



Shire of
Serpentine
Jarrahdale

Special Council Meeting

Confirmed Minutes

7.00pm

Monday, 22 June 2020

(concluding on Monday, 29 June 2020)

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

Contact Us

Enquiries

Call: (08) 9526 1111

Fax: (08) 9525 5441

Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Table of Contents

1. Attendances and apologies (including leave of absence):	4
2. Public question time:	5
2.1 Public questions	5
3. Public statement time:	11
4. Petitions and deputations:	20
5. Declaration of Councillors and Officers interest:	53
6. Receipt of reports:	54
6.1 Reports	54
6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No.3 (SJ203 & SJ701)	54
7. Motions of which notice has been given:	90
8. Urgent business:	90
9. Closure:	90

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



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 22 June 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr Rich declared the meeting open at 7.02pm and welcomed Councillors and Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

The Shire President, Councillor Rich acknowledged and welcomed past Councillors Merri Harris and Peter Hector and past Shire President and Freeman Jan Star.

Minutes

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: M Rich Presiding Member
D Atwell
M Byas
R Coales
M Dagostino (From resumption of the meeting on 29 June 2020,
7.00pm to 7.05pm)
B Denholm
K McConkey
L Strange
D Strautins

Officers: Mr P Martin..... Chief Executive Officer
Ms H Sarcich..... Deputy CEO / Director Community
and Organisational Development
Mr F Sullivan Director Corporate Services
Mr A Trosic..... Director Development Services
Mr S Harding Director Infrastructure Services
Dr K Parker Manager Governance
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Observers: Members of the Public – 53



2. Public question time:

2.1 Public questions

Public question time commenced at 7.03pm.

David Leitch, PO Box 296, Mundijong WA 6123

Question 1

It is well documented that the SJ Shire greatly supports, values & acknowledges the worth of the local equine industry. In relation to the freight rail realignment, does the SJ Shire believe the identified routes that will directly impact a significant number of local equine industry members, enhances, and aligns with the Shire's well documented 'Equine Strategy'?

Response (Director Development Services)

The future freight rail realignment investigation, being undertaken by the State Government, seeks to determine a realignment route in order to bypass the current freight rail line out of the centre of Mundijong townsite. The State Government will be investigating the potential for the realignment to be constructed at the same time as the Tonkin Highway Extension project. This will require deviation of the existing freight rail route in a north-westerly direction, as it approaches Mundijong Road.

The local planning scheme and strategy will prevail over the Equine Strategy, in respect of regulating land use and development.

Question 2

In relation to the freight rail realignment, how is the SJ Shire going to assist the affected rate payers in influencing the State Governments preferred rail route selection decision, in particular the original route that was to follow the Tonkin Highway extension?

Response (Director Development Services)

The Shire has requested a high degree of focussed community engagement with affected landowners, as key stakeholders, and for this to be done in an expedited way. The Shire will advocate strongly for the community's preferred alternative alignment once this is known.



Caroline Dennison, 55 Little Place, Cardup WA 6122 regarding Draft Planning Strategy and Local Planning Scheme no. 3 proposed re-zoning of the land at 496 Soldiers Road

The questioner has submitted a detailed objection to this consideration with supporting extracts from the Shire's own SJ2050 Strategy Plan and Themes of Rural Strategy Review 2013.

Question 1

How does the Shire, and subsequently the Council, justify its support/consideration to re-zone yet another "green belt" area which is surrounded by 5 acre blocks encompassing semi-rural living to Urban Residential, and I refer to the land proposal for 496 Soldiers Road?

Response (Director Development Services)

In accordance with the requirements of Part 9 of the Planning and Development Act 2005, local planning schemes are required to be consistent with the prevailing region planning scheme.

In terms of 496 Soldiers Rd, the Shire is not seeking to rezone this land. Rather, the Shire's local planning framework is being required to align to the state framework. The state framework identifies the subject land as Urban Expansion under the Subregional Framework document produced by the state government. This area, under SJ2050 document, coincides with:

- Medium density to rural fringe interface*
- Greenways*

The spatial objective of this is to keep discernible separation between the emerging urban centres of Byford and Mundijong.

The local framework represented by the new scheme and strategy, being considered at this special council meeting, aims to create a careful spatial definition to this area, through identifying it as a Development Investigation Area. This emphasises that Urban expansion must designate strong boundaries to contain urban development and prevent sprawl. As these areas are identified for investigation purposes under this Strategy, it is important to note that the entire land area of each Development Investigation Area may not be considered appropriate for urban expansion, subject to further assessment and planning."

The Shire is taking this proactive effort to ensure development reflects the vision as created under SJ2050 with its community.



Anne Hector, representing Peter and Anne Hector (address withheld by request), regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

Question 1

In relation to the Freight Rail realignment, how will the SJ Shire support their affected ratepayers by ensuring that the State Government expedites not only the preferred rail route but also a time line for any purchases of land that may be required by the re-routing??

Response (Director Development Services)

The future freight rail realignment investigation, being undertaken by the State Government, seeks to determine a realignment route in order to bypass the current freight rail line out of the centre of Mundijong townsite. The State Government will be investigating the potential for the realignment to be constructed at the same time as the Tonkin Highway Extension project. This will require deviation of the existing freight rail route in a north-westerly direction, as it approaches from the South toward Mundijong Road.

The Shire has requested a high degree of focussed community engagement with affected landowners, as key stakeholders, and for this to be done in an expedited way. In terms of land acquisition processes, there are timelines set through the Land Administration Act 1997, and would be expected to form the basis of dealing also with the process in a collaborative and expedited way.

Margaret Cala, 70 Randell Road, Mardella WA regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

Question 1

Given the many submissions expressing concerns about the proposed re-alignment of the Freight Rail Line and two favoured routes, what steps are the Shire and Councillors taking to represent affected land owners to secure a speedy resolution so that those impacted can make meaningful plans for their futures and not be left in limbo and unable to sell their properties for years to come?

Response (Director Development Services)

The future freight rail realignment investigation, being undertaken by the State Government, seeks to determine a realignment route in order to bypass the current freight rail line out of the centre of Mundijong townsite. The State Government will be investigating the potential for the realignment to be constructed at the same time as the Tonkin Highway Extension project. This will require deviation of the existing freight rail route in a north-westerly direction, as it approaches Mundijong Road.

The Shire has requested a high degree of focussed community engagement with affected landowners, as key stakeholders, and for this to be done in an expedited way. In terms of land acquisition processes, there are timelines set through the Land Administration Act 1997, and these timelines would be expected to form the basis of dealing also with the process in a collaborative and expedited way.



Question 2

Was the Shire responsible for the changed route of the Freight Rail line from the preferred early route which had extra land purchased within the Tonkin Highway extension Reserve; and why was this done when no detailed engineering has been carried out?

Response (Director Development Services)

The future freight rail realignment has been identified by the State Government document 'Perth and Peel @3.5m' and the associated Southern Subregional Framework Plan. This provides the basis for the realignment, to enable the development of the proposed intermodal facility and also to enable urbanisation of the Mundijong urban area. This is referenced in the document as follows:

Mundijong (West) is a future industrial area that is expected to mainly cater for increased agriculture-related industries, including transport and logistics. Comprehensive district planning for the area will need to respond to the proposed intermodal facility and long-term realignment of the freight rail out of the developing Mundijong town centre.

Table 7 of subregional framework document references a key action as follows:

West Mundijong – freight rail realignment

Determine land requirements for future realignment of the freight railway that currently passes through Mundijong.

Being State Government infrastructure, they are undertaking the work associated, including detailed design and studies, to investigate the realignment and its route options.

The Shire hasn't been advocating for a specifically preferred alignment, rather the Shire has advocated for the realignment of the freight rail to the west of the Mundijong City Centre.

Question 3

In light of the comments made by the Department of Primary Industries Regional Development (DPIRD) in their submission, which states that they are unaware of any truly closed loop commercial hydroponic system, will the Shire in future seek assessment from this agency on development applications relating to operations of this, or a similar nature?

Response (Director Development Services)

Yes, the Shire will engage with Department of Primary Industries Regional Development (DPIRD) and seeks to always ensure State Government agencies provide advice and input to development applications.

Response (Shire President)

Councillor Rich advised that once the State Government had made a decision regarding the Freight Rail route, the Shire would advocate for affected landowners.



Those affected residents need to have certainty for their futures, and Council will advocate strongly once the preferred route is known.

Jan Star, 230 Jarrahdale Road, Jarrahdale regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

Congratulations to all the Officers involved in finalising the Strategy and Scheme 3- it is a mammoth effort which first began in 1997.

I raised two questions in my submission that haven't been addressed (that I can find) of which I think Councillors should be aware. They are particular to SJ and helped differentiate our Scheme from the conformity that WAPC requirements induces.

Question 1

Is the capture of rezoning conditions peculiar to certain rezoning (e.g., no cats in Chestnuts, no clearing of vegetation in Blue Wren Close) - how are these maintained legally?

Response (Director Development Services)

Under Town Planning Scheme No. 2, a limited number of areas have chosen to have prescribed limitations on cats, and clearing vegetation. These were:

Special Use 11 (L181 Kargotich Rd) – cats prohibited

Special Use 12 (L24 Beenyup Rd) – cats prohibited unless kept inside dwelling or approved cat run

Special Use 13 (L199 Jarrahdale Rd) – cats prohibited unless kept inside dwelling or approved cat run

Special Residential zone (Chestnuts) – cats prohibited

Under the Proposed Local Planning Scheme No. 3, the Shire will instead be preparing a new Cat Local Law to address locational issues in respect of where cats may or may not be kept. This will be done with full community consultation, to ensure we obtain specific feedback on this issue to assist Council's consideration. A Local Law will also enable the Shire's Rangers to enforce the requirements relating to where cats may or may not be permitted within the Shire.

In terms of Blue Wren Close, Clause 49 of Draft Local Planning Scheme No. 3 is included, which requires prior development approval for the removal of trees. Clause 49(2) also removes any of the exemptions listed under Clause 49(1), referencing vegetation that is specifically listed under approved Structure Plans. This retains the protection of vegetation in areas like Blue Wren Close, and sets a high threshold for any applicant who may wish to remove vegetation.



Question 2

What is the security of Appendix 13 “SCHEDULE OF PLACES OF NATURAL BEAUTY, HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OR SCIENTIFIC INTEREST”. Most but not all are either in the Scheme 3 as heritage buildings, but what protection is there for the others?

Response (Director Development Services)

Draft Local Planning Scheme No. 3 includes a proposed Supplemental provision that deals with requiring a development application process for any alteration to a place that is listed on a heritage list prepared in accordance with the Scheme. The current Appendix 13 of TPS2 is the Shire’s Heritage List, noting it is also in the process of being prepared for a thorough review and update by the Shire. The update will seek to capture all places of heritage value, correct any issues in the current list and ensure a new list is finalised to enable this to assist the Shire in regulating future land use and development that may impact (positive or negative) a heritage place.

Lincoln Rowe, PO Box 282, Mundijong regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

Question 1

Reference to the rezoning of the properties within the rail realignment from Farmlot to Rural Enterprise. Could the S&J Shire explain how this will impact and aligns with the Shires Equine Strategy and its stated objective; to maintain a strong equestrian identity and continued development of the equine industry and a significant contribution to the local economy?

Response (Director Development Services)

The Shire received a number of community submissions on this issue. In listening to members of the community, and consistent with the adopted Equine Strategy (which occurred subsequent to the preparation of the Draft Local Planning Strategy and Scheme), Officers recommend in the report to Council that Modification 38 to the Local Planning Strategy occur so as to NOT support a Rural Enterprise zone.

This is as follows:

38 Part 1 – Figure 6 and Figure 20

- 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’.*

REASON: To retain this precinct as Rural Smallholdings due to the existence of a number of equestrian properties and a rural living character that would not be aligned with the Rural Enterprise designation.

This responds to protecting the strong equestrian identity in question.



Question 2

With the change to Rural Enterprise from Farmlet, could the S&J Shire please provide an explanation as to the benefit to the land owners effected by the zoning change proposed?

Response (Director Development Services)

As per Q1 answer, in listening to members of the community, and consistent with the adopted Equine Strategy (which occurred subsequent to the preparation of the Draft Local Planning Strategy and Scheme), officers recommend in the report to Council that Modification 38 to the Local Planning Strategy occur so as to NOT support a Rural Enterprise zone.

Public question time concluded at 7.27pm.

3. Public statement time:

Public statement time commenced at 7.27pm.

Rob Blackburn, regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

I support the recommendation for the strategy and scheme, and support Council progressing this important planning document.

Val Thompson, (address withheld by request), regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

My statement is with reference to the following point below from page 19 of the draft local planning strategy and draft scheme modifications:

(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).

I am concerned with the above point and request to have it reworded and the section in brackets removed.

The proposed facility is still under review, and as of 21st April 2020 currently at the highest level (PER) with the EPA. Correspondence from the EPA suggests that a PER usually takes 18 months to two years.

The proposed facility's noise management plan is also still under scrutiny and has not yet provided indication of how it will deal with the many noise issues.

The section in brackets in the above point I believe is not "up-to-date and best practice". (page 18 of the draft planning strategy and scheme under Modifications)



Tony Mustica, 900 Hokinson Road, Cardup WA 6122 regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

My name is Tony Mustica of 900 Hopkinson Road, Cardup, 6122 owner of the following lots 9001, 98, 99, 391,392, 393 and 394. Letsco Pty Ltd was to pay me an option on the 8th of November 2019 for all of the lots except lot 391. They have then said they have to lodge a rezone submission by the 18th of December 2019 and told me not to fill in the Shire submission forms.

The 20th of February 2020 their exclusive rights ended so I rang the Shire and they told me to fill in the submission forms the Shire had sent to me earlier. Now I don't know whom the Shire is recognising, mine or Letsco rezoning submissions.

When I last contacted the Shire they told me that they had received both rezoning submissions and that probably one was too late, so I would like the Shire to contact me with the results of the Shire's decision.

Patricia de Kobbe, Allering and Associates, regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

Thank you Shire President and Councillors for the opportunity to speak on behalf of the owners of Serpentine Fall Lifestyle Village in Serpentine.

We seek amendments to Modification 65 to the Draft Scheme. This follows our submissions made December 2019 and April this year this year for the Serpentine Lifestyle Village.

The Lifestyle Village forms part of Special Use 9 We seek to modify Su9 by:

1. To remove Lot 814, which is separately owned, from SU9, at the owner's request.
2. To remove condition 2 for the prohibition for any extension to the park home park in SU9.

The Serpentine Falls Over 45 Lifestyle Village was first granted planning approval in 1988. It is licensed for 168 sites and comprises a range of associated community facilities. This village provides options for Serpentine-Jarrahdale's ageing population in an affordable and sustainable housing model.

