Ordinary Council Meeting
Agenda

7.00pm

Monday 17 June 2019
Councillor Attendance Listing

In accordance with Special Council Meeting, 27 November 2017, Resolution SCM162/11/17, clause 10 – “That Council requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council”, below is the attendance listing of Council Meetings and PCF’s.

### Attendances

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<tr>
<th>Date</th>
<th>Type</th>
<th>Cr Rich</th>
<th>Cr Atwell</th>
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<th>Cr Coales</th>
<th>Cr Denholm</th>
<th>Cr Gossage</th>
<th>Cr McConkey</th>
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A – Apology  
LOA – Leave of Absence  
NA – Non Attendance
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The purpose of this 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 decisions 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.
Dear Elected Member

The next Ordinary Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 17 June 2019 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 7.00pm.

Helen Sarcich
Acting Chief Executive Officer

6 June 2019

Agenda

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

2. Public question time:
   2.1 Response to previous public questions taken on notice:
      Nil.
   2.2 Public questions:

3. Public statement time:

4. Petitions and deputations:

5. President’s Report:

6. Declaration of Councillors and Officers interest:

7. Confirmation of minutes of previous Council meeting(s):
   7.1 Ordinary Council Meeting – 20 May 2019
      That the minutes of the Ordinary Council Meeting held on 20 May 2019 be confirmed (E19/6114).
   7.2 Special Council Meeting – 27 May 2019
      That the minutes of the Special Council meeting held on 27 May 2019 be confirmed (E19/6479)
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:

8.1 Economic Development Advisory Committee – 27 May 2019

That the minutes and resolutions contained therein of the Economic Development Advisory Committee held on 27 May 2019 be endorsed. (E19/6471).

9. Motions of which notice has been given:
10. Chief Executive Officer reports:

10.1 Development Services reports

10.1.1 - Proposed ‘Home Occupation’ at Lot 27, 35 Butcher Road, Darling Downs (PA19/355)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Statutory Planning and Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Development Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

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<tr>
<th>Quasi-Judicial</th>
<th>When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</th>
</tr>
</thead>
</table>

Proponent: S Zaidi and S Bokhari  
Owner: S Zaidi and S Bokhari  
Date of Receipt: 12 April 2019  
Lot Area: 4,006m²  
Town Planning Scheme No 2 Zoning: ‘Rural Living A’  
Metropolitan Region Scheme Zoning: ‘Rural’

Report Purpose

The purpose of the report is for Council to consider a development application for a ‘Home Occupation’ at 35 Butcher Road, Darling Downs. The proposal includes the use of the study within the existing dwelling to provide a mortgage brokerage service.

The application is presented to Council because objections were received during the advertising period. In accordance with Delegation 11.1.1, Officers cannot approve an application where objections have been received that cannot be addressed through amendment to the plans or conditions. As such, the application is presented to Council for determination.

The report recommends that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.
Background

Existing Development

The subject site is located within a rural residential area of Darling Downs. The site is currently developed with a single house.

Butcher Road runs along the eastern boundary of the site and the railway reserve runs along the western rear boundary of the site. The surrounding area consists of rural, special rural and rural residential lots.

![Subject Site](image)

**Figure 1: Aerial photograph**
Proposed Development

The application seeks approval for a ‘Home Occupation’ the full details of which are contained within attachment 1. The proposed ‘Home Occupation’ would occupy 16.8m² of the study of the dwelling, where the occupier of the household would provide a mortgage brokerage consultancy service. The business would operate between the hours of 9:00am to 4:00pm, Monday to Friday.

The application states that a maximum of five clients would visit the premises per day (Monday to Friday), with only one client at a time attending the premises. A parking area for clients has been allocated at the northern boundary of the property as shown in Figure 2.

The proposal also comprises of one 0.2m² sign to be displayed at the premises; however, the proposed location of the signage has not been provided. Officers recommend a condition requiring the proposed signage be in accordance with Local Planning Policy 4.11 Advertising (LPP4.11).

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 16 April 2019 – 7 May 2019. Five (5) letters were sent to surrounding landowners in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.
During the advertising period three submissions were received from surrounding landowners raising concerns in relation to the proposal. The issues raised in the submissions are summarised in the table below. A full summary of the submissions is contained within attachment 2.

<table>
<thead>
<tr>
<th>Nature of Concern</th>
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<tbody>
<tr>
<td>Impact on the rural character and encourage urbanisation of the area.</td>
</tr>
<tr>
<td>Potential to increase traffic on Butcher Road.</td>
</tr>
<tr>
<td>Impact on the visual privacy of the neighbouring landowners.</td>
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Statutory Environment

Legislation
- Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Framework
- Metropolitan Region Scheme

Local Planning Framework
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 4.11 – Advertising (LPP4.11)

Planning Assessment

Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment carried out against the applicable matters relevant to this proposal can be viewed within attachment 3. For the purposes of this report, the objections result in the proposal being presented to Council and ultimately require Council to exercise discretion in determining the proposal.

