated as investigation areas under the State Planning framework needed careful planning. In this regard, the Draft Strategy set out that Urban expansion needed to have careful boundaries planned and designated, to contain urban development, prevent sprawl and protect nearby rural residential amenity and equestrian use. The Minister in making her decision on the MRS amendment for Lot 33, noted an expectation that:

1. The proposed residential density of the site and associated lot mix/configuration is to have particular regard to the existing amenity of the locality, including the provision of appropriate community, education and public open space facilities; and
2. Appropriate transition arrangements to be considered to the abutting Urban zone to the north, Special-Rural area to the south and Bush Forever site 352 to the east (e.g. public open space, appropriate lot sizes, interface roads etc).

This is captured and further expanded as part of the schedule of modifications.

More broadly, where other proposals are identified as an investigation or expansion area under the Frameworks document, officers recommend the proposal be identified as a Development Investigation Area on the Draft Strategy map. However, officers do not recommend that any significant zoning changes be identified on the Draft Scheme map, as this attempts to foreshadow what may occur as part of such future investigations. The WAPC have been consistent in respect of their Planning Investigation Areas not being concluded as assuming zoning will ultimately change. Instead, the following statement is provided that helps to manage landowner and market expectations in terms of the designation of investigation areas:

*The framework also classifies some limited areas of land in Jandakot/ Treeby, Langford, Cardup, Mangles Bay, and in the east of Kwinana and Pinjarra-Ravenswood sectors for further Planning Investigation. The WAPC's position is that further investigations, regarding a range of key planning considerations, are required to determine whether any possible change from the lands current zoning could be supported in these sectors.*

Officers recommend, consistent with the position of the WAPC, that further technical studies and investigations need to be undertaken on such proposals to determine the feasibility of the proposals and any relevant provisions that should apply. In respect of the PIAs, these are intending (in the first instance) to be WAPC lead to determine what level of land use change (if any) should be contemplated.

Submissions received that proposed significant changes to the current State and local planning framework have been considered with regard to their compatibility with the current



planning framework. Where proposals are directly inconsistent with the strategic land use designations within the WAPC's Framework, officers do not recommend that any changes be made to the Draft Strategy that would not align with the Frameworks. The Draft Strategy is required to align with the strategic direction of the State planning framework.

This includes out of settlement urban development proposals which do not reflect the intended settlement pattern for Perth and Peel out to 2050.

### Modifications

Officers have reviewed the Draft Strategy and Draft Scheme in light of the submissions received and, in some instances, recommend that modifications be undertaken. Officers have also reviewed the Draft Strategy and Draft Scheme in light of changes to legislation, policy frameworks and best practices since the drafting of the documents. Officers recommend that some modifications be undertaken to ensure the documents are up-to-date and reflect best practice. Detailed schedules of modifications have been prepared for both the Draft Strategy and Draft Scheme, which outline the section of the documents recommended to be modified, the specific modification and the justification for the modification being recommended. The detailed schedule of modifications on the Draft Strategy is contained within **attachment 4** and the detailed schedule of modifications on the Draft Scheme is contained within **attachment 6**.

The following provides a summary the key modifications that are recommended on the Draft Strategy and Draft Scheme.

#### *Draft Local Planning Strategy*

- Update Development Investigation Areas to align with Perth and Peel @ 3.5 Million.
- Include the vision and intent of the Development Investigation Areas.
- Include addition text for Lot 33 Hopkinson Road.
- Include new objectives, strategies and actions within the Urban Design Section relating to liveability, amenity and development compatibility.
- Update references to documents.
- Include text within the Residential and Stables Section relating to an equine focused performance-based approach south of Mundijong.
- Identify land north and west of the West Mundijong Industrial Area as a Rural Enterprise Investigation Area.
- Amend actions relating to the Freight Rail Realignment to reflect Main Roads investigations.
- Include text relating to the Oakford Village concept.
- Identify the Oakford Village as a Rural Townsite.
- Identify the Cardup Business Park as Industrial Development but within a Restricted Use Category to restrict industries which are not likely to have offsite impacts.



- Include text within the Tourism Section to encourage businesses which are likely to contribute to local tourism and employment (such as the Motorsport and Tourism facility in Keysbrook).
- Identify the land bound by Mundijong Road to the north, Kargotich Road to the west, Randell Road to the south and the railway to the east as 'Rural Smallholdings'.
- Identify the land bound by Gossage Road to the north, Kargotich Road to the west, Hopkinson Road to the east and the Rural Residential boundary in Perth and Peel @ 3.5 Million South Metropolitan Peel Sub-Regional Planning Framework to the south as 'Rural Residential RR-1'
- Identify Karnup Creek Farms in Hopeland as Rural Smallholdings.
- Other textual and mapping changes.