The existing village is well established in this location and has responded to the growing demand for affordable housing for the over 45s along with tourist accommodation. Additionally, and importantly, the village has maintained a proven track record in terms of its positive effect on the amenity of the locality, and its compatible interface with residential and rural surroundings.

The Shire is proposing to remove the permissibility of park home parks in the Shire. The Serpentine Park will therefore be the only park to provide this form of accommodation. As this housing option will not be provided elsewhere, Council ought to provide some capability for reasonable expansion with the existing site. Otherwise the Council is limiting affordable housing options for its own residents.

The full justification is provided in our original submission which I have already sent to you by email. Since then, we have met with the Shire officers and indicated that we



would be amenable to a condition that ties park home expansion with additional tourism offerings, and we maintain that position here.

In that respect we provide an amended SU9 table that reflects that position for Council's reference, and we would ask you to amend the officer's recommendation to that provided here with the changes marked in green. We also note that there was a clerical error in Modification 65 in which Lot 820 (house number 2489) was incorrectly referred to as Lot 20 and request the lot number be modified to 820.

No.	Description of Land	Special Use	Conditions
SU9	Lot 814 (2531) and Lot 820 (2489) South Western Highway, Serpentine	Serpentine Caravan Park	<p>1. The following shall be considered as 'A' uses.</p> <ul style="list-style-type: none">• caravan park• community purpose• holiday accommodation• office• park home park• recreation – private• restaurant/café• shop• tourist development <p>2. Further expansion of the park home park land uses shall be prohibited</p> <p><u>In exercising discretion for any expansion to the park home park, Council will seek the applicant to provide and demonstrate additional tourism benefits as part of any application.</u></p>

We consider that the proposed amendments are appropriate and based on sound planning principles to facilitate future development on the only approved operational lifestyle village within the Shire. The proposed amendment will allow for the continued provision of affordable housing to the Shire's ageing population sector.

Many thanks for your consideration.



Merri Harris, President, Serpentine Jarrahdale Food & Farm Alliance Inc. regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

#27 – Amend Strategy f: Reads as:

“Attract and encourage the diversification and development of businesses which are likely to contribute to local tourism and employment (such as the Motor sport and tourism facility in Keysbrook) through appropriate land use planning.

The statement is fine and applauded UNTIL the words in parentheses “such as the Motor Sport facility in Keysbrook”. Those words, the ones in the parentheses, intimates a cavalier regard of officers and planners for other planning documents.

1. Unfortunately, this statement makes it look like Officers assume that because a developer makes a suggestion that it is a done deal. This we know is not true and in general is not a good look.
2. It makes it look like there is little heed paid to the other pillars of the Shires own Strategic plans particularly that pertaining to the rural heritage and importance of agriculture to the Shire.
3. This proposal, and I remind you that it is still just a proposal, is still being evaluated by the EPA.

My recommendation is to remove any reference to a specific proposal in any area. The aforementioned activity is a “proposal”.

The same goes for:

29 Amend to include a new action which states:

‘5. Provide flexible economic employment opportunities such as the Motorsport and Tourism facility with compatible incidental uses.’

My recommendation is to remove any specific reference to a site which is still just a proposal.



Roger Harington, to be read by Val Thompson regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

The Local Planning Strategy should be a document that outlines the right location for the right business - taking into consideration existing surrounding land uses and environmental issues. It should be able to be used as a reference for anyone wanting to develop a business in the Shire to be able to select a suitable area knowing that any future businesses in that area will be compatible to theirs.

Tourism is one such business , it has a very broad range of businesses – some of which have not even been thought of yet. Therefore there should be NO REFERENCE to a specific proposed development in a specific area in the Strategic Plan – such as the proposed motorsport facility. The proposed changes in the wording implies that this area is suitable and approved for such activities – which it is not.

The Local Planning Strategic document is a long term document, it should not be used as a vehicle to get approval on developments that are currently still at the proposal stage. As this appears to be the intention of the consultants to the Motorsport facilities since it was they who put forward the proposed changes.

With reference to “*Local Planning Strategy – Schedule of modifications*” document I ask the Shire NOT to adopt the proposed changes for section 5.3 (Tourism) – in particular .

Number 27 : Part 1 Section 5.3 Table 25 - Strategy f

There should be no reference to any specific proposed development in any specific area.

The current wording is adequate to encourage enquiries to the Shire on tourism based development.

Number 29 : Part 1 Section 5.3 Table 25 - Action 5

Remove all reference to the Motorsport facility.

Again it is making reference to a proposed development.



Paul Bashall, Planwest(WA) regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

My name is Paul Bashall, Director of Planwest (WA) Pty Ltd

I act on behalf of the owners of

- Lot 14 Hardey Road, Serpentine
- Lot 13 South Western Highway, Serpentine, and
- Lot 3 South Western Highway, Serpentine

Two submissions were lodged on 18 December 2019, and receipt of these submissions were immediately acknowledged by the Shire (Ref IN19/28549). One was for the draft Strategy and one was for the draft Scheme.

As we know the Strategy is the document that is designed to provide a vision for the future of the Shire, whilst the Scheme puts forward the Statutory framework through scheme provisions and scheme maps.

The submission lodged for the draft Strategy has not been assessed therefore the submission to the Scheme cannot be assessed without due consideration of the points raised in the Strategy submission.

The Strategy identifies that the target population for Serpentine townsite is 5,000. This target is supported as it achieves the threshold for many services that may not be viable with a lesser population.

The thrust of the submission is that this target cannot be achieved with the proposed designations and associated densities. The submission details each cell of the townsite, by measuring each area and calculating the dwelling yield based on the density of each cell. The population yield is then calculated using an optimistic figure of 2.9 people per household (as adopted by the Strategy).

The best-case scenario results in a population of about 3,600.

This is the basis on which the submission seeks increased densities for the Serpentine townsite and surrounds in order to achieve the Strategy objectives.

It is my view that planners should not be allocating interim densities that will be changed at a later date as this erodes the residents' and ratepayers' confidence in the planning system. An ultimate density should be designated to these areas – even if the densities are not immediately achieved. In this way the residents and developers will be fully informed of the potential densities allowed in each area.



Aaron Boots, regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

In response to the proposal that section 5.3, Tourism, be amended in table 25, at strategy f, with regard to the proposed Motorsport complex in Keysbrook.

(5.3 Tourism, table 25, strategy f (proposed) Attract and encourage the diversification and development of businesses which are likely to contribute to local tourism and employment (such as the Motorsport and Tourism facility in Keysbrook) through appropriate land use planning.)

Firstly, it is inappropriate that a facility still at the proposal stage be included in official council planning and strategies, as it gives the firm impression that the proposal is simply a *fait accompli*, which goes completely against the purpose of the planning/proposal system.

Secondly, the LPS3 document itself, at several points, conflicts with the proposed change.

Under Section 3.3.3, protecting the rural landscape, in table 13 point b identifies a desire to *minimise land use conflicts and preserve the character and amenity in rural areas*.

A motorsports facility, as proposed, is in direct conflict with the character, amenities and nature of land use in the rural area under discussion. Currently, farming, obnoxious industries and heavy transport make up the majority of use, all of which would be compromised by this change.

In the same table, point d identifies a desire that *commercial and light industrial activities do not result in unacceptable impacts on the environment or intrusion on the landscape*.

The proposal is currently under review by the EPA because of concerns for the impact it will have on the local area, with regards to water, fire danger, noise and traffic considerations. At stake, as well as the local lifestyle, are significant and environmentally sensitive wetlands whose delicate balance can be easily destroyed by inappropriate development.

Under section 5.3, Tourism, in table 25, under the strategies, there is an avowed desire to *encourage the diversification and development of businesses which are likely to contribute to local tourism through appropriate land use planning*.

Once again, I would argue that this proposal, and its mention in the document itself, is itself inappropriate and in contradiction of this strategy.

In the same table, point g identifies the need to *co-locate tourism activities, accommodation and access to transport connections*.

Currently, the local area has a distinct lack of accommodation, access to transport, not to mention a complete lack of suitable roads for the high volumes of traffic being proposed.

In the same table, under actions, point 5 proposes that the facility would also give rise to *compatible incidental uses*.



I would argue that this comes into direct conflict with the proposal for amendment to part 3, clause 16, rural zoning. This amendment is being put forth to reduce the likelihood of “*serious detriment*” and “*incremental impact*” to our rural areas.

Under the suggested amendments to section 5.3, tourism, this incremental impact is implicit in the assumption of a need for firstly, the motorsports complex itself, then, compatible, incidental uses such as supporting industries, followed by increased accommodation (which must be assumed to be high density in a rural area) with the natural attendant of increased transport/vehicle traffic, noise and disruption to the local lifestyle (and businesses).

The same concerns are raised later in the document, under attachment 1, key planning issues, section 5.4, rural.

Where the document expresses a concern over urban development encroaching into rural areas, I believe the same can be said for light (and not so light) industries.

In the words of the document itself - “*Unless there is a clear message that further encroachment of...development and further fragmentation of land zoned Rural for non-productive purposes will not be contemplated,...the highly valued rural character of the Shire will be severely compromised if not destroyed.*”

Aaron Lohman, Principal Planning, Element, regarding Lot 786, 787 and 788 Walker Road, Serpentine

element act on behalf of Mr Peter Rifici (Client) in respect to the above-mentioned matter.

The summary of our public statement is as below:

- The subject sites are currently zoned Rural under the Metropolitan Region Scheme (MRS) and Rural Living A under Town Planning Scheme No.2 (TPS2).
- The sites are subject to an approved Subdivision Guide Plan (SGP) which permits subdivision to a lot size of a minimum of 4,000m².
- There is a subdivision application on foot with the Western Australian Planning Commission which proposes to subdivide the lot in accordance with the minimum lot sizes stipulated in the SGP.
- A submission on draft Local Planning Scheme No.3 (LPS3) and the draft Local Planning Strategy was lodged on behalf of our Client requesting that the minimum lot sizes as per the current TPS2 be retained.
- On review of the assessment of submissions contained within the Council Agenda it is noted that our submission to retain the minimum lot sizes in accordance with the approved SGP is not supported. This is on the basis that (summarised):
 - The lot sizes are not consistent with the one to four hectare minimum specified in the South Metropolitan Peel Sub-Regional Planning Framework.
 - The subject sites are in a sewerage sensitive area under the



Government Sewerage Policy 2019 where a minimum lot size of 1.0ha should apply.

- It is noted in respect to the minimum lot size Clause 4.3 of the current Rural Strategy Review maintains specific references the ability for the subject site to be subdivided to the minimum 4,000m² as follows:

Lot sizes can range between 0.4ha to 1ha with the possibility of limited larger balance lots where capability and site constraints dictate (max 4ha).

Clause 5.12.4 of Town Planning Scheme No.2 applies in the following areas where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the WAPC:

- *Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20.*
- *Rural Living A west of Hall Road, north of Wattle Road, east of Walker Road and south of Karnup Road, Serpentine.*
- *Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place.*
- Thus, at this juncture there is a specific exemption to allow for the subdivision of the subject site into a minimum size of 4,000m² lots.
- It is simply requested that the above-mentioned provision carry over into the new LPS3 and LPS. There is no disbenefit for the Council applying the minimum lot sizes in accordance with the existing Rural Strategy Review. This is noting that the Rural Strategy Review has been previously approved by the Western Australian Planning Commission in December 2017.
- It is noted that Agenda Report suggests that the minimum lot size of 4,000m² is inconsistent with the Western Australian Planning Commission's South Metropolitan Peel Sub-Regional Planning Framework (Sub-Regional Framework) which suggests one to four hectare lot sizes should apply. Whilst this is noted, Rural Residential areas identified in the Sub-Regional Framework are reflective of existing rural residential zones identified within endorsed or draft strategies. An excerpt from the Sub-Regional Planning Framework is as below:

Areas reviewed and classified for rural residential development in the framework include existing rural residential zones, areas identified within endorsed or draft strategies or other planning documents, and some areas of rounding-off of existing areas.

- The Sub-Regional Planning Framework further states that, 'rural residential land is characterised by lot sizes that are predominately between one and four hectares'. It is our view that some flexibility needs to be applied to recognize local considerations, and the approved SGP, rather than adopting a regional level approach.
- Finally, it is noted that the subject sites are contained within a sewerage sensitive area under the Government Sewerage Policy 2019. In that regard,



it is noted that the Department of Health has no objections to the Application for Subdivision for the subject site which is currently with the Western Australian Planning Commission.

- For the above-mentioned reasons, it is requested that the Council retain the minimum 4,000m² to 1.0ha lot sizes for the subject site and modify LPS3 and the LPS accordingly.

Public statement time concluded at 7.54pm.

4. Petitions and deputations:

Shire President, Councillor Rich advised Councillors and members of the Public that copies of the Deputations and any supporting documentation that was provided by 2pm to the Shire Offices had been distributed to Councillors prior to the meeting.

4.1 Deputation – Michael Glendinning, Michael Glendinning Property regarding item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3

My client, MALF Corp, manages significant landholdings to the immediate east of the Serpentine Townsite and engaged my consultancy to prepare and lodge a comprehensive submission on the Shire's draft Scheme No.3 and Local Planning Strategy when they were concurrently advertised in 2019.

Our submission, being No. 142 in the Shire's Summary of Submissions for the Strategy and No. 52 in the Summary of Submissions for the Scheme addressed the landholdings in 9 parcels defined by their location and their current and proposed zonings. The ID numbers 1-9 which we allocated to these parcels in our 2019 submission have been referred to in these Summaries and I will refer to them again in this deputation for continuity and Council's convenience.

The main reason I am here tonight is to firstly thank Shire officers for their support in relation to a number of modifications which we sought in our submission on the advertised Strategy and Scheme, secondly to comment on other matters which we are compelled to draw Council's attention to and thirdly and most importantly, request Council to amend modifications which we sought that were not supported by the Shire's Officers among the proposed Modifications before you for adoption tonight.

Thanks for Support

Our submission on Property IDs1 & 2 noted that the advertised Scheme No.3 depicted the land as Rural, notwithstanding the land had been rezoned Rural Residential 1 by way of Scheme Amendment 193 to the current TPS No.2. It is notable that when this Scheme Amendment was presented to Council back on 26 February 2018, the Officer recommendation was not to support the Scheme Amendment but the Council thankfully made an alternative resolution to support



the Amendment which was then supported by the Planning Commission. We acknowledge and support the Officer Comment in the Summary of Submissions that the Shire supports RR-1 and the corresponding modification, being Modification 110 in the Schedule of Modifications to Scheme No. 3.