Land Use

In determining the land use for the proposal, Officers considered the land uses of “Office”, “Home Business” and “Home Occupation”.

‘Home Occupation is considered the most appropriate category for this proposal. This is defined as follows:

Home Occupation – “means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which

a) does not entail the retail sale, display or hire of goods of any nature;
b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
d) does not entail employment of any person not a member of the occupier's household;
e) does not occupy an area greater than 20m²;

f) does not display a sign exceeding 0.2m² in area

g) will not result in the requirement of a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and

h) does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.”

A “Home Occupation” is a discretionary land use within this ‘Rural Living A’ zone under TPS2. Clause 3.2.4. of TPS2 states “where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class by which its more general terms might otherwise include such particular use”. This means that the most appropriate land use must be applied where development could fall within a number of land uses.

On this basis, the categorisation of land use as “Home Occupation” means that the proposal would not otherwise be defined as land uses of “Office” or “Home Business”.

This categorisation reflects considerations of amenity, scale and potential impacts. Specifically, as the proposal does not occupy an area greater than 20m² and does not trigger any of the thresholds mentioned in the definition of “Home Occupation”, the proposal is appropriately representative of this land use.

**Orderly and Proper Planning:**

**Town Planning Scheme No. 2**

The objective of the ‘Rural Living A’ zone under TPS2 is:

“The Rural Living A zone is intended to cater for rural residential development on a range of lots between 4,000 square meters to one hectare in accordance with the objectives and guidelines of the Rural Strategy”.

In order to meet the objective of the zone, compliance with the Rural Strategy Review 2013 is required.

**Rural Strategy Review 2013 (Strategy)**

The subject site is designated within the ‘Rural Living’ policy area under the Strategy. The key objective relating to this proposal is to “provide opportunities for development that maintains rural character and promotes appropriate land management.”

This objective is particularly relevant as objections received raised concern about the impact of the proposed development on the rural character of the area.

The proposed development is low in scale and would cause minimal disturbance to the surrounding area. No alterations to the existing dwelling have been proposed and the business would cater for a maximum of one client at a time, and no more than 5 per day. The business
would not generate any undue noise, dust, or odour and would only be distinguishable from the streetscape by means of a 0.2m² sign.

Officers consider a condition of approval restricting the client numbers and operating hours would be sufficient to manage any concerns relating to the character and amenity of the area.

**Form of Development and Amenity**

**Amenity**

The study of the dwelling has a major opening that overlooks the northern elevation of the neighbouring property. An objection was received relating to privacy in this regard. It is worth noting that the dwelling is compliant with the deemed-to-comply requirements of State Planning Policy 3.1 – Residential Design Codes (R-Codes) relating to privacy.

Visual Privacy provisions of the R-Codes provide setback requirements for dwellings where the floor level is more than 0.5m above natural ground level, and overlooks a neighbour’s property. Windows to bedrooms and studies are required to be set back 4.5m from the lot boundaries. The study in the subject dwelling is set back 12.7m from the southern lot boundary and meets the privacy requirements under the R-Codes.

Officers consider that the conduct of a “Home Occupation” in the dwelling would not adversely impact on the privacy of neighbouring properties any further than the residential occupation. Private amenity is thus considered to be acceptably protected.

**Traffic and Parking**

The deemed-to-comply requirements of the R-Codes requires a single house to provide two parking bays, which have been provided. The subject site is considered to have sufficient parking area for customers, reflected in attachment 1. The applicant has outlined a designated area for car parking along the northern lot boundary to be used by clients, and Officers consider that the driveway also provides an adequate space for car parking. As stated previously, only one additional car is expected at any given time, and therefore the provision of parking on site is considered to be adequate.

Officers consider that an additional five vehicles entering and exiting the site per day would not adversely impact on the road network and traffic safety. It could be reasonably expected that this volume of traffic could be generated by the existing single house.

To address submitter concerns, a condition is recommended to limit the number of customers to five per day as proposed. An additional condition is recommend to restrict the days and times of operation in order to limit additional traffic movement to a certain time period.

**Options and Implications**

Option 1: Council resolve to approve the proposal subject to conditions.

Option 2: Council resolve to refuse the application subject to reasons.

Option 1 is recommended.
Conclusion

The application seeks approval for a “Home Occupation” on the subject site. The proposal is consistent with the requirements of a “Home Occupation” use under TPS2 and is not considered likely to have an impact on the amenity or streetscape of the area. Officers consider the proposal consistent with the planning framework and the principles of orderly and proper planning. Both amenity and rural character will not be adversely affected, and thus the proposal is recommended for approval.