### *Draft Local Planning Scheme No.3*

- Amend general aims to include references to sustainability, health and the economic benefit of agriculture.
- Amend zone objectives to reflect desired outcomes.
- Textual changes to improve the interpretation and enforceability of the scheme.
- Amend the definition Animal Husbandry – Non-Intensive to limit the use to poultry and further restrict the number of poultry allowed.
- Amend the definition of Transport Depot to include two or more commercial vehicles.
- Amend definitions to reflect legislation changes.
- Include a provision to allow a structure plan to be advertised concurrently with a scheme amendment.
- Include a provision to exempt residential development within the Urban Development zone from requiring development approval where a structure plan applies and is complied with.
- Include a restricted use for the Cardup Business Park to only allow uses that are not likely to have offsite impacts.
- Include some tourism land uses within Special Use zones in Serpentine and Jarrahdale.
- Include the Byford Hard Rock Quarry within a Special Use zone.
- Include Austral Bricks within a Special Use zone.
- Include a new provision within SCA2 Darling Scarp Landscape Protection for extractive industries.
- Amend SCA4 Agri-Food Processing and Production provisions to apply to all industries, not just poultry farms.
- Include a Special Control Area for the Florence Place area to prohibit the keeping of horses.



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- Amend the lot size requirement for Rural Residential RR-1 to 1ha minimum.
  - Include provisions for the keeping of animals to not exceed the stocking rate guidelines.
  - Include a provision for due regard to be given to building envelopes and effluent disposal envelopes.
  - Amend fencing provisions to allow a maximum height of 1.8m from natural ground level to align with the Shire's Local Planning Policy: 1.5 Exempted Development Policy.
  - Include additional industries within SCA6 Buffers.
  - Zone 2, 4, 8, 10 and 12 Stevenson Place, Byford as Residential R5.
  - Zone Karnup Creek Farms in Hopeland as Rural Smallholdings.

### **Options and Implications**

#### Option 1

That Council SUPPORTS the Draft Strategy and Scheme with modifications.

#### Option 2

That Council does not SUPPORT the Draft Strategy and Scheme.

Option 1 is recommended.

### **Conclusion**

A number of submissions were received on the Draft Strategy and Scheme during the formal advertising period. Officers have considered and responded to each submission received and, in some instances, recommend that modifications be undertaken. Officers also recommend that some modifications be undertaken to update the Draft Strategy and Scheme in accordance with best practice and legislation and policy changes. Officers recommend that Council support the Draft Strategy and Scheme with modifications.

### **Attachments (available under separate cover)**

- **6.1.1 - attachment 1** – Draft Local Planning Strategy – as advertised (E19/11426)
- **6.1.1 - attachment 2** – Draft Local Planning Scheme No.3 – as advertised (E19/11428)
- **6.1.1 - attachment 3** – Draft Local Planning Strategy – Schedule of Submissions – (E19/10130)
- **6.1.1 – attachment 4** – Draft Local Planning Strategy – Schedule of Modifications (E20/6219)
- **6.1.1 – attachment 5** – Draft Local Planning Scheme No.3 – Schedule of Submissions - (E19/10131)



- **6.1.1– attachment 6 – Draft Local Planning Scheme No.3 – Schedule of Modifications (E20/6220)**

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### Financial Implications

There are no direct financial implications relating to this matter.



## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not support the Draft Strategy and Scheme .	Unlikely (2)	Major (4)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment , moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

## Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.



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**Voting Requirements:** Simple Majority

**Officer Recommendation**

**That Council**

1. Pursuant to Section 14 (2) Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS the Shire of Serpentine Jarrahdale Draft Local Planning Strategy, as contained within attachment 1, with proposed modifications as contained within attachment 4.
2. Pursuant to Section 25 (3) Division 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS the Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3, as contained within attachment 2, with proposed modifications as contained within attachment 6.
3. Pursuant to Section 14 (3) Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES all relevant documentation relating to the Shire of Serpentine Jarrahdale Draft Local Planning Strategy to the Western Australian Planning Commission.
4. Pursuant to Section 28 (1) Division 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES all relevant documentation relating to the Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 to the Western Australian Planning Commission.



**7. Motions of which notice has been given:**

**8. Urgent business:**

**9. Closure:**