Our submission on Property ID 5, a unique riverfront parcel extending along the northern side of Falls Road, was supportive of its inclusion in the draft Strategy's 'Key Tourism Precinct' but not supportive of the Scheme No.3 proposal to change the zoning of the land from Rural to 'Rural Residential RR-2', presumably due to Lots 801 to 803 each being approximately 2ha in area but counter-productive to options for tourism development. We are, therefore, extremely pleased with and supportive of Modification 112 to Scheme No. 3 and Modification 41 to the Strategy which proposes that these Lots retain their current Rural zoning.

We therefore REQUEST COUNCIL TO ENDORSE both Modifications 110 and 112 in the Schedule of Modifications to Scheme No. 3 and Modification 41 in the Schedule of Modifications to the Strategy.

Comment for Council's attention

In relation to our submission on Property ID 3, which is located west of South Western Highway within the boundaries of the Serpentine Townsite Structure Plan, we take the opportunity to draw Council's attention to the plea in our submission that we strongly urge Council to finalise the Serpentine Townsite Structure Plan as a priority. My client has been prepared to develop this land for some time but has been thwarted by lack of progress on a Townsite Structure Plan that has been under consideration since 2011. We acknowledge the Officer Comment in the Summary of Submissions regarding recent progress and current status but respectfully request that Council ensure the prioritisation of the finalisation of the Serpentine Townsite Structure Plan at the earliest.

Property ID 6 comprises 8 lots which are currently zoned Rural under Scheme No.2. Notwithstanding the lots are 2ha in area on average, the lots remain in the same ownership and comprise an active cattle grazing/farming property which includes my client's farm homestead and which they have no intention of ceasing in the short to medium term. Our 2019 submission requested that Council not support the proposal to zone Lots 804-811 Falls Road as Rural Residential RR-2 as Falls Road is the entrance to Serpentine Falls and National Park and, therefore, an important element of the Strategy's 'Key Tourism Precinct'. Whilst our preference remains for these lots to retain their Rural zoning, we acknowledge the Shire's comments in relation to Property ID 6 in the Summary of Submissions and the fact that the Shire's officers have supported our request for the Rural zoning to be retained for the riverfront lots within Property ID 5 (mentioned earlier) which would be our preferred location for exploring tourism related opportunities. This is therefore the reason why my client has not sought any action from Council on this Property ID.

Council Action Required



The items on which my client requests Council's action tonight relate to proposed Special Use 'SU8' and Special Use 'SU9' in Scheme No. 3, as well as a mapping error in relation to Gordon Road (Property ID 4).

1. SPECIAL USE SU 8 – Serpentine Falls Roadhouse

Special Use SU8 is the Serpentine Falls Roadhouse site, which was allocated Property ID 7 in our submission. The site currently enjoys frontage, exposure and easy access from South West Highway and Falls Road. Our submission seeks that it remain zoned Rural pending the outcome of the planned upgrading of South Western Highway, which may take away some of those commercial advantages. As with the lands within Property ID 5, this site's location within the 'Key Tourism Precinct' suggests that a Rural zoning will permit the consideration of a greater range of tourism-related uses on this site and we therefore request that Council consider NOT SUPPORTING the proposal to assign Lot 812 a Special Use 'SU8' and instead retain its Rural zoning for the time being. Alternately, if the proposed Special Use SU8 prevails, we would request the inclusion of additional uses as follows (which are options available under the current Rural zoning):

- art gallery;
- bed and breakfast;
- brewery;
- tavern; and
- reception centre.

We have provided Council with proposed wording which edits Modification 64 of the Scheme to align with my client's preference for Lot 812 to remain Rural, and also the proposed wording to align with the alternative proposition to include additional tourism related uses for Special Use 8.

2. SPECIAL USE SU9 – Serpentine Caravan Park

Special Use SU9 is the Serpentine Caravan Park site which was Property ID 8 in our submission. At the time of lodgement of our submission, Lot 820, developed as Serpentine Falls Park Home and Tourist Village and Lot 814 were under the same ownership and the submission addressed the two lots together as potentially being an expanded Park Home and Tourist Village, however Lot 820 has since been sold.

Due to the change of circumstances, my client requests that Lot 814 be excluded from the Shire's proposed zoning of Special Use SU9 and requests that Lot 814 remain Rural in accordance with Scheme No.2 and the Local Planning Strategy which depicts it as Rural Land and also includes it in the Key Tourism Precinct.

Lot 814 is 6.6ha in size and is vacant land which is used for cattle grazing and farming. It would be extremely unfair on my client for Lot 814 to remain in Special Use SU9 given that Lot 820 is no longer in my client's ownership, that the current Rural zoning acknowledges the long-standing and continued use of the land for cattle grazing and farming and also that it provides more flexibility for a vast range of permissible uses which could in the future facilitate a host of tourism-



related opportunities on this land. This aligns with section 3.3 of the draft Strategy which states that “rural land can also support the expansion of the tourism economy by accommodating a range of tourist activities and attractions”.

In addition, clause 21 of Scheme No. 3 has a note which states “Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme”. It is entirely inappropriate for Lot 814 to remain within SU 9 given its land use is vacant farming land which currently sits comfortably within the Rural zone (and can and should continue to do so).

Please also note that my client corresponded with the Shire on 15 April 2020 advising of the change of circumstances and requesting the retention of the Rural zoning for Lot 814, but this has not been included in the Officer Comments in the Summary of Submissions. We respectfully request that Council exclude Lot 814 from Special Use SU9 and its current Rural zoning be retained in Scheme No.3. Again for Council’s convenience we have provided Councillors with proposed wording to remove Lot 814 from Special Use SU 9 and proposed wording for a new Modification 118 for Council to add to the Schedule of Modifications for the Scheme to align with our request for this land to remain Rural.

3. 47 GORDON ROAD, SERPENTINE

Finally, a minor but still noteworthy matter is our submission on Property ID 4, a Special Rural subdivision on Gordon Rd on the northern side of Serpentine River which was supportive subject to a correction in the mapping of Scheme No.3 and the Strategy Map, wherein a sliver of land was incorrectly depicted as Rural. This has been acknowledged by Shire officers in recent correspondence and we request its inclusion in the Schedule of Modifications, or confirmation that the Scheme No.3 map will be updated to correct the mapping issue we identified in our submission and thereby showing the entirety of 47 Gordon Road as ‘Rural Residential RR-2’.

For the reasons outlined, we strongly urge Council to accept the proposed alternative wording that we have provided in relation to these three items.

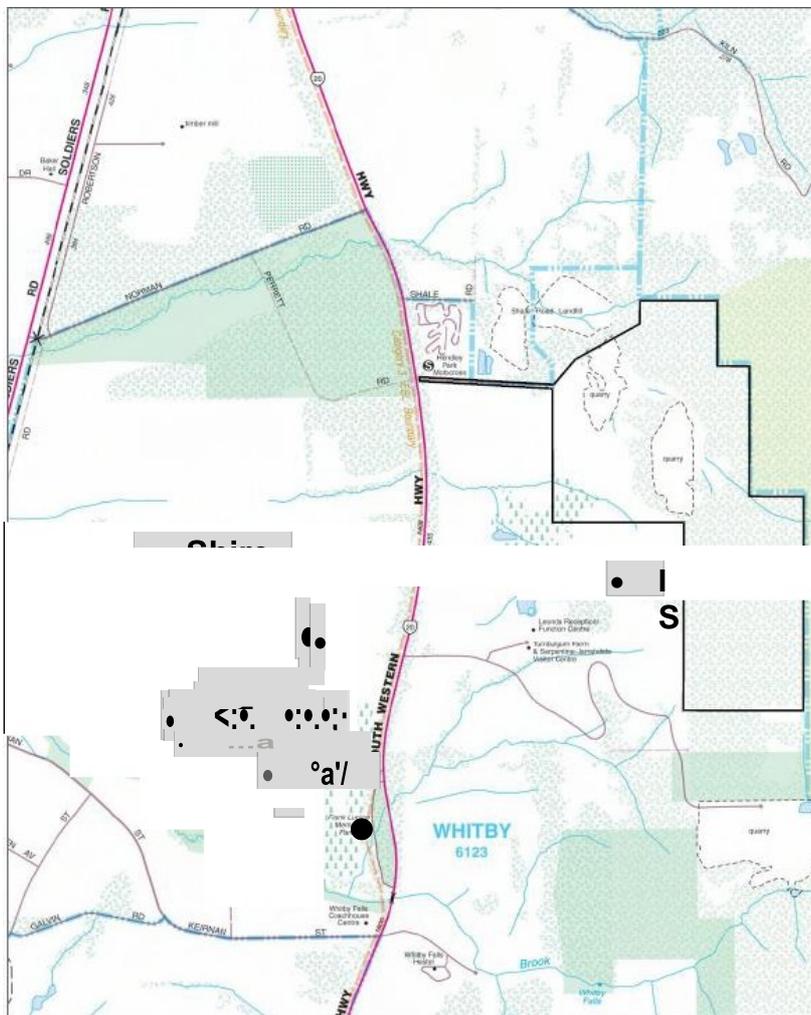
Thank you for your time, I would be pleased to answer any questions.



4.2 Deputation – Amanda Butterworth, Allering & Associates on behalf of Hanson Construction Materials regarding the Byford Quarry, Lot 202, South Western Highway – item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

We speak on behalf of Hanson Construction Materials and specifically our position in regard to the Draft Scheme and the proposed revisions, and our requested modifications in regard to the Hanson Quarry at Lot 202, South Western Highway, Whitby (Byford Quarry).

We thank the staff for reviewing our submissions and proposing a number of modifications to the draft scheme which address a number of the issues that we raised in the submissions.



The Byford quarry presently operates to extract hard rock and clay and has an approved operational concrete batching plant on site. The quarry has operated from since 1976, and we envisage that the quarry has sufficient raw materials to operate for a further 70 years.



The quarry is recognised under State Planning Policy 2.4 Basic Raw materials as Key Extraction Area.



We have reviewed and made two submissions on the draft scheme review and we have also reviewed the schedule of modifications included at Attachment 6 and make the following recommendations.

Giving consideration to the draft Scheme as advertised and the proposed modifications, the following specific provisions are relevant to Lot 202. So with inclusion of the SU13, the draft scheme with modifications would result in the Byford Quarry being within:

- SU13 – Byford hard rock quarry
- SCA2 – Darling Scarp Landscape Protection Zone
- SCA5 – Extractive Industries

We wish to provide further supplementary comment on these specific provisions.

Zoning – Special Use

The draft scheme as advertised sought to zone the quarry as Rural and, as outlined in our submission, we objected to this. The draft Scheme also proposed that two Special Control Areas apply to the lot being SCA 2 – Landscape protection and SCA5 – Extractive Industries. Firstly we respond to the zoning.

We note that at Attachment 6 of the report (modification 69) it is now proposed to insert a new special use to the quarry site being SU13 and that is for the Special Use of “Byford Quarry.” We also note that modification 105 specifically states that the scheme maps are to be modified to rezone Lot 202 South Western Highway, Whitby to Special Use (SU13).



We totally support these modifications to have a special use zone over the quarry in lieu of the advertised Rural zone.

Special Use Provisions – Special Use 13

We refer to the proposed Schedule 2 – Special Use provisions as detailed in Modification 69 (Attachment 6). The conditions on that special use include discretionary uses of “Industry – Extractive” and “Industry – light.” We support these uses being identified.

However, we seek to include an additional land use in the conditions to ensure that the concrete batching plant is also explicitly identified as a discretionary use under the conditions. It may be open to interpretation as to whether a concrete batching plant reasonably fits within the definition of “Industry - extractive” but would clearly fit within the land use definition of “Industry.” Looking at modification 70 (Austral site), it would appear as though the brick manufacturing plant includes a discretionary use of industry. Similar to Modification 70, we seek to include “Industry” as a discretionary use.

Additionally, as with modification 70, we would also seek to modify condition 2 of the special use zone to allow for manufacture from products extracted on site. This would clearly allow for a concrete batching plant on site.

Our requested amendment to modification 69 are shown below, with the requested changes below.

No	Description of Land	Special Use	Conditions
SU13	Lot 202 South Western Highway, Whitby	Byford Hard Rock Quarry	<p>1. The following shall be considered as ‘A’ uses:</p> <ul style="list-style-type: none">• Industry• Industry – extractive• Industry – light <p>2. Development shall only be approved for the purposes of extraction, storage, processing of hard rock and clay and manufacture and distribution of concrete and clay related products.</p>



SCA2 – Darling Scarp Landscape Protection Zone

In relation to the Darling Scarp Landscape Protection zone (SCA2), in our written submissions we objected to the provisions of the landscape protection zone being placed over this state recognised key extractive area on the basis that landscape protection is adequately covered in the approved rehabilitation plan and because the draft provisions are not capable of being satisfied for a quarry of this size and State significance.

Modification 72 as detailed in Attachment 6 schedule of modifications appears to put an additional layer on extractive industries, as well as those provisions of SCA2 as detailed in the draft scheme as advertised.

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 is considering the merits of any such application in respect of the degree to which the landscape value of the area will be protected.'

It appears as though an Extractive Industry would have to meet all of the SCA2 provisions and provide pre and post mining landscape modelling.

As part of the approval issued by the Minister for Environment for the extractive industry on site, there are conditions on that environmental approval that relate to the commitments to implement the rolling rehabilitation plan and to extend landscape screening banks and revegetate overburden banks in order to minimise visual impact and provide rehabilitation of any disturbed areas.

An annual photographic record of rehabilitation and the views from South West Highway have been maintained since 1992 and reported in the Annual Environmental Summary Reports which is provided to the Shire annually. An excavation plan with consideration of landscape management and the methods for onsite rehabilitation outlined in the Excavation and Rehabilitation Management Plan have been approved by the Shire of Serpentine – Jarrahdale, including the Visual Management provisions.



We respectfully request that modification 72 is amended as shown below:

Name of Area	Purpose	Objectives	Additional Provisions
SCA2	Darling Scarp Landscape Protection	<p>To preserve the amenity deriving from the scenic value of the Darling Scarp.</p> <p>To protect and enhance the landscape, scenic and townscape values.</p> <p>To maintain the integrity of landscapes in the line of site view corridor along scenic routes in the Shire, including, but not limited to South West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north, south and east west railway lines and natural water courses.</p>	<p>1 Development approval shall be required for all development within SCA2.</p> <p>2 Development shall not be approved on ridge lines or spur, bluff or knoll, escarpments, hilltops or visually exposed areas.</p> <p>3 Development shall not be approved in the areas having a generalised slope greater than 25%.</p> <p>4 Development shall only be supported where the Local Government is satisfied that the landscape value of the area will be protected and development has been designed and sited to blend with the landscape.</p> <p>For industry – extractive development within a Special Use zone, the above objectives and additional provisions of SCA2 do not apply. For extractive industries the local government will require pre-existing and post mining landscape modelling, as part of any application for development approval. This is to assist the local government is considering the merits of any such application in respect of the degree to which the landscape value of the area will be protected.'</p>



We consider that this modification would then recognise the state significance of existing key extractive industries such as this site and also recognise that for extractive industries of this scale and magnitude, it is not possible to rehabilitate the site to pre mining conditions.