Attachments

- Attachment 1 – Development Plans (E19/5902)
- Attachment 2 – Summary of Submissions (E19/5903)
- Attachment 3 – Technical Assessment (E19/5904)

Alignment with our Strategic Community Plan

<table>
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<tr>
<th>Outcome 3.1</th>
<th>A commercially diverse and prosperous economy</th>
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<td>Strategy 3.1.1</td>
<td>Actively support new and existing local business within the district.</td>
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Financial Implications

Nil.

Risk Implications

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

<table>
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<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
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<tr>
<td>Council needing to defend an application for review before the State Administrative Tribunal.</td>
<td>Possible (3)</td>
<td>Minor (2)</td>
<td>Moderate (5-9)</td>
<td>Financial Impact - 1 Insignificant - Less than $50,000</td>
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Reference: E19/6661
**Risk Matrix**

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<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
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A risk rating of 6 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**Officer Recommendation**

1. That Council APPROVES the development application contained within attachment 1 for a ‘Home Occupation’ at Lot 27, 35 Butcher Road, Darling Downs under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Metropolitan Region Scheme subject to the following conditions:
   
a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

   | Plans and Specifications | Plans P1-P2 received at the Shire’s Offices on 27 December 2018. |

b. The development hereby approved shall only operate between 9:00am – 4:00pm, Monday to Friday.

c. No more than one client shall attend the premises at any one time and a maximum of five clients may attend the premises per day.

d. All signage shall comply with the provisions of Town Planning Scheme 2 and Local Planning Policy 4.11 – Advertising, unless otherwise approved by the Shire of Serpentine Jarrahdale.
Advice Notes:

a. If the development the subject of this approval is not substantially commenced within a period of 2 years, or other period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act* Part 14. An application must be made within 28 days of the determination.
10.1.2 – Temporary Accommodation – Lot 848, 93 Kalyang Loop, Byford (PA19/234)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Statutory Planning and Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Development Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

**Authority / Discretion**

<table>
<thead>
<tr>
<th>Quasi-Judicial</th>
<th>When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</th>
</tr>
</thead>
</table>

**Proponent:** G and D Stevenson  
**Owner:** G and D Stevenson  
**Date of Receipt:** 11 March 2019  
**Lot Area:** 2,002m²  
**Town Planning Scheme No 2 (TPS2) Zoning:** ‘Urban Development’  
**Metropolitan Region Scheme (MRS) Zoning:** ‘Urban’

**Report Purpose**

The purpose of this report is for Council to consider a retrospective development application for temporary accommodation at Lot 848, 93 Kalyang Loop, Byford.

The application is presented to Council as an objection was received during the advertising process and the retrospective application varies Council Policy 4.1.7 – Temporary Accommodation. Officers do not have delegated authority to determine applications where objections cannot be satisfied by way of amendments or conditions or where a Council Policy is varied in accordance with Delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the development application subject to conditions.

**Relevant Previous Decisions of Council**

PA17/877 – Officers resolved to approve a development application for a shed for the purposes of ‘Light Industry’ under Delegated Authority 11.1.1 – Determination of Development Applications, subject to conditions.

OCM169/12/17 – Council resolved to approve a development application for temporary accommodation subject to conditions.
Background

In 2017, the Shire received a complaint in relation to the construction of an unauthorised building used for accommodation at the subject site. Following an investigation, the landowner was required to submit a retrospective development application for this. The development application sought approval for temporary accommodation until such time that the main dwelling had been constructed.

The retrospective development application for temporary accommodation was approved at the Ordinary Council Meeting on 18 December 2017. Conditions were imposed requiring the temporary accommodation to be removed within 6 months of the approval, with the option of an additional 6 months subject to the consent of the Director Development Services.

On 24 July 2018, the Shire advised the occupants that the 6 month approval period had expired and a further extension would need to be sought. Given that no progress had been made on the construction of the primary dwelling and no application had been received for the extension to the approval timeframe, a written direction was issued to the landowner. This direction required the development to remove the temporary accommodation no later than 30 November 2018.

The written direction was not complied with by 30 November 2018. As such, a Section 214 Directions Notice was issued on 12 December 2018 formally requiring the development to be removed.

The proponent subsequently sought review of the Directions Notice by the State Administrative Tribunal (SAT) on 22 January 2019. The applicant advised at the proceedings that due to an illness and issues with their builder, they were unable to significantly progress with the construction of the main dwelling. Officers note that between the time of the Directions Notice being issued and the SAT process commencing, a sand pad and concrete slab had been established. As a result, the Shire agreed to consider a new development application to permit the temporary accommodation for a further 12 months in light of the progress of construction. A development application was received by the Shire on 11 March 2019, which is the subject of this report.