This site has in place a rehabilitation management plan that is approved by the Shire and the Department of Environment and this should guide the rehabilitation rather than the generic provisions of draft SCA2.

SCA5 – Extractive Industries

In regard to the provisions of SCA 5 Extractive Industry, objectives 3 and 4 refer to separation distances. The third objective refers to designated separation distances, in this case being 1,000m (as detailed in Schedule 6). Yet the fourth objective refers to separation distances being designated in accordance with Environmental Protection Authority's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses. The EPA Guidance allows for separation distances to be varied if supported by a scientific study. Objective 3 puts in place a blanket separation distance.

The site has existing planning and environmental approvals for a quarry extension with a small number of sensitive premises being less than 1,000 metres from the quarry boundary. Such approvals take into account the management practices adopted on site and also the provisions of the EPA Guidance statement.

Given that the Byford Quarry site has environmental and planning approval, we do not support Lot 202 South Western Highway being included in SCA5. However, if the Council does not support this position, we respectfully request amendment to SCA5 as shown in red below:

Name of Area	Purpose	Objectives	
SCA5	Extractive Industries	<p>To identify the location of extractive industries.</p> <p>To protect the operation of extractive industries</p> <p>Separation distances shall be designated in accordance with the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses.</p> <p>Designate For new sensitive development in proximity to existing extractive industries, due</p>	<p>1. Development approval shall be required for all development within SCA5.</p> <p>2. Development approval may be subject to conditions in regard to noise attenuation, siting and orientation of buildings</p>



Name of Area	Purpose	Objectives	
		regard shall be given to the separation distances to properties with extractive industries as contained within Schedule 6.	

Summary

In summary we thank the staff for their support and for meeting with us and Hanson. We also thank the staff for their support of part of our submission.

We now seek further review to the schedule of modifications, specifically we seek that:

1. Modification 69 (regarding the Special Use zone for Lot 202 South West Highway, Whitby) be amended as follows:

No	Description of Land	Special Use	Conditions
SU13	Lot 202 South Western Highway, Whitby	Byford Hard Rock Quarry	<p>1. The following shall be considered as 'A' uses:</p> <ul style="list-style-type: none">• Industry• Industry – extractive• Industry – light <p>2. Development shall only be approved for the purposes of extraction, storage, processing of hard rock and clay and manufacture and distribution of concrete and clay related products.</p>



2. Modification 72 (being SCA2 - Darling Scarp Landscape Protection Zone) be amended as follows:

Name of Area	Purpose	Objectives	Additional Provisions
SCA2	Darling Scarp Landscape Protection	<p>To preserve the amenity deriving from the scenic value of the Darling Scarp.</p> <p>To protect and enhance the landscape, scenic and townscape values.</p> <p>To maintain the integrity of landscapes in the line of site view corridor along scenic routes in the Shire, including, but not limited to South West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north, south and east west railway lines and natural water courses.</p>	<p>1 Development approval shall be required for all development within SCA2.</p> <p>2 Development shall not be approved on ridge lines or spur, bluff or knoll, escarpments, hilltops or visually exposed areas.</p> <p>3 Development shall not be approved in the areas having a generalised slope greater than 25%.</p> <p>4 Development shall only be supported where the Local Government is satisfied that the landscape value of the area will be protected and development has been designed and sited to blend with the landscape.</p> <p>For industry – extractive development within a Special Use zone, the objectives and additional provisions do not apply. For extractive Industries local government will require pre-existing and post mining landscape modelling, as part of any application for development approval. This is to assist the local government is considering the merits of any such application in respect of the degree to which the landscape value of the area will be protected.'</p>



3. Modification to SCA5 (which is not identified in the current schedule of modifications) as follows:

Name of Area	Purpose	Objectives	
SCA5	Extractive Industries	<p>To identify the location of extractive industries.</p> <p>To protect the operation of extractive industries</p> <p>Separation distances shall be designated in accordance with the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses.</p> <p>Designate For new sensitive development in proximity to existing extractive industries, due regard shall be given to the separation distances to properties with extractive industries as contained within Schedule 6.</p>	<p>1. Development approval shall be required for all development within SCA5.</p> <p>2. Development approval may be subject to conditions in regard to noise attenuation, siting and orientation of buildings</p>



Thank you and we are available to respond to any queries you have in relation to these matters.

4.3 Deputation – Brendan Marsh, BJ Marsh Pty Ltd, Chartered Civil Engineers and Bushfire Practitioners on behalf of Mr Rob McKail, 1326 Rowley Road, Oakford regarding item 6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

I present this Deputation with respect to the Draft Local Planning Strategy and Scheme No. 3 by Mr Rob McKail of 1326 Rowley Road Oakford. I understand that other similar owners are supportive of this deputation also.

The purpose of the deputation is to further note the objection of Mr McKail and some owners of similar properties along Rowley Road to the proposed 2ha property size in this area. Many of these owners commented on the draft strategy recommending smaller lot sizes for land fronting Rowley Road. The deputation will rebut Shire of Serpentine Jarrahdale Officer remarks in response to Mr Rob McKail's submission commencing on Page 363 of the document titled 611-attachment-5-draft-local-planning-scheme-no3-schedule-of-submission.pdf. This is as per Agenda Item 4.

The statement to be made is as follows:

Thank you to the Shire President or Presiding Member of the Committee and Committee Members for allowing this deputation.

This deputation is on behalf of Mr Rob McKail of 1326 Rowley Road Darling Downs and other similar property owners who made similar submission to the council on the draft Local Planning Strategy and Scheme No.3.

I note the owners are opposed to the minimum 2 ha lot size proposed for these properties and are of the view that higher density should be implemented for a strip of land abutting Rowley Road located immediately to the south of Rowley Road.

In response to the "Officer Comments" made in relation to the submission, the following points are noted:

- A higher density such as 1ha is consistent with the Western Australian Planning Commission's Perth and Peel 3.5 Million Sub-Regional Planning Framework.
- The relevant Lots are not suited to the professional equine industry because:
 - The Lots generally do not have access to the bridal trails.
 - This land fronts an increasingly busy road whose characteristics are not suited professional equine industry operations
 - Other fronting land, such as the norther side of Rowley Road, is residential and in conflict with the zoning.



- There needs to be a buffer between this road and the intense Equine Industry Lots, which can be provided using higher density zoning for land immediately abutting Rowley Road.
- A higher density for the relevant Lots would be beneficial to the professional equine industry because this would provide an important buffer and enable a clear, logical and consistent separation between the intended equine area, the existing surrounding development and a busy road.
- A higher density for the relevant Lots would be beneficial to the professional equine industry because the relevant land use will be sub-optimal and not in accord with the equine industry intention owing the relevant land generally not having access to the bridal trails.
- These lots have access to mains water supply and other services can feasibly be provided if higher and residential density is allowed
- The land is capable of development to higher density.

Accordingly, there is a very strong and rational case for increasing the density of a strip of land abutting Rowley Road which is of benefit to the professional Equine Industry intended for the area and the whole community.

It is accordingly recommended the Committee increases the density of the land immediately abutting Rowley Road to at least 1 ha.

Thank you.

4.4 Deputation – Joe Algeri, Altus Planning regarding item 6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

My name is Joe Algeri, and I'm the director of Altus Planning, a planning consultancy that does a fair bit of work in, and sometimes for, the Shire. This is probably because I was born on a dairy farm in Keysbrook and grew up and have spent most of my life on another 270 acre farm in Oldbury where my parents still reside and I still work on weekends. Tonight I'm speaking on behalf of not only my parents but in respect to numerous clients who own, live and work in the rural zone of the Shire.

At university, my post-graduate thesis in 1991 was titled "*A critique of the Local Rural Strategy for the Shire of Serpentine-Jarrahdale – Rural planning on the urban periphery; romance or reality?*"

All these things that I've just mentioned don't make me the ultimate expert of all things rural planning in SJ but I do think that I'm well placed to give you a unique perspective, particularly in bridging the gap between an academic versus practical, real world view of exactly what is going on in your rural areas.

It is my opinion that the new scheme is overly restrictive in the suite of permitted or discretionary uses proposed for the Rural zone. I'm particularly concerned that the exact nature of 'agriculture' the Rural zone appears to be wanting to protect is merely academic. When water supply (or lack of), soil quality and other environmental constraints are considered, the Rural zone as it now is being



promoted, might amount to little more than landscape protection on large rural residential lots. I'm not advocating that the Rural zone be eliminated but rather, it needs to be augmented by numerous uses in a more diversified fashion. Otherwise, the zone will be nothing more than a rustic, museum piece to the agriculture past.

In about 2011, I remember having a conversation with Deon Van Der Linde, your manager of Strategic Planning, and I was rather amused by the image used on all the communications on the review of the Rural strategy that was about to be undertaken at the time. It was of an old farmhouse, very rustic, it could have almost been a postcard but what I saw in that image was an old farm that probably hadn't been productive since the 1960s. It was a relic of the past, probably owned by a semi-retired farmer wanting and waiting to sub-divide. I told Deon that if he wanted to show the modern equivalent of that farm it would be feed-lot.

Andrew Trosic, your current Director of Development Services told me that "primary produce remains a significant mix of our trade balance" but in SJ most of your rural zones has broad acre cattle-grazing which is a just legacy land use, it's not that productive and viable. When he and other town planners tell me that they foresee the potential of ongoing research and development to improve the capabilities, yields and outputs of our soils, my response is "when?" I just don't think they understand hungry Bassendean sands, how fertilizers have affected the Peel-Harvey Estuary and I could go on. At the moment we can't even fix the toxic rye grass problem in the locality that now prevents farmers cutting hay, let alone cutting more hay in greater quantities.

Why aren't there signs of new and improved agriculture happening already? I tell you why, it is merely academic.

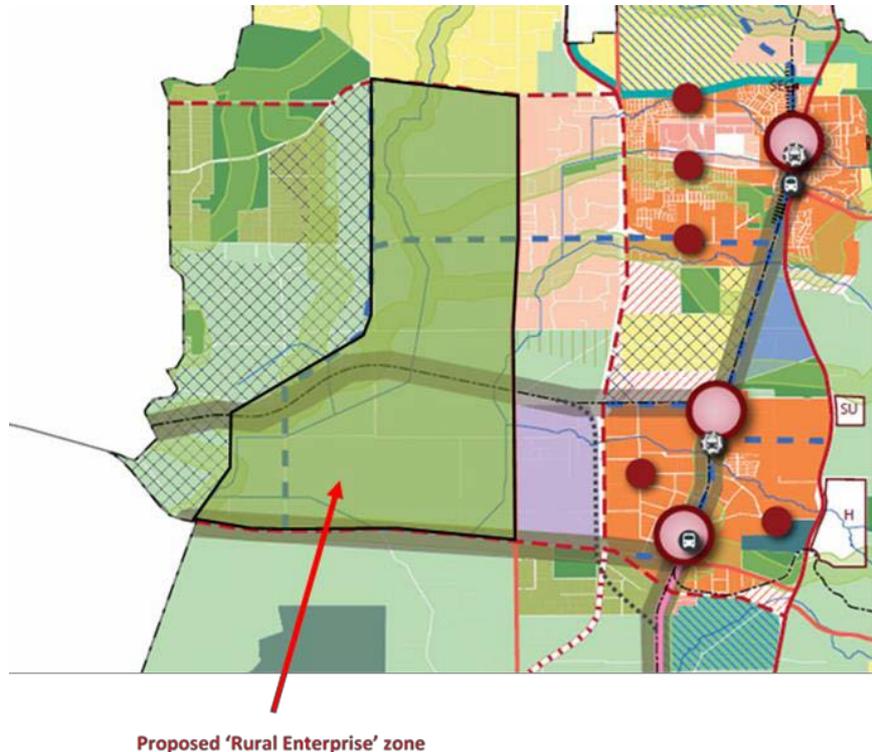
I'm not suggesting that you should abandon your rural zone for these reasons but it does need to be more diversified if you want it to be truly productive and viable.

Accordingly, I request the following modifications for you to consider this evening:

1. 'Industry – Light' to remain a discretionary use in the 'Rural' zone in LPS3.

Opportunities on Rural land throughout should be broadened, not narrowed. If you are concerned about how the discretion should be exercised, then your planners should develop local policies to inform the exercise of that discretion. For example, where the Rural zone does abut the Rural Residential zone, make applicants put in a landscape buffer but allow them the opportunity to do something else productive with the rest of their land.

On this point, in respect to the planning strategy, the 'Rural' zone north of Mundijong Rural is essentially stuck in wedge between the Byford and Mundijong Urban cells to the east and the urbanization in the Town of Kwinana to the West.



Accordingly, my second request is:

2. Extend the 'Rural Enterprise' zone in the Planning Strategy across all 'Rural' land north of Mundijong Road.

Open up the opportunities whether it be intensive agricultural or light industrial purposes, let people live, work and make money from the land. Don't let it become a sterile green space that amounts to nothing more than something nice to look at. Intelligently, you could still keep a lot of green if you set up the planning framework correctly, but you could also take up the wonderful opportunities because of its location.

I respectfully submit that you should have a planning framework that allows your rural zones to prosper and thrive in the future. Otherwise they are not rural zones, they are landscape protection or Rural Residential zones in all but name.



4.5 Deputation – Paul Gangemi regarding item 6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

My name is Paul Gangemi. I have owned Lots 47, 48 and 809 on the corner of Shanley Road and South Western Highway, Mardella for more than 40 years. The land comprises an area of 125 hectares.

The land was finally rezoned to Farmlet more than a year ago after a very long process.

The Farmlet zoning has been removed from the list of zones under Draft TPS No 3 and replaced by Rural Smallholdings zone which provides for lot sizes of 4.0ha to 40 ha. Whilst the draft TPS No 3 Map has been modified to show the Rural Smallholdings zone (not Rural as incorrectly advertised) it is considered such zoning does not reflect the full potential of the land. As explained below, I believe the Draft Local Planning Strategy should not show the subject land (and other land around it) as Rural Smallholdings but as Rural Residential which will result in a far more efficient use of land highly capable for smaller rural residential lots in close proximity to the Mundijong town site.

By way of background information I provide the following explanation.

At the time of initially preparing the scheme amendment to rezone the land to Farmlet some 5 years ago, there were a number of uncertainties, including:

The Shire's Rural Strategy had still not been finalised.

The WAPC's Planning Frameworks documents hadn't been finalised.

There was no certainty in respect to the timing of construction of Tonkin Highway from Thomas Road to South Western Highway (through the subject land).

Although the Shire's draft Rural Strategy had identified the land as Residential and Stables (2.0ha minimum lot size) the Western Australian Planning Commission was of the view that due to the abovementioned uncertainties they would only support a scheme amendment that provided for lots of 4.0ha minimum area. As I have been trying to rezone my land for almost 40 years I decided any rezoning was better than nothing as Rural land was no longer viable for agricultural use. Accordingly, I agreed to progressing with a scheme amendment to rezone the land to Farmlet.

Since the process to initiate the scheme amendment commenced a number of the abovementioned uncertainties have been resolved - as follows:

The Shires Rural Strategy has been finalised identifying the subject land as "Frameworks Investigation Area".

The WAPC's Planning Frameworks documents have been finalised which identifies the land as Rural Residential (1.0ha - 4.0ha)

The Government has announced plans for the extension of Tonkin Highway from Thomas Road to South Western Highway with works to commence next year.

With the clarity provided by these planning and infrastructure announcements, together with the high capability for smaller rural residential subdivision (as demonstrated in the Land Capability Assessment previously prepared in support



of the scheme amendment) together with the sites' close proximity to the Mundijong town site, I don't think that the creation of 4.0ha Farmlet lots fully optimises the potential of the land. It is beautiful, parkland cleared, undulating, elevated and well drained land - far better suited to Rural Residential subdivision of in line with the Planning frameworks and the Shire's initial intent of Residential and Stables in the draft Rural Strategy. Lots of 2.0ha in area would be well suited in this area and more desired by the equine industry as opposed to larger 4.0ha lots that are difficult to maintain and manage.

I strongly urge the Council to amend the draft Local Planning Strategy to identify Lots 47, 48 and 809 Shanley Road as Rural Residential.

Thank you Councillors.

4.6 Deputation – Clayton Plug, Senior Town Planner, Harley Dykstra regarding zoning changes to Special Residential zoning over portion of Lots 2 and 4, Kargotich Road and Lot 9001, Bruns Drive Darling Downs – item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.

We would like to update Councillors on our recent discussions with the Shire's planning team in respect of a further modification to the advertised Draft Local Planning Scheme No. 3. We are seeking modifications that result in zoning change to Special Residential zoning over a portion of Lots 2 and 4 Kargotich Road and to Lot 9001 Bruns Drive, Darling Downs.

4.7 Deputation – Henry Dykstra, Executive Director / Special Projects, Harley Dykstra Planning and Survey Solutions regarding submission no. 36 – item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

I summarise my proposed deputation below.

Proposal

The corner of Kiln Road and South Western Highway has for a number of years been earmarked under the Perth Peel 3.5 framework for the purpose of a regional sporting complex. The complex envisaged under the Perth Peel 3.5 framework would be similar to the regional facilities provided at Joondalup and also currently planned for the Alkimos Regional Complex. The Perth Peel 3.5 vision for this particular strategic highway site, just south of the Byford Urban Area, included; large indoor recreation centres; aquatic and indoor pool facilities; community purpose buildings; multiple hardcourts and playing fields; athletics complex and associated stadiums, clubrooms and car parking areas.

Since the adoption of the Perth Peel framework several years ago, I understand the Shire has secured a strategic site for regional sports facilities in Mundijong/Whitby. This means that although the 40 hectare Kiln Road/Highway site is still shown on Perth Peel 3.5 framework, fewer sports and recreation facilities will be needed at this location. This provides opportunity to plan for a wider mix of uses for this strategic location. Hence, our proposal is that a similar land area as shown for development on Perth Peel 3.5 now be allocated for an



integrated mix of activities including; community and recreation facilities; institutional uses; and service commercial/ mixed business uses.

Rationale for Proposal

1. The site is already recognised and planned as a strategic location for the development of amenities that will service the emerging populations of Byford and Mundijong/Whitby. Hence, this proposal is not a departure from the Planning Framework, but an adjustment that responds to the changing circumstance;
2. Land on the west side of the highway, opposite our subject site, is already approved and developing within industrial uses. The Shire's aim here is to also promote a vibrant service commercial area that offers a high level of amenity along the South Western Highway frontage between the two urban towns. By adding a margin of service commercial/ mixed business land on the eastern side of the highway, the economic, employment, servicing and amenity benefits of such an employment precinct will be more fully realised;
3. The anticipated development footprint will remain in the lower land form adjacent to the highway, at a similar topographic elevation to the other areas within the Cardup Industrial Business Park on the western side, and below the contour levels of urban development that already exist for urban areas of Byford, immediately to the north;
4. The approval of the Cardup Industrial Business Park Structure Plan for the opposite side of the highway means that the majority of the Cardup Industrial Precinct will be developed in the short to medium term for industrial purposes, much of which will also involve unsewered dry industry developments. Our proposal will facilitate a focus on service commercial/mixed business uses fronting both sides of the highway in the northern part of the Cardup Business Park. This would help to encourage a high level of servicing, landscaping, highway treatments, and high quality built form, all contributing to a vibrant service commercial activity for the wider benefit of the Cardup Industrial Business Precinct and the wider urban areas of Byford and Mundijong/Whitby;
5. The Shire's own SJ 2050 visioning document also showed the potential for some form of urban type development on this part of the land, and that has also to some extent been reflected in the draft Byford District Structure Plan showing an extended Development Investigation Area.

Response to Shire Officers Comments

The staff comment suggests that it is not appropriate for the Draft Local Planning Strategy to reflect a designation other than that shown in Perth and Peel 3.5 million. However, the fact is, Perth Peel 3.5 million does not show this land as 'Rural' but rather shows it as planned for a regional sporting complex along with all the facilities, buildings and developments that are associated therewith. Our proposal is seeking to make an adjustment to that development intent shown on Perth Peel 3.5 framework by making provision for an amended mix of uses and activities that will also service the emerging population of Byford and Mundijong/Whitby from a strategic location.



The officers have further suggested that the applicant would have to go through a rezoning process under the Local Planning Scheme, and that the Shire will then consider a proposal on its merits and on the basis of its alignment to the Local Planning Strategy. However, if the Local Planning Strategy does not show any strategic land use or development option for this land, then such a rezoning application would be futile.

Conclusion

On the basis of the above, it is respectfully requested that an area of land, of a similar size and location to the proposed region sporting complex envisaged under the Perth Peel 3.5 Planning Framework, be illustrated on the Local Planning Strategy map as a Development Investigation Area, in recognition that an adjustment of land uses is appropriate in response to the changed circumstances, with such land uses potentially including community and recreation facilities; institutional uses and service commercial/mixed business uses fronting the highway.

Councillor Atwell left the meeting at 8.53pm.

Councillor Atwell returned to the meeting at 8.55pm, during Deputation 4.8.

Councillor Atwell left the meeting at 8.57pm.

Councillor Atwell returned to the meeting at 8.57pm, during Deputation 4.8.



4.8 Deputation –Neil Teo, Dynamic Planning , Paul van der Moezel, Managing Director, PGV Environmental, and Stuart Griffiths, Watson Property Group regarding submission 39, item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No. 3

1. Introduction

- Dynamic Planning and Developments and PGV Environmental act for WPG Landholding Pty LTd who own a number of land parcels within a larger cell of 'Rural' land to the west of the West Mundijong Industrial Area. This land parcel is outlined in red in Figure 1 below and herein referred to as the 'subject site'.

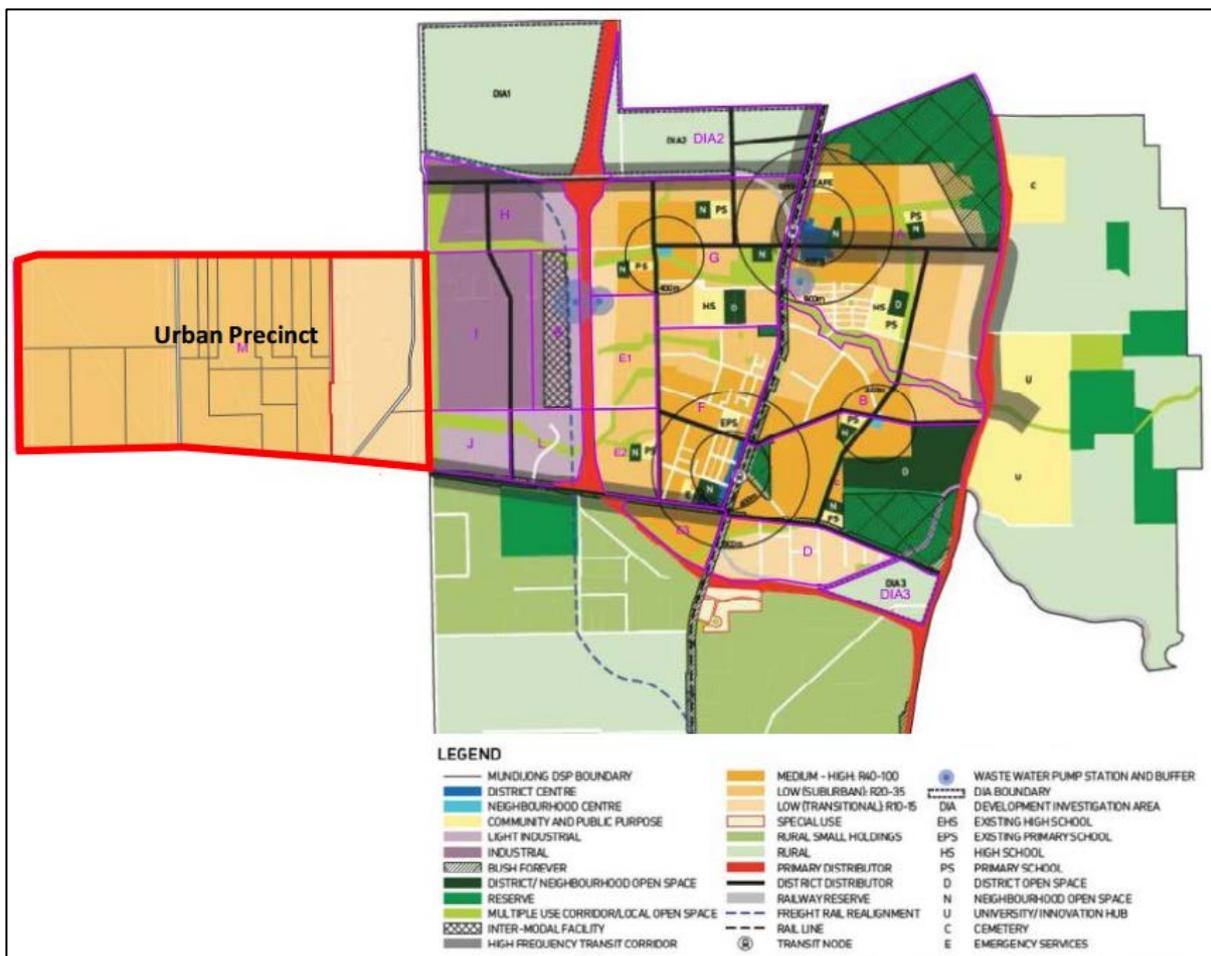


Figure 1 – Land parcel subject of submission

- The purpose of this briefing note and our submission to the Draft Local Planning Strategy was to seek acknowledgement of the abovementioned cell of land being appropriate for future 'Urban' development.
- We acknowledge that the existing sub-regional planning framework does not indicate any zoning change for the subject site. However, it is noted that this does not prevent change from occurring, nor does it prevent the Shire acknowledging this land as appropriate for future 'Urban' development within in its Draft Local



Planning Strategy. The following process, as illustrated in our in our submission, outlines the necessary steps to for this change to occur.

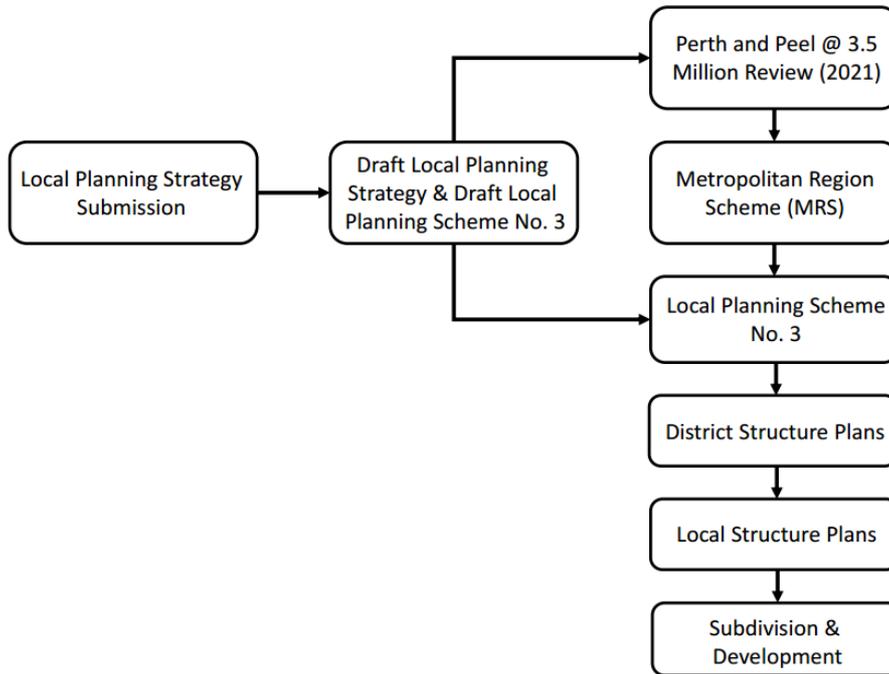


Figure 2 – Flow Chart

- Our submission also identified a number of concerns with the Shire’s ability to accommodate the forecast population of 50,000 people in and around the Mundijong Townsite by 2050. This figure is identified in both the draft Local Planning Strategy and also the draft Mundijong District Structure Plan. An extract of the Mundijong District Structure Plan is provided below which illustrates the Shire’s dwelling and population yields for each precinct.

Table 8: Approximate Population and Dwelling Targets

STRUCTURE PLAN PRECINCT	ESTIMATED DWELLINGS	ESTIMATED POPULATION
A - Whitby	3,750	10,837
B - Keirnan Street	1,695	3,730
C - Watkins Road North	3,172	6,988
D - Watkins Road South	1,134	2,496
E - Mundijong West	1,835	5,303
F - Mundijong Town Centre	2,831	10,571
G - Mundijong North	3,175	8,557
Rural Residential	110	318
SUB TOTAL	17,702	51,159
DIA 2	2,220	7,311
DIA 3	555	1,806
TOTAL	20,477	59,179



- The two (2) primary concerns with the Shire accommodating the forecast population growth, as raised in our submission are:
 - The use of 350sqm as an average lot size when calculating dwelling yields is not realistic in a semi-rural outer metropolitan area such as Mundijong.
 - Various environmental matters that will become constraints to development in subsequent planning stages. These will be addressed in detail by Paul Van Der Moezel of PGV Environmental.