Council should note that during the period between the initial development approval being granted and the lapse of the approval, the applicant has undertaken efforts to obtain the necessary approvals for the construction of the main dwelling to commence. A building permit was issued on 16 April 2018, however this was cancelled as the builder withdrew their services. As a result, development on site was significantly delayed. The latest building permit (Owner Builder Permit) was issued by the Shire on 17 December 2018.

Existing Development

The subject site lies within a predominantly residential area of Byford. Kalyang Loop runs along the southern boundary of the site and Thomas Road runs along the northern boundary of the site. The immediate surrounding area consists of lots designated for residential to the front and light industrial to the rear under the Redgum Brook Estate North Local Structure Plan.

The subject property is currently developed with an outbuilding, sea container, temporary accommodation and preliminary works for a single house.
Development
The application seeks retrospective approval for temporary accommodation at the subject site for 6 to 12 months.

The temporary accommodation is currently located 2.1m from the eastern boundary, 13.9m from the northern boundary, 20.5m from the western boundary and 47.5m from the southern boundary. The temporary accommodation is a single storey structure with a wall height of 2.9m and a ridge height of 3.3m. It would measure 14.4m x 4.7m equating to 67.68m² in area. Full details of the retrospective application are contained within attachment 1 of this report.
Community / Stakeholder Consultation
Advertising was carried out for a period of 21 days from 18 March 2019 – 8 April 2019. A total of eight letters were sent to surrounding landowners in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP 1.4).

During the advertising period one submission was received objecting to the retrospective development and two were received in support of the retrospective development. A full summary of the submissions is contained within attachment 2. The issues raised in the objection are summarised as follows:

- Impact of the development on the amenity of neighbouring properties
- Stormwater flowing onto neighbouring property
- Setback on plans is incorrect

These issues are discussed within the relevant sections of the report.

Statutory Environment

Legislation
- Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Framework
- Metropolitan Region Scheme
- State Planning Policy 3.1 – Residential Design Codes
Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Byford Structure Plan
- Redgum Brook Estate North Local Structure Plan
- Local Development Plan No.18 Redgum Brook Estate
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy
- Local Planning Policy 4.5 – Temporary Accommodation

Planning Assessment

Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment carried out against the applicable matters relevant to this proposal can be viewed within attachment 3. For the purposes of this report, the objection and policy variations resulting in the proposal being presented to Council are discussed as well as where Council is required to exercise discretion.

Land Use

The temporary accommodation is intended to be used for human habitation on a temporary basis, until such time as a permanent dwelling has been constructed. In determining the land use classification, Officers have considered the following definitions from State Planning Policy 3.1 – Residential Design Codes:

**Single House** — A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

To determine whether the development falls within the definition of a ‘Single House’, Officers have considered whether it meets the definition of a ‘Dwelling’.

**Dwelling** — A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Officers consider that the development cannot be considered a ‘Dwelling’ and therefore cannot be considered a ‘Single House’ land use as the accommodation is not intended to be used on a permanent basis.

There are no other land use definitions that the development can reasonably fall within, as such the development is considered to be a ‘Use Not Listed’. Under clause 3.2.5 of TPS2, Council can approve a ‘Use Not Listed’ where it is considered to be consistent with the objectives and purpose of the zone, and where the application has been advertised and any submissions taken into account.

As discussed in further detail in this report, Officers consider the retrospective development is consistent with the objectives and purpose of the zone, and that the objection received during the advertising period has been addressed. As such, it is considered that the development is capable of approval in accordance with the provisions of TPS2.
Ordinary Council Meeting Agenda
Monday 17 June 2019

Orderly and Proper Planning:

Town Planning Scheme No.2 (TPS2)

The provisions of TPS2 allow the consideration for approval of a ‘Use Not Listed’ where such development has been advertised and is considered to be consistent with the objectives and purpose of the zone. The subject site is zoned ‘Urban Development’, the purpose of this zone being:

“to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.”

Clause 5.18 of TPS2, relating to the ‘Urban Development’ zone, further details that the purpose of the zone is intended to be facilitated by means of the establishment of Structure Plans. As such, the Structure Plans are considered to form part of the purpose and objectives for the ‘Urban Development’ zone in which they apply. In order to determine whether the retrospective development is consistent with the purpose and objectives of the ‘Urban Development’ zone, consideration must be given to the applicable Structure Plans.

Byford Structure Plan (BSP)

The BSP designates the subject site as ‘Residential R20’, and includes an overlay noting that the area is subject to detailed structure planning. The overlay requires regard to be given to the alignment of the Tonkin Highway.

The retrospective development, being proposed for residential use, is considered to be consistent with the residential designation of the land under the BSP. However, the provisions of the BSP require further detailed structure planning to be undertaken. As such, further consideration must be given to the Redgum Brook Estate North Local Structure Plan.