1. Officer Response to Submission

- In response to the detailed submission that was lodged as part of the advertising process, the Shire’s officers provided a short response within the Schedule of Submissions (see submission 39). We would like to discuss this response in detail and address a number of concerns we have.
- The Shire officers incorrectly refer to the land to which the submission relates. Our submission related to the entire land parcel outlined in red within Figure 1 and not just Lots 272, 273 and 274 Mundijong Road, Oldbury.
- Whilst the Shire has stated that change is not appropriate as the proposal is not consistent with the applicable sub-regional planning framework, it should be noted that this does not prohibit the subject site’s inclusion into the draft Local Planning Strategy should Council consider it appropriate.
- The additional reasoning as to why inclusion of the subject site into the draft Local Planning Strategy is not appropriate has been addressed in the below table.

Shire Reason	DPD Response
The development is remote from the centre of Mundijong.	It is considered that the West Mundijong Industrial Area will act as a central employment hub within Mundijong suggesting that urban population on both sides is appropriate as it will enable people to live close to where they work. There are many examples of this throughout the Perth Metropolitan Region.
It is separated by industry from Mundijong.	
There is no corridor proposed along Mundijong Road.	This doesn’t prohibit a future growth corridor into the future. Similar to the West Mundijong Industrial Area, which was also once never planned for. Its existence comes from an organic planning process.
The importance of rural land within the Shire.	Our submission and Watson Property Group’s letter to Councillors highlight that there is a strong sentiment among landowners that this land is no longer productive for agricultural use. This sentiment is also reflected in the Department of Primary Industries and Regional Development (DPIRD) Mapping which illustrates that this land has low to very low capabilities in horticulture, dryland cropping and vineyards. Grazing is the only agricultural practice that has some viability in accordance with the DPIRD mapping and when
That rural land uses are important for broad acre farming, stocking & grazing and we need to consider food security issues and see rural land as a strategic land	



Shire Reason	DPD Response
resource.	considering the existing small to medium rural lots sizes in this area, grazing simply wouldn't be economically viable at this scale. A copy of the applicable DPIRD mapping is included as part of Attachment 1 of this submission.
There is already 16-1700 Ha of developable land in and around Mundijong.	<p>A review of the draft Mundijong District Structure Plans shows that much of the land in and around Mundijong is already contained within the proposed precincts or Development Investigations Areas and any surplus land outside these areas may or may not be developable based on the applicable constraints.</p> <p>The subject site is developable as is evidenced in our submission.</p>
That the boundary of West Mundijong has a clear edge.	The only edge that presently exists is the edge of the Shire's strategic planning documents which are able to be amended. A clear example of this is the proposed 'Rural Enterprise' zone which introduces rural lots between 1 and 4 hectares and an increase to the number of residential dwellings west of Kargotich Road.
The proposal will require an urban node opposite the industrial area away from public transport, services and utilities.	These services are provided as part of any 'Urban' development. In addition the Shire has supported additional residential dwellings in this area and further fragmentation of rural landholdings through their support for a 'Rural Enterprise Area' on the western side of the West Mundijong Industrial Area. This will facilitate subdivision into lots of between 1 and 4 Ha which will increase the amount of residential development on this land.
It is not part of and has not previously been contemplated as a planning investigation area and it is not in line with Shire planning framework.	As previously noted, this planning framework is more than capable of being amended where appropriate and through our submission it was demonstrated the subject site has the ability to resolve a number of concerns with the Shire's proposed planning framework and its inability to accommodate the forecast population growth.

- The Shire notes that it is not possible to contemplate a future average lot size as these studies are yet to be undertaken. However, the Shire's draft Mundijong District Structure Plan clearly demonstrates the use of the 350sqm average lot size in dwelling yield and population projections which would suggest that these studies have been undertaken. Figure 3 below provides an extract of the Mundijong District Structure Plan illustrating the Shire's methodology.



Based on the Shire's average of 2.89 people per household approximately 17,300 dwellings would be required to achieve a population of 50,000. In calculating the estimated population the following methodology was applied to calculate the estimated dwelling/lot targets for each precinct:

1. A review of the estimated dwelling yields for areas covered by an approved LSP (Precinct A, part Precinct E).
2. The square metre (m²) estimates for broad hectare (Precincts C and G and part Precinct E) areas not yet subject to LSPs have been determined through identifying their total land area, deducting 40 percent of this land area (accounting for land required for public purposes such as roads, public open space and drainage) and multiplying by R25 to derive the potential lot yield.
3. The lot estimates for infill sites (Precincts B, D and F) not yet subject to LSPs were determined through manual calculations of the development potential of each landholding based on an R25 residential density of 350m².
4. By adding the lot yields calculated in steps 1-3, the total estimated lot yield for the Mundijong District Structure Plan area was determined.

Figure 3 – Mundijong District Structure Plan dwelling yield methodology

- Finally, the Shire notes that no changes will be considered for the subject site as it seeks to provide land for beyond 2050. Again it has been demonstrated through our submission that the existing 'Urban' land is highly constrained from an environmental perspective and will not be able to achieve the forecast population growth by 2050. In this regard, the subject site presents as a largely unconstrained parcel of land that is no longer productive for agricultural use.

2. Environmental Constraints Commentary

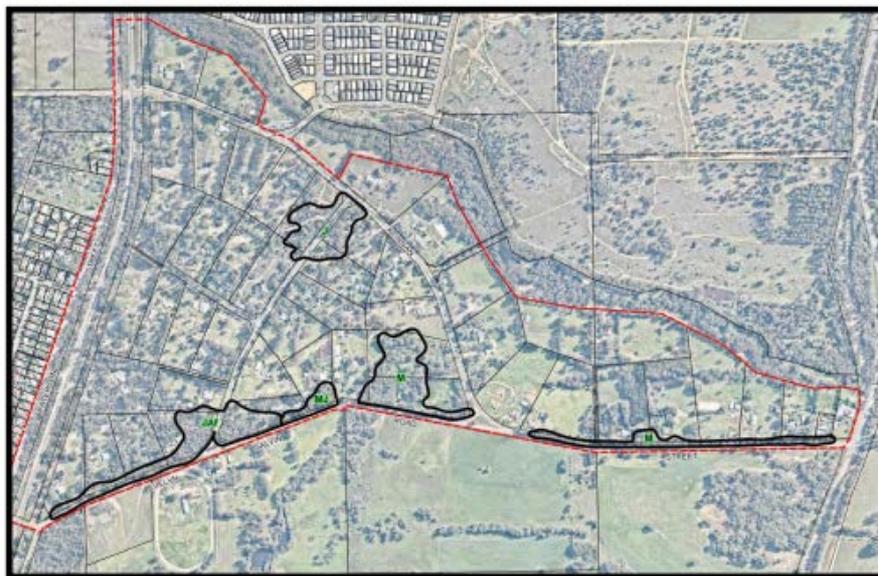
- The Shire of Serpentine-Jarrahdale is considering finalising the draft Local Planning Scheme 3 to amend the Shire's Scheme to reflect the land uses shown in the Mundijong District Structure Plan (DSP).
- The DSP estimates a population size of up to 50,000 depending on final distribution of lot density and number of people per household.
- The DSP includes a large amount (560ha) of natural areas that retain important environmental features of the Mundijong area. Retention is proposed through protecting vegetation in reserves and ecological corridors along creeks, major roads and drainage lines.
- The DSP also acknowledges that the DSP area contains "several avenues of trees established along rural roads and driveways" and where possible, the local Structure Plans should retain this vegetation in open space or within road reserve verges. The location and overall extent of these "avenues of trees" is not shown in the DSP documentation.
- PGV Environmental commends the Shire's objective to retain important environmental features within reserves and green linkages in the future



development of the Mundijong area. However, we are concerned that the DSP has underestimated the amount of significant environmental features within the local roads and on some private lots to the extent that the development potential and population size objectives may be significantly under the DSP's target.

- PGV Environmental has undertaken a broad assessment of the native vegetation in Precincts B, D and F and has identified areas of environmental significance outside of proposed reserves and ecological linkages (see maps for Precincts B and D below). The areas highlighted in black on the maps include vegetation that is important as Black Cockatoo foraging, roosting and potential breeding habitat, likely Threatened Ecological Communities, and potential areas containing conservation significant flora species. The extent of Black Cockatoo habitat is highly likely to be larger than identified in our surveys as access to lots was not part of the exercise.
- Other Precincts such as Precinct F have a large number of mature non-native Eucalypts, particularly River Red-Gum which, while not native to the area, are considered roosting habitat for Black Cockatoos.
- The clearing of Black Cockatoo habitat and vegetation that may have other important environmental features is likely to require assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act* and potentially the State *Environmental Protection Act*. Approval for clearing vegetation for development is not guaranteed under these processes.
- PGV Environmental would like to know what the Shire's response is to the possibility that less land will be available for development because of environmental features not currently envisaged for retention in the DSP and whether this response may include identifying other land that is not constrained by environmental features outside the DSP area to compensate for the potential loss of developable land.

Precinct B Significant Environmental Features (J=Jarrah, M=Marri, Af= Sheoak)





Precinct D Significant Environmental Features (J=Jarrah, M=Marri, Er = Flooded Gum)



2. Conclusion

- In conclusion we simply want to reiterate that we feel the Shire's officers have not appropriately considered our submission and the issues we have raised which were:
 - The use of 350sqm as an average lot size in dwelling projections; and
 - The considerable environmental constraints that exist within the existing available 'Urban' land.
- To resolve the above concerns it is proposed to include the subject site as an 'Urban' cell of land or similar (i.e. Development Investigation Area). The reasons we consider this to be appropriate are:
 - There is widespread landowner support for this change;
 - The subject site is free from environmental and servicing constraints;
 - The land is no longer productive as agricultural land; and
 - It would ensure the Shire is able to accommodate the forecast population growth for the Mundijong Townsite and surrounds.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact the undersigned.



SCM180/06/20

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr McConkey

That in accordance with clause 16.1 of the *Standing Orders Local Law 2002 (as amended)*, the meeting be adjourned at 9.07pm, and reconvene at 9.16pm.

CARRIED 7/1

Shire President, Councillor Rich reconvened the meeting at 9.16pm.

In Attendance at resumption of the meeting:

Councillors: M Rich.....Presiding Member
D Atwell
M Byas
R Coales
B Denholm
K McConkey
L Strange
D Strautins

Officers: Mr P Martin..... Chief Executive Officer
Ms H Sarcich..... Deputy CEO / Director Community
and Organisational Development
Mr F SullivanDirector Corporate Services
Mr A Trosic..... Director Development Services
Mr S Harding Director Infrastructure Services
Dr K Parker Manager Governance
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

4.9 Deputation - Elton Swarts, Managing Director, Claradon Property and Aaron Lohman, Principal – Planning, Element WA and regarding Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford, item 6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No. 3.

Claradon Property is the proponent respect to the above-mentioned matter.

The summary content of our submission is:

- 1.0 We have actively been working on this site for five plus years, engaging with MRWA and the Shire of Serpentine Jarrahdale.
- 2.0 After securing a DA we actively and successfully lobbied, including initiating a petition to the State parliament to secure funding for the black spot intersection to be upgraded.
- 3.0 We have commenced construction as MRWA has requested no works to start before completion of the intersection upgrade.



- 4.0 The Shire of Serpentine Jarrahdale has a unique opportunity to secure local jobs that it would not otherwise get due to the location of the property and its positioning.
- 5.0 The property is on a RAV 7 (truck with three trailers) route which is rare within the Shire, and strategically located between the airport and the contemplated seaport.
- 6.0 An announcement regarding the seaport is imminent - <https://www.businessnews.com.au/article/Announcement-on-4-billion-port-imminent>
- 7.0 The heavy haulage vehicle's may not deviate from the RAV 7 route and so can't patronize services offered in the township of Byford.
- 8.0 Providing a comprehensive service offering to all commuters, will provide activation and impetus for drivers to stop at a half-way house, between the airport and seaport.
- 9.0 Closing the door on some uses, which "Roadhouse" does will permanently reduce the jobs and economic activity, that would otherwise flow to the local community.
- 10.0 Constructing a new seaport is an exceptionally rare occurrence, so why wouldn't the economic benefits for the community be embraced by the Council.

element act on behalf of Claradon Property in respect to the above-mentioned matter.

The summary content of our presentation is as follows:

- By way of background the Metro East Joint Development Assessment Panel (JDAP) approved at its meeting on 29 October 2018 a Service Station at the above-mentioned site.
- Under Schedule 2, Clause 78H of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2020* and in accordance with the Minister's Exemption Notice dated 8 April 2020 the timeframe for substantial commencement for the Service Station was extended to 29 October 2022.



- On behalf of Claradon Property **element** lodged submissions on the draft Local Planning Scheme No.3 (LPS3) and Local Planning Strategy (LPS). The submissions requested the following additional uses be applied to the site:

No.	Description of Land	Additional Use	Conditions
A5	Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford	<ul style="list-style-type: none">Service Station 'P'Freeway Service Centre 'P'Fast Food Outlet 'P'Convenience Store 'P'Motor Vehicle Wash 'P'	Nil

- The purpose of the request for the additional uses was to facilitate a greater range of uses than are currently proposed to be permitted and contemplated by the Road House use. For instance, the Motor Vehicle Wash has obvious synergies with the site's location on major transport route and Fast Food Outlet would allow for drive through service which is not otherwise permitted and is considered appropriate to service light vehicle commuter traffic. The above-mentioned uses are proposed to create a service node for vehicles travelling along Thomas Road to the Kwinana Industrial area including heavy vehicles requiring RAV 7 access.
- The development of the subject site to provide a more diverse and integrated offer is attractive to Claradon Property and would further present a greater opportunity for local employment and economic benefits would flow from such development.
- Our review of the summary of submissions contained with Council Agenda advises that the Shire's Officers do not support the additional uses requested, and suggest that Road House is capable of approval ('A' use on the subject site) and that the Service Station use in the Rural zone which the subject site is proposed to be contained is undesirable.
- It is acknowledged that a Service Station may not be desirable use in a general sense throughout the Rural zone. However, given the strategic location of the subject site at the intersection of Nicholson and Thomas Road with Thomas Road (State Road) providing a direct connection into the Kwinana Industrial Area and future West Port it makes sense to provide enhanced facilities for general road users as well as heavy vehicles. Concomitant to this, it is logical to capitalize on the \$20 million intersection upgrade of Thomas and Nicholson Roads.
- We are aware that the Council considered a proposal for the extension of time for a Rural Travel Stop at Lot 801 Thomas Road, Oakford at its Ordinary Council Meeting of 15 June 2020 which did include a Service Station use.
- Whilst comparison may be drawn between the proposal at Lot 801 Thomas



Road, Oakford and the subject site the key differences are that our Client's site:

- Maintains a current approval to 2022.
- Has direct access to Thomas Road (a State Road) which is a requirement of the Road House definition under LPS3. Lot 801 Thomas Road site does not.
- To conclude the purpose of requesting the additional uses is to facilitate a better development outcome for the subject site. The additional uses are requested to provide some flexibility in the formation of a service offer for the site given its strategic location.
- The alternate to this, is to proceed and implement the Service Station approval. Whilst this would represent a development outcome for our Client, we believe with some additional flexibility to land use permissibility on the site a better development outcome and additional employment opportunities could be secured.