Redgum Brook Estate North Local Structure Plan (LSP)

The LSP designates the subject site as ‘Residential’ at the front and ‘Light Industry’ at the rear. The intent of the composite designation is to ensure a buffer is provided between residential development and the noise impacts generated from Thomas Road and the future Tonkin Highway.

While the temporary accommodation is currently located within the area designated for ‘Light Industry’ and is not consistent with that designation, the development is temporary in nature and will be removed upon completion of the main dwelling. Given the development has historically been approved and the works on the main dwelling have now commenced, Officers consider the development will not prejudice the intent of the LSP. Rather, the temporary approval of the development will allow for a compliant development to be constructed, after which the temporary accommodation must be removed.

Officers consider the retrospective development generally complies with the intent of the LSP and have recommended a condition be imposed to ensure the development is removed after 12 months or at such time that the main dwelling is completed, whichever is the lesser.
Redgum Brook Estate Local Development Plan (LDP)

The site lies within an LDP which sets out development standards for the subject site including setbacks. The front of the lot is designated for residential (R20) purposes and industrial to the rear as shown on the figure below:

![Redgum Brook Estate Local Development Plan](image)

**Figure 3: Redgum Brook Estate Local Development Plan**

During the advertising period, an objection was received by a neighbour raising concerns about the impact of the development on their amenity. The objection specifically related to the imposing form and unsightliness of the development due to exposed utilities.

The LDP allows large developments to occur within the ‘Light Industry’ portion of the property. Officers consider the existing development to be low scale (compared to what otherwise could be approved) and not imposing in size or is unsightly, as shown in figure 2, particularly given the location of the development within the ‘Light Industry’ portion of the property.
The objection received during the advertising period also noted that the temporary accommodation appears to be located closer to the northern boundary than 15m as shown on the plans. As such, an amended plan has been received depicting the correct setback of 13.9m.

The LDP requires a 10m wide vegetation strip to the rear of the property and a 5m buffer from the vegetation to the light industrial building envelope. The temporary accommodation is located 1.1m within this buffer area. Officers consider that despite being located within the 5m buffer area, the variation can be accepted due to the temporary nature of the development. Furthermore, there is no vegetation to which the retrospective development would impact.

In regard to the objection received relating to the unsightliness of the utilities at the rear of the temporary accommodation, Officers can advise that the applicant has already increased the height of the fence for the full length of the eastern boundary to address this concern. This is considered to address the issues of screening the utilities associated with the temporary accommodation.

Local Planning Policy 4.5 Temporary Accommodation

Local Planning Policy 4.5 (LPP4.5) provides guidance for temporary accommodation within the Shire. This policy was created to replace the Council Policy 4.1.7 – Temporary Accommodation. However, as Council Policy 4.1.7 has not yet been rescinded, Officers are required to give due regard to both. LPP4.5 allows for temporary accommodation for a period of 6 months and allows for an extension of a further 6 months to be considered. This application is seeking a timeframe beyond what is permitted within LPP4.5 as the development has already been present for over 12 months. The table below provides an assessment of compliance against the policy provisions:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Within the Rural, Farmlet, Rural Living A and B, Special Rural, Special Residential, Special Use and Urban Development zones, lots greater than 10,000m² may have one caravan on a lot for the use of temporary accommodation for a maximum period of twelve months.</td>
<td>N</td>
<td>A transportable structure is existing on the property instead of a caravan. Officers consider that this will have less of a visual impact than a caravan. As seen in Figure 2, the transportable structure has been painted and landscaped to lessen its visual impact. Officers consider that it has similar or less visual impact than outbuildings that are commonplace within the ‘Light Industry’ zone. Despite variation to the lot size requirements under LPP4.5, Officers consider that the transportable structure is of a small scale and necessary to provide temporary accommodation for the owners.</td>
</tr>
<tr>
<td>2. Temporary accommodation may be approved for a period of six months. An extension of up to six months may be considered if the</td>
<td>Y</td>
<td>Given the primary residence is now under construction, Officers consider a variation to this requirement to be reasonable despite the development already existing onsite for a period of 12 months.</td>
</tr>
</tbody>
</table>
Local Planning Policy 4.5 – Temporary Accommodation Assessment

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>construction of the single house has been substantially commenced.</td>
<td></td>
<td>Acknowledging that the applicants have not significantly progressed with the build due to personal circumstances and that the applicants now have an Owner Builder Permit which is generally considered to be a slower process, Officers consider that the approval should be granted for 6 months with the flexibility to extend subject to the satisfaction of the Director Development Services.</td>
</tr>
</tbody>
</table>

3. An application for temporary accommodation must be accompanied by an application for a single house, or have an existing approval for a single house. | Y          | An Owner Builder Permit for a dwelling was issued by the Shire on 11 December 2018. |

In relation to non-compliance with provision 1, Officers consider that the variation is reasonable and capable of being supported. It does not compromise the amenity or intended character and the temporary accommodation will be removed as per the timeframes discussed in this report.

Council Policy 4.1.7 – Temporary Accommodation

The objective of this Policy is to provide direction in relation to the conditions for the establishment of temporary accommodation during the construction of a permanent residence. An assessment of the retrospective development against the provisions of the Policy is provided below:

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The only form of temporary accommodation to be approved will be within a caravan.</td>
<td>N</td>
<td>A transportable structure is existing on the property instead of a caravan. Officers consider that this will have less of a visual impact than a caravan. This is due to the temporary accommodation having similar or less visual impact than that of an outbuilding, which are commonly found within the ‘Light Industry’ zone.</td>
</tr>
<tr>
<td>2. On land one hectare and over.</td>
<td>N</td>
<td>The subject property is 2,002m². Officers consider that there is a reasonable need for the temporary accommodation and capable of being supported on land less than one hectare in size.</td>
</tr>
</tbody>
</table>
## Council Policy 4.1.7 – Temporary Accommodation Assessment

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.</strong> Accompanied by an application for a permanent dwelling.</td>
<td>Y</td>
<td>A building permit for a dwelling was issued by the Shire on 11 December 2018.</td>
</tr>
<tr>
<td><strong>4.</strong> With a statutory declaration acknowledging that approval will not exceed 12 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire’s permission to occupy the temporary accommodation is withdrawn.</td>
<td>N</td>
<td>Officers consider a condition of approval satisfactory to address this requirement. Should the primary residence not be completed within 12 months the Shire will have the opportunity to undertake compliance action.</td>
</tr>
<tr>
<td><strong>5.</strong> With a schedule of work for the erection of the permanent dwelling.</td>
<td>N</td>
<td>The applicant has not provided this information. Officers consider it unnecessary to provide a schedule of work as the building permit has already been issued, with work now underway.</td>
</tr>
<tr>
<td><strong>6.</strong> With a letter from the lending institution confirming that finance is available for the construction of the dwelling.</td>
<td>N</td>
<td>The applicant has not provided this information. Officers consider it unnecessary to provide a letter from the lending institution confirming that finances have been secured, as the building works have already commenced.</td>
</tr>
<tr>
<td><strong>7.</strong> Toilet, shower and laundry must be provided and connected to an approved effluent disposal system and use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.</td>
<td>Y</td>
<td>The temporary accommodation is connected to the necessary facilities such as water, sewage and electricity.</td>
</tr>
<tr>
<td><strong>8.</strong> Temporary accommodation will be approved for a period of six months and an extension of up to six months may be granted subject to reasonable progress in building the permanent residence.</td>
<td>N</td>
<td>Given the primary residence is now under construction, Officers consider a variation to this requirement to be reasonable despite the development already existing onsite for a period of 12 months. Acknowledging that the applicants have not significantly progressed with the build due to personal circumstances and that the applicants now have an Owner Builder Permit which is generally considered to be a slower process, Officers consider that the approval...</td>
</tr>
</tbody>
</table>
Council Policy 4.1.7 – Temporary Accommodation Assessment

| 9. Payment of the application fee as set by Council each year. | Y | The applicant has paid the required Development Application fee. |
|should be granted for 6 months with the flexibility to extend for a further 6 months subject to the satisfaction of the Director Development Services.|

Officers consider that the variations to Council Policy 4.1.7 are reasonable and justification provided to be able to consider the temporary accommodation for approval.

**Stormwater Management**

An objection received during the advertising period raised concerns about stormwater management on site. Officers note that there are no gutters or downpipes on the transportable structure as seen in Figure 2. A condition has been recommended requiring stormwater to be managed on site. This would allow the Shire to require the applicant to address the issue and undertake any necessary measures to prevent roof run-off from running into the neighbour’s lot. Officers consider such a condition would adequately address the objection.

**Options and Implications**

With regard to the determination of the application for development approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council approves the application subject to appropriate conditions.

Option 2: Council refuses the application giving reasons for its decision.

Option 1 is recommended.

**Conclusion**

The retrospective development will facilitate use of the subject site in a manner which is generally consistent with the land use intent of the Local Structure Plan and Local Development Plan. The application seeks an extension of approval for development that has previously been approved by Council. Officers consider that the objections have been satisfactorily addressed and that the variations to Council Policy 4.1.7 – Temporary Accommodation are reasonable. As a result, Officers recommend the application be approved subject to conditions.