4.10 Deputation - Sam Randazzo regarding item 6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No. 3.

My name is Sebastian (Sam) Randazzo and I am an owner of Lot 8 Thomas Road in Oakford.

I thank the Shire for allowing me to make this deputation regarding the proposed Local Planning Scheme No.3

My submission includes a hard copy hand out containing 5 maps and 2 tables.

Map 1 of my hand out is the Local Planning Scheme Map and I have highlighted the area of land I submit should be rezoned as part of Local Planning Scheme No.3. It is situated in the northwest corner of the shire.

It is a relatively small parcel of land comprising some 96 hectares or about 240 acres.

Map 2 is a scaled up view of this same area. The land area I am concerned with lies immediately north of Thomas Road, east of Nicholson Road and west of Spears Drive.

The current zoning of this area is Rural and the draft LOCAL PLANNING SCHEME No.3 states that this area is to retain its Rural Zoning.

My objective is for this area to be rezoned from RURAL to RURAL RESIDENTIAL.

I am firmly of the view that the rezoning of the area to Rural Residential should be included as part of the Local Planning Scheme No.3. for the following reasons:

- The land area shown in Map 3 is an extract from the draft Local Planning Strategy document. The yellow area of this map is described with a zoning of RURAL RESIDENTIAL.



- I have highlighted in Map 3 the area I am now seeking to be rezoned from Rural to Rural Residential. As you can see my request for rezoning that area to Rural Residential is already in accordance with the Shires “Local Planning Strategy”
- Map 4 shows:
 - ◆ The 2 service stations proposed to be located on the north east and south east corners of Thomas and Nicholson Roads;
 - ◆ The location of the proposed “Oakford Village Precinct” on the corner of Thomas and Nicholson Roads;
 - ◆ The proximity of these sites to the area I am seeking to be rezoned to Rural Residential; and
 - ◆ The abutting land area as already having a Rural Residential zoning (brown area)

I submit to Councillors that these proposed amenities located adjacent to the land I am now seeking to be rezoned to Rural Residential do not meet the criteria for a “Rural Living” lifestyle.

I also refer to Table 1 which is an extract from the Shire’s Draft Planning Strategy document. In particular I direct you to strategy and action points a, b and c. My submission is clearly in accordance with the actions proposed for strategies a, b and c. The “Actions” state Rural Residential zones should surround high amenity rural residential areas.

Furthermore, it has been reported that over 19,000 vehicles use Thomas Road daily. This traffic volume will increase further as it is anticipated Thomas Road will become a 6 lane highway that will form part of the new Kwinana Port freight route, linking Tonkin Highway to Anketell Road. Clearly this volume of high speed traffic passing the immediate area is not conducive to a “Rural Living” lifestyle.

Map 5 shows the location and size of each parcel of land within my submission area. It also includes the site for a potential new road linking Spears Drive with Nicholson Road. Such a road could be included in any subdivision development as it will not only provide safe access to Nicholson and Thomas Roads for new lot owners but also for the existing residents of the Mary Ellen Estate.

Access to Thomas Road from the properties included in this submission and for residents of Mary Ellen Estate is currently very dangerous to say the least.

A submission along the same lines as described above was lodged in December 2019.

The published response to my submission is included at page 97 and 98 of the “*New Summary of Submissions Draft Local Planning Scheme 3 (S1701)*” document published on the Shire’s website. The bulk of that response reads as follows:

“Further studies and investigations are required to support a potential rezoning under the Local Planning Scheme to determine the capability of the land being subdivided and developed for this purpose. It is important that these investigations are undertaken prior to the land being rezoned to ensure that the



land can accommodate the intended development and to ensure that appropriate provisions and design considerations are incorporated. The Shire will consider rezoning the land in the future through the applicant submitting a Scheme Amendment with the appropriate planning studies to outline if the land is capable of being developed.”

I submit that further studies should not be demanded at this stage. The area I am concerned with has 10 distinct owners. It is not practical to ask each owner to contribute towards the cost of numerous studies that may or may not lead to a rezoning. It is instead more appropriate for such studies to be conducted as and when an application is made for subdivision knowing that the land is already zoned Rural Residential. Obviously approvals for a subdivision to smaller lots would only be granted if the relevant reports submitted with any such application support such a development.

The area in question meets all the criteria for a Rural Residential zoning and therefore should be rezoned as part of Local Planning Scheme No.3.

If the Oakford Village is to go ahead then I submit the subject area should be rezoned RR1. If the Oakford village is not proceeded with then at the very least the subject land area should be rezoned RR2.

5. Declaration of Councillors and Officers interest:

Councillor Atwell declared an Impartiality Interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3, as Councillor Atwell does Firebreaks and Slashing on a number of properties in the Shire.

Councillor McConkey declared an Impartiality interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3, as Councillor McConkey's Grandfather lives in the Serpentine Falls Holiday Park.

Director Development Services, Mr Andrew Trosic, declared a Financial Interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3 as Mr Trosic owns his primary place of residence in Byford and this is being zoned to reflect the adopted structure plan for the land. This declaration was made in accordance with section 5.70 of the *Local Government Act 1995* which provides for the circumstances where an Officer provides advice or a report directly to Council and is required to make a declaration of interest.



6. Receipt of reports:

6.1 Reports

Councillor Atwell declared an Impartiality Interest in item 6.1.1.

Councillor McConkey declared an Impartiality interest in item 6.1.1.

Director Development Services, Mr Andrew Trosic, declared a Financial Interest in item 6.1.1.

Presiding Member, Councillor Rich advised as item 6.1.1 was a significant and complex matter, in accordance with 10.6 of the Standing Order that provides that a complex matter can be broken down into a series of motions and resolutions, that the four Officer Recommendations for item 6.1.1 would be considered separately.

Presiding Member, Councillor Rich advised Councillors of the process that would be taken for debate and voting on the item.

Following a mover and seconder of the first Officer's Recommendation, Councillors would have the opportunity to move an amendment. Each amendment would be debated and resolved by Council. If passed, the amendment would form part of the substantive motion, which in turn, would be considered and resolved by Council.

6.1.1 – Draft Local Planning Strategy and Draft Local Planning Scheme No.3 (SJ203 & SJ701)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	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.
-------------	--

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:

- (a) publish the notice in a newspaper circulating in the area to which the strategy and scheme relates;
- (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;
- (c) 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;
- (d) publish a copy of the notice and the draft strategy and scheme on the website of the local government;



- (e) 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
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. 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.

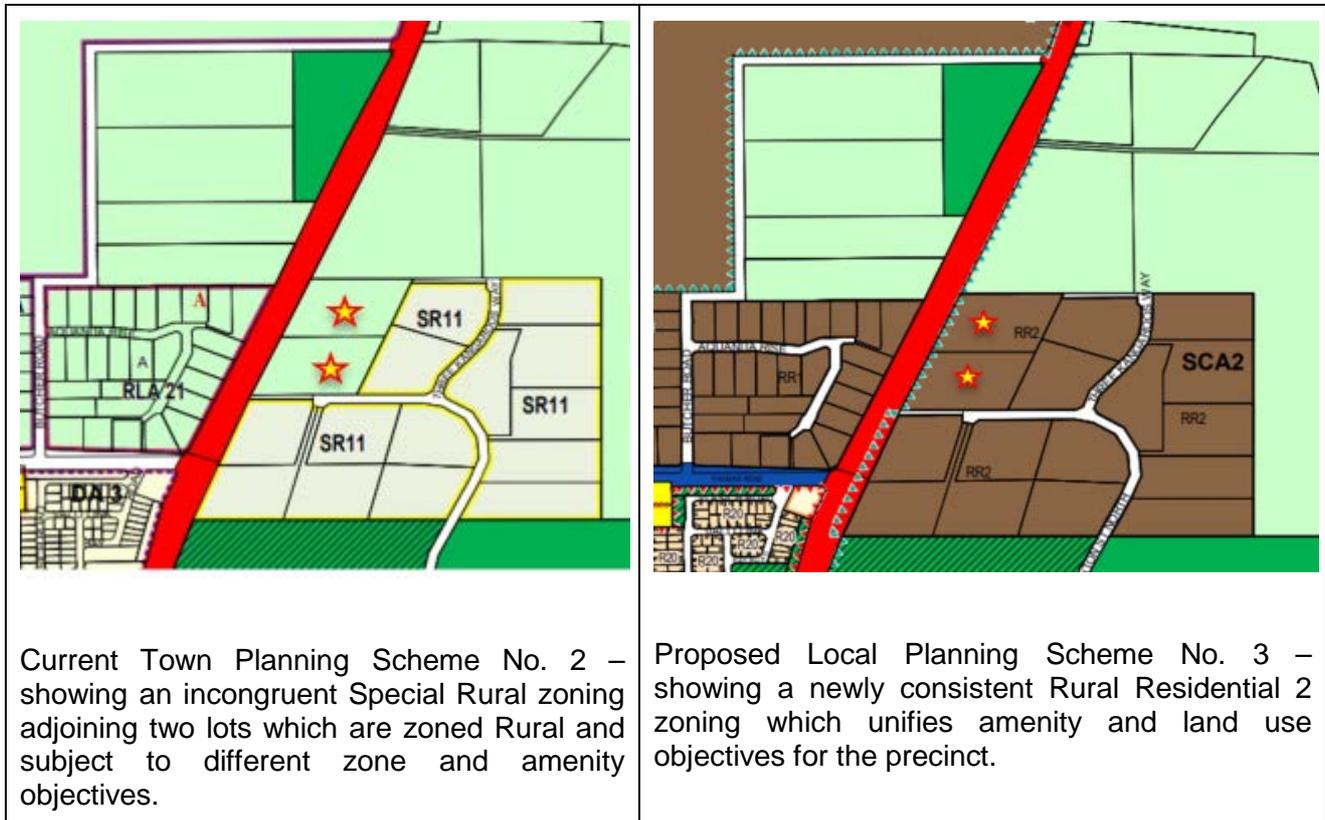
Submissions were received in objection to existing Rural zoned properties being zoned as Rural Residential RR-2 under the Draft Strategy and Scheme. The properties where this has occurred are located within established rural living precincts already, where this zoning is considered a logical completion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

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



Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	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 Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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



The Officer Recommendation for item 6.1.1 to be considered separately:

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.

Voting Requirements: Simple Majority

MOTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

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.



SCM181/06/20

AMENDMENT

Moved Cr Strange, seconded Cr Coales

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 EXCEPT with the following changes:

- Lot 9001 Bruns Drive, Darling Downs being identified as Special Residential with a minimum lot size of 4000sqm;
- The eastern portion of Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford, that can be connected to reticulated sewer, being identified as Special Residential with a minimum lot size of 4000sqm;
- The area of land north and south of Blair Road, Oakford, which is currently zoned as 'Rural' under Town Planning Scheme No. 2, be identified within a Rural Enterprise Investigation Area in addition to its base Rural Residential 2 designation. Relevant text of the Strategy to be updated as follows:

“The Rural Residential 2 precinct north and south of Blair Road, Oakford was previously zoned rural, and it is appropriate for the Shire to also consider whether to contemplate a Rural Enterprise zone outcome for this land precinct in the longer term (versus Rural Residential 2). This will need to consider local issues including 1) current and future land use potential; 2) relationship with nearby sensitive development; 3) traffic and noise impacts; 4) land capability; 5) environmental issues. A focussed project with these landowners will occur in order to consider this as a future option for the land.”

CARRIED UNANIMOUSLY 8/0

Reasons for difference to Officer Recommendation

- *The change for Lot 9001 Bruns Drive under the STRATEGY reflects the existing Structure Plan. It also makes it clear that the Rural Residential zone does not contemplate lot sizes below 1ha.*
- *The change for Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford under the STRATEGY reflects the existing Structure Plan. It also makes it clear that the Rural Residential zone does not contemplate lot sizes below 1ha.*
- *The change to designate a Rural Enterprise Investigation Area north and south of Blair Road, Oakford, will provide future opportunity for the Shire to consider whether the area should be Rural Enterprise reflective of current and intended development patterns.*



SCM182/06/20

AMENDMENT

Moved Cr Denholm, seconded Cr Atwell

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 EXCEPT with the following changes:
 - Delete Modifications No. 27 and 29 so as to not make reference to the proposed Keysbrook Motorsport Complex;

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

- *The change to delete Modifications 27 and 29 is because the Keysbrook Motorsport Facility is yet to be granted planning approval, or achieve its environmental approvals.*



SCM183/06/20

AMENDMENT

Moved Cr Strange, seconded Cr Denholm

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 EXCEPT with the following changes:

- Lot 50 Southwest Highway and Lot 6 Southwest Highway, which are currently zoned as ‘Rural’ under Town Planning Scheme No. 2, be identified within a Rural Enterprise Investigation Area in addition to a base Rural Residential 2 designation. Relevant text of the Strategy to be updated as follows:**

“Lot 50 and Lot 6 Southwest Highway enjoy direct access from Southwest Highway, and have the potential for a wider range of uses than what is possible under the Rural Residential 2 designation. It may be appropriate to contemplate a Rural Enterprise zone outcome for this land precinct in the longer term (versus Rural Residential 2). This investigation will need to consider local issues including 1) current and future land use potential; 2) relationship with nearby sensitive development; 3) traffic and noise impacts; 4) land capability; 5) environmental issues. A focussed project with these landowners will occur in order to consider this as a future option for the land.”

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer recommendation

- *The change to designate a Rural Enterprise Investigation Area for Lot 50 and Lot 6 will provide future opportunity for the Shire to consider whether the area should be Rural Enterprise given their unique location adjoining Southwestern Highway and their previous Rural zoning under TPS2.***



SCM184/06/20

AMENDMENT

Moved Coales, seconded Cr Strautins

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 EXCEPT with the following changes:
 - A new modification being added to provide for a minimum lot size for 786,787, 788 Walker Road, Serpentine of 4,000square metres.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer recommendation

- To reflect adjoining development patterns and the adjoining subdivision guide plan.