**Attachments**

- **Attachment 1** – Development Plans (E19/6256)
- **Attachment 2** – Summary of Submissions (E19/3754)
- **Attachment 3** – Technical Assessment (E19/5847)
Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 3.1</th>
<th>A commercially diverse and prosperous economy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 3.1.1</td>
<td>Actively support new and existing local business within the district.</td>
</tr>
<tr>
<td>Outcome 4.2</td>
<td>A strategically focused Council</td>
</tr>
<tr>
<td>Strategy 4.2.1</td>
<td>Build and promote strategic relationships in the Shire’s interest.</td>
</tr>
</tbody>
</table>

Financial Implications

Nil.

Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council not approving the development application.</td>
<td>Possible (3)</td>
<td>Insignificant (1)</td>
<td>Low (1-4)</td>
<td>Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

A risk rating of 3 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.
Voting Requirements: Simple Majority

Officer Recommendation:

1. That Council APPROVES the development application contained within attachment 1 for the ‘Use Not Listed’ (temporary accommodation) at Lot 848, 93 Kalyang Loop, Byford under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the Metropolitan Region Scheme subject to the following conditions:

   a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

<table>
<thead>
<tr>
<th>Plans and Specifications</th>
<th>Plans P1 received at the Shire’s Offices on 27 December 2018.</th>
</tr>
</thead>
</table>

   b. The temporary accommodation hereby approved shall be removed from the site on completion of the construction of the permanent residence or 6 months after the date of this approval, whichever is the earliest.

   c. Subject to the approval of the Director Development Services, one (1) further extension period of up to 6 months may be granted.

   d. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Advice Note:

   a. The applicant is required to contact the Shire of Serpentine Jarrahdale prior to the 6 month expiry.

   b. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act Part 14. An application must be made within 28 days of the determination.
10.1.3 – Section 31 - Reconsideration for Development Application for ‘Transport Depot’ – Lot 140, 79 Jarrah Road, Hopeland (PA18/900)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Statutory Planning and Compliance</th>
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<td>Senior Officer/s:</td>
<td>Director Development Service</td>
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<td>Disclosure of Officers Interest:</td>
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Quasi-Judicial

When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Proponent: Planning Solutions
Owner: Spacer Tech Pty Ltd
Date of Receipt: 23 October 2018
Lot Area: 64.62ha
Town Planning Scheme No 2 Zoning: ‘Rural’
Metropolitan Region Scheme Zoning: ‘Rural’

Report Purpose

The purpose of the report is for Council to consider a development application for a ‘Transport Depot’ at Lot 140 Jarrah Road, Hopeland. The development application seeks approval for the construction of a hardstand area and a shed used for garaging of, what is portrayed in the application as, agricultural and earthmoving vehicles and machinery.

The development application is currently before the State Administrative Tribunal (SAT) following refusal of the proposal under delegation. This refusal was due to, inter alia, the proposal not being seen to support rural pursuits in the locality, built form and amenity impacts. Under the SAT orders, the Shire has been invited to reconsider its decision by 17 June 2019, pursuant to Section 31 of the State Administrative Tribunal Act 2004.

The application is presented to Council for the purpose of reconsideration. Due to officer concerns that the proposal still appears largely un-associated with supporting rural pursuits in the locality (as evidence by the applicant’s website information) it is recommended that Council reaffirm the refusal.
Relevant Previous Decisions of Council

There is no previous Council decision relating to this item. The initial development application was refused under delegated authority on 24 December 2018. The reasons were as follows:

1. The proposed development is inconsistent with the objective of the 'Rural' zone in accordance with Clause 5.10.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. The proposed use is not considered to be a rural pursuit or an associated activity (storage in nature) that supports the carrying out of rural pursuits in the 'Rural' zone and such is inconsistent with the purpose and intent of the 'Rural' zone.

2. The proposal is contrary to Clause 67(m) of the deemed provisions which indicates that due regard should be given to the compatibility of a development with its setting, including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the development. The proposed outbuilding way of scale is incompatible with the rural zone.

3. The proposal is contrary to Clause 67(n) of the deemed provision which indicates due regard should be given to the amenity of the locality including the character of the locality and the environmental impacts of the development. The proposed development is not considered an appropriate land use in this locality by way of scale, and is likely to adversely impact on the amenity and character of the locality and is incompatible with its setting.

4. The proposal is inconsistent with the objectives of the Rural Strategy Review 2013, and would adversely impact upon the rural character of the area.

Background

Existing Development

The subject site is 64.62ha in area and is bound by Jarrah Road to the north, Punrak Road to the east and private property (Lot 403, 538 Punrak Road, Hopeland) to the west. Access to the proposed 'Transport Depot' would be via a new driveway from Punrak Road.

The subject site comprises of an existing single dwelling and a rural workers dwelling, both located on the northern portion of the site. The rural workers dwelling was approved by the Shire in 2009 and is associated with an existing commercial beef cattle stud. The site also contains two existing storage sheds fronting Punrak Road and two dams located to the west of the single dwelling.