SCM185/06/20

AMENDMENT

Moved Cr Coales, seconded Cr McConkey

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 EXCEPT with the following changes:
 - A new modification to include Rural Residential 2 properties abutting the south side of Rowley Road to be within a Rural Residential 1;

MOTION LOST 1/7



SCM186/06/20

AMENDMENT

Moved Cr Coales, seconded Cr McConkey

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 **EXCEPT** with the following changes:

- A new modification to include Rural Residential 2 properties abutting the south side of Rowley Road to be within a Rural Residential 1 Investigation Area;

MOTION LOST 4/4

The Shire President used her casting vote and voted AGAINST the amendment
Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

*Councillors Coales, Denholm, McConkey and Strautins voted FOR the amendment.
Councillors Rich, Atwell, Byas and Strange voted AGAINST the amendment.*

SCM187/06/20

AMENDMENT

Moved Cr Coales, seconded Cr McConkey

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 **EXCEPT** with the following changes:

- To designate Lots 233 and 234, Orton Road within the Rural Enterprise area;

MOTION LOST 1/7

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be amendment.

*Councillor Coales voted FOR the amendment.
Councillors Rich, Atwell, Byas, Denholm, McConkey, Strange and Strautins voted AGAINST the amendment.*



SCM188/06/20

AMENDMENT

Moved Cr Coales, seconded Cr Strautins

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 EXCEPT with the following changes:

- To place all land bound by Kargotich Road to the east, Mundijong Road to the south, King Road to the west and Leipold Road to the north within a Development Investigation Area in order to consider the area for urban expansion;

MOTION LOST 2/6

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Coales and Strautins voted FOR the amendment.

Councillors Rich, Atwell, Byas, Denholm, McConkey and Strange voted AGAINST the amendment.

The Shire President, Councillor Rich asked if there were any further amendments to Officer Recommendation No. 1.

There being no further amendments, the substantive motion was considered.



SCM189/06/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

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 EXCEPT with the following changes:

- Lot 9001 Bruns Drive, Darling Downs being identified as Special Residential with a minimum lot size of 4000sqm;
- The eastern portion of Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford, that can be connected to reticulated sewer, being identified as Special Residential with a minimum lot size of 4000sqm;
- The area of land north and south of Blair Road, Oakford, which is currently zoned as 'Rural' under Town Planning Scheme No. 2, be identified within a Rural Enterprise Investigation Area in addition to its base Rural Residential 2 designation. Relevant text of the Strategy to be updated as follows:

“The Rural Residential 2 precinct north and south of Blair Road, Oakford was previously zoned rural, and it is appropriate for the Shire to also consider whether to contemplate a Rural Enterprise zone outcome for this land precinct in the longer term (versus Rural Residential 2). This will need to consider local issues including 1) current and future land use potential; 2) relationship with nearby sensitive development; 3) traffic and noise impacts; 4) land capability; 5) environmental issues. A focussed project with these landowners will occur in order to consider this as a future option for the land.”

- Delete Modifications No. 27 and 29 so as to not make reference to the proposed Keysbrook Motorsport Complex;
- Lot 50 Southwest Highway and Lot 6 Southwest Highway, which are currently zoned as 'Rural' under Town Planning Scheme No. 2, be identified within a Rural Enterprise Investigation Area in addition to a base Rural Residential 2 designation. Relevant text of the Strategy to be updated as follows:

“Lot 50 and Lot 6 Southwest Highway enjoy direct access from Southwest Highway, and have the potential for a wider range of uses than what is possible under the Rural Residential 2 designation. It may be appropriate to contemplate a Rural Enterprise zone outcome for this land precinct in the longer term (versus Rural Residential 2). This investigation will need to consider local issues including 1) current and future land use potential; 2) relationship with nearby sensitive development; 3) traffic and noise impacts; 4) land capability; 5) environmental issues. A focussed project with these landowners will occur in order to consider this as a future option for the land.”



- **A new modification being added to provide for a minimum lot size for 786,787, 788 Walker Road, Serpentine of 4,000square metres.**

CARRIED UNANIMOUSLY 8/0

Reasons for difference to Officer Recommendation

- *The change for Lot 9001 Bruns Drive under the STRATEGY reflects the existing Structure Plan. It also makes it clear that the Rural Residential zone does not contemplate lot sizes below 1ha.*
- *The change for Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford under the STRATEGY reflects the existing Structure Plan. It also makes it clear that the Rural Residential zone does not contemplate lot sizes below 1ha.*
- *The change to designate a Rural Enterprise Investigation Area north and south of Blair Road, Oakford, will provide future opportunity for the Shire to consider whether the area should be Rural Enterprise reflective of current and intended development patterns.*
- *The change to delete Modifications 27 and 29 is because the Keysbrook Motorsport Facility is yet to be granted planning approval, or achieve its environmental approvals.*
- *The change to designate a Rural Enterprise Investigation Area for Lot 50 and Lot 6 will provide future opportunity for the Shire to consider whether the area should be Rural Enterprise given their unique location adjoining Southwestern Highway and their previous Rural zoning under TPS2.*
- *To reflect adjoining development patterns and the adjoining subdivision guide plan.*

SCM190/06/20

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Atwell

That in accordance with clause 16.1 of the *Standing Orders Local Law 2002 (as amended)*, the meeting be adjourned at 11.27pm and reconvene on Monday, 29 June 2020 commencing at 7.00pm.

CARRIED 6/2

Presiding Member, Councillor Rich declared the meeting adjourned at 11.27pm.



On Monday, 29 June 2020, the Presiding Member, Councillor Rich welcomed Councillors, Staff and members of the gallery at 7.01pm to the resumption of the Special Council Meeting that commenced on 22 June 2020.

Councillor Rich acknowledged the Traditional Owners of the land that we meet on this evening and paid her respect to Elders past, present and emerging.

Presiding Member, Councillor Rich advised that as tonight's meeting is a continuation of the Special Council Meeting that was adjourned at 11:27pm on Monday, 22 June 2020, the meeting commences from the point it was adjourned. As such, Councillor Rich advised that the agenda items related to public question time, public statement time, petitions and deputations and declaration of Councillors and Officers interest have been completed.

Presiding Member, Councillor Rich continued, that in accordance with Regulation 7 of the *Local Government (Administration) Regulations 1996* and the Shire's Standing Orders, as Council had commenced debating the reports prior to the adjournment it is not possible to allow further public questions, statements or deputations.

Presiding Member, Councillor Rich advised that if a Councillor has a declaration of interest that is yet to be declared, in accordance with section 5.65 of the Act and regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* they are required to make the declaration immediately before the matter is discussed.

Prior to the adjournment, the following declarations had been received:

- Councillor Atwell declared an Impartiality Interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3, as Councillor Atwell does Firebreaks and Slashing on a number of properties in the Shire.
- Councillor McConkey declared an Impartiality interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3, as Councillor McConkey's Grandfather lives in the Serpentine Falls Holiday Park.
- Director Development Services, Mr Andrew Trosic, declared a Financial Interest in item 6.1.1 - Draft Local Planning Strategy and Draft Local Planning Scheme No.3 as Mr Trosic owns his primary place of residence in Byford and this is being zoned to reflect the adopted structure plan for the land. This declaration was made in accordance with section 5.70 of the *Local Government Act 1995* which provides for the circumstances where an Officer provides advice or a report directly to Council and is required to make a declaration of interest.

Councillor Dagostino declared a Financial Interest in item 6.1.1, b, c and d - Draft Local Planning Strategy and Draft Local Planning Scheme No.3, as Councillor Dagostino is a landowner of land subject to rezoning proposal / submission. Councillor Dagostino left the Chambers at 7.05pm and did not return.



Presiding Member, Councillor Rich advised that at the time of adjournment, the meeting had proceeded to item 6.1.1 Draft Local Planning Strategy and Draft Local Planning Scheme No.3. Council had considered the first of the Officer Recommendations and resolved to support the Officer Recommendation 1 for item 6.1.1 with the amendments. (Amendments were shown on the screen for Councillors and Gallery).

Presiding Member, Councillor Rich reiterated the same process would be used to consider the remaining Officer Recommendations.

In Attendance at resumption of the meeting:

Councillors: M Rich Presiding Member
D Atwell
M Byas
R Coales
M Dagostino (left the meeting at 7.05pm)
B Denholm
K McConkey
L Strange
D Strautins

Officers: Mr P Martin..... Chief Executive Officer
Ms H Sarcich..... Deputy CEO / Director Community
and Organisational Development
Mr F Sullivan Director Corporate Services
Mr A Trosic..... Director Development Services
Mr S Harding Director Infrastructure Services
Dr K Parker Manager Governance
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Observers: Members of the Public – 10



MOTION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council

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.

SCM191/06/20

AMENDMENT

Moved Cr Strange, seconded Cr McConkey

That Council

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 EXCEPT with the following changes:
 - Lot 9001 Bruns Drive, Darling Downs being zoned as Special Residential with a minimum lot size of 4000sqm;
 - The eastern portion of Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford, that can be connected to reticulated sewer, being zoned as Special Residential with a minimum lot size of 4000sqm;

CARRIED UNANIMOUSLY 8/0

Reasons for difference to Officer Recommendation

- The change for Lot 9001 Bruns Drive under the SCHEME reflects the existing Structure Plan. It also makes it clear that the Rural Resident 1 zone does not contemplate lot sizes below 1ha.
- The change for Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford under the SCHEME reflects the existing Structure Plan. It also makes it clear that the Rural Resident 1 zone does not contemplate lot sizes below 1ha.



SCM192/06/20

AMENDMENT

Moved Cr Coales, seconded Cr McConkey

That Council

- 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 EXCEPT with the following changes:**

- To zone as Rural Residential 2 the un-subdivided Rural zoned land on the northern side of Thomas Road / eastern side of Nicholson Rd (in that immediate southwest corner);**

MOTION LOST 1/7

AMENDMENT

Moved Cr Coales, seconded

That Council

- 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 EXCEPT with the following changes:**

- To identify the un-subdivided Rural zoned land on the northern side of Thomas Road / eastern side of Nicholson Rd (in that immediate southwest corner) as a new Rural Residential 2 Investigation Area;**

Councillor Coales withdrew the above amendment at 7.35pm.



SCM193/06/20

AMENDMENT

Moved Cr Coales, seconded Cr Strange

That Council

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 EXCEPT with the following changes:

- Modify the existing Modification 64, to add the following further uses to SU8:
art gallery;
bed and breakfast;
brewery;
tavern; and
reception centre.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer recommendation

- *This change adds additional uses to SU8 to provide for a broader range of tourism related uses for further contemplating of land use and development of the Serpentine Falls Road House.*

SCM194/06/20

AMENDMENT

Moved Cr Strange, seconded Cr McConkey

That Council

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 EXCEPT with the following changes:

- Delete Modifications 70 and 104 in order to retain the advertised zoning of Rural for the Austral Brickworks site on Kiln Road;

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer recommendation

- *This change is not supported as the advertised version of the Draft Scheme identified the Austral Brickworks site to be zoned Rural. This is the appropriate zoning, and should not be changed, and reflects that the use of the land should be consistent with maintaining rural amenity, and nearby residential amenity.*



SCM195/06/20

AMENDMENT

Moved Cr Coales, seconded Cr Strautins

That Council

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 EXCEPT with the following changes:

- A new modification to include a new Additional Use for Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford to list the following additional uses as 'D' Uses (being not permitted unless the local government has exercised its discretion by granting development approval):
 - *Service Station*
 - *Freeway Service Centre*
 - *Fast Food Outlet*
 - *Convenience Store*
 - *Motor Vehicle Use*

MOTION LOST 2/6

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Coales and Strautins voted FOR the amendment.

Councillors Rich, Atwell, Byas, Denholm, McConkey and Strange voted AGAINST the amendment.

SCM196/06/20

AMENDMENT

Moved Cr Coales, seconded Cr Denholm

That Council

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 EXCEPT with the following changes:

- To correct the mapping error for 47 Gordon Road, Serpentine to show the entire land as zoned Rural Residential 2.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

- *To correct mapping error.*



SCM197/06/20

AMENDMENT

Moved Cr Coales, seconded Cr Strange

That Council

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 EXCEPT with the following changes:

- Lot 814 South Western Highway, Serpentine to be taken out of the proposed Special Use 9 zone and placed in the Rural zone under the new Local Planning Scheme 3;**

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officer Recommendation

- To enable rural land to be included in tourist precinct*

The Shire President, Councillor Rich asked if there were any further amendments to Officer Recommendation No. 2.

There being no further amendments, the substantive motion was considered.



SCM198/06/20

COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr McConkey

That Council

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 EXCEPT with the following changes:

- Lot 9001 Bruns Drive, Darling Downs being zoned as Special Residential with a minimum lot size of 4000sqm;
- The eastern portion of Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford, that can be connected to reticulated sewer, being zoned as Special Residential with a minimum lot size of 4000sqm;
- Modify the existing Modification 64, to add the following further uses to SU8:
art gallery;
bed and breakfast;
brewery;
tavern; and
reception centre.
- Delete Modifications 70 and 104 in order to retain the advertised zoning of Rural for the Austral Brickworks site on Kiln Road;
- To correct the mapping error for 47 Gordon Road, Serpentine to show the entire land as zoned Rural Residential 2;
- Lot 814 South Western Highway to be taken out of the proposed Special Use 9 zone and placed in the Rural zone under the new Local Planning Scheme 3.

CARRIED UNANIMOUSLY 8/0

Reasons for difference to Officer Recommendation

- *The change for Lot 9001 Bruns Drive under the SCHEME reflects the existing Structure Plan. It also makes it clear that the Rural Resident 1 zone does not contemplate lot sizes below 1ha.*
- *The change for Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford under the SCHEME reflects the existing Structure Plan. It also makes it clear that the Rural Resident 1 zone does not contemplate lot sizes below 1ha.*
- *This change adds additional uses to SU8 to provide for a broader range of tourism related uses for further contemplating of land use and development of the Serpentine Falls Road House.*
- *This change is not supported as the advertised version of the Draft Scheme identified the Austral Brickworks site to be zoned Rural. This is the appropriate zoning, and should not be changed, and reflects that the use of the land should be consistent with maintaining rural amenity, and nearby residential amenity.*
- *To correct mapping error.*
- *To enable rural land to be included in tourist precinct*



SCM199/06/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council

- 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.**

CARRIED UNANIMOUSLY 8/0

SCM200/06/20

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council

- 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.**

CARRIED UNANIMOUSLY 8/0

Shire President, Councillor Rich thanked all Shire staff, past and present, that had input into the Strategy and Scheme, and thanked the Community for their input with submissions to get the Strategy and Scheme to the position it is now.

7. Motions of which notice has been given:

Nil.

8. Urgent business:

Nil.

9. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8.10pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 20 July 2020.


.....
Presiding Member – Councillor Michelle Rich

03/08/2020
.....
Date