The site is generally cleared, containing a strip of remnant vegetation concentrated on the northern boundary of the property along Jarrah Road. A power line corridor runs in a north to south direction to the west of the property. The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, extractive industries, cattle studs and rural lifestyle lots.
Proposed Development

The development proposal which is currently before the SAT seeks approval for a ‘Transport Depot’ comprising the following aspects:

- Construction of a 20m by 45m (990m²) pale eucalypt colourbond shed with a wall height of 5.5m and ridge height of 6.02m.
- The shed will be used for the garaging of agricultural and earthmoving vehicles and machinery including articulated trucks, grain and fertiliser trucks, tractors, loaders, articulated dump trucks, crushers and excavators.
- The shed is setback 49.5m from Punrak Road and is proposed to be located adjacent to the northern corner of an existing shed fronting Punrak Road;
- Construction of a 2,661m² hardstand area in front of the proposed shed. The hardstand will be constructed of recycled asphalt materials over a limestone base;
- Construction of a driveway along the Punrak Road frontage, and a new crossover for commercial vehicles on Punrak Road;
- Construction of a post and wire fence around the perimeter of the ‘Transport Depot’ area;
- Planting of 40 trees comprising bottlebrush, cotton wood, liquid ambers, london planes, pear varieties and Chinese elms) along the Punrak Road frontage and along the north western and north eastern side of the shed, and seven paperbark trees along the southern frontage of Punrak Road;
• No employees will be based at the subject site, the only time people will attend the subject site is to collect or return a vehicle or machinery. No office or administrative activities will be undertaken at the subject site;

• Vehicles and machinery will be used on infrequent occasions, and will be kept on the subject site between periods of work;

• Vehicle movements to and from the subject site will be infrequent with 0-2 trips on most days;

• Minor servicing of vehicles and machinery may occur on the subject site. No major servicing or overhauls will be undertaken at the subject site; and

• Overnight accommodation of persons is not proposed as part of this application.

The details of the proposed vehicles and machinery as submitted are as follows:

• Up to 2 prime movers and associated trailers used to transport agricultural produce and equipment, grain, fertiliser and rural products such as wool;

• 1 stump grinder used to rehabilitate ex-plantation land into farm land;

• 1 low loader used to transport machinery and equipment like the stump grinder to farms;

• Up to 2 excavators/bulldozers used for construction of farm roads, dams and clearing fence lines;

• Up to 2 articulated dump trucks for cleaning out silted dams, creek crossing, culvert installs and removal of rocks;

Figure 2: Site Plan
• Up to 3 Crushers used for processing rocks on farmland; and
• Up to 2 loaders used for moving and loading earth and agricultural lime on farms.

The applicant provided information that the number of vehicles to be garaged at the ‘Transport Depot’ will vary from time-to-time depending on whether vehicles are in use on a farm or are undergoing repairs or servicing at an off-site workshop. This builds the narrative of such machinery being primarily associated with rural pursuits.

In reviewing further information on the company background (https://castleequipment.com.au/) as well as detailed information on previous projects, officers cannot concur that the majority of this equipment is associated with rural pursuits.

On the contrary, the following ‘recent projects’ information is taken from the abovementioned website:
## COMPANY HISTORY

Ongoing and Completed Projects include –

<table>
<thead>
<tr>
<th>PROJECT - ONGOING</th>
<th>JOB DESCRIPTION</th>
<th>CONTRACT</th>
<th>YEAR</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAIN ROADS</td>
<td>CRUSHING AND SCREENING</td>
<td>MRWA Spec gravel</td>
<td>2019</td>
<td>WALPOLE WA</td>
</tr>
<tr>
<td>GARDENERS</td>
<td>CRUSHING AND SCREENING</td>
<td>MRWA Spec gravel</td>
<td>2018-2019</td>
<td>WITCHCLIFFE WA</td>
</tr>
<tr>
<td>ROBINSONS</td>
<td>CRUSHING AND SCREENING</td>
<td>MRWA Spec gravel</td>
<td>2018</td>
<td>WITCHCLIFFE WA</td>
</tr>
<tr>
<td>CAPE CRUSHING</td>
<td>1000 x 600 JAW - WET HIRE</td>
<td>Talison Lithium</td>
<td>2018 - ONGOING</td>
<td>GREENBUSHES</td>
</tr>
<tr>
<td>ERTECH</td>
<td>633D SCRAPER WET HIRE</td>
<td>EE-SPE.-108246.001</td>
<td>2018 - ONGOING</td>
<td>SARACEN GOLDCOIN MINES</td>
</tr>
<tr>
<td>GEORGIOU</td>
<td>CRUSHING &amp; SCREENING TO MRWA SPEC</td>
<td>7054 Marble Bar Rd 5TH Deviation</td>
<td>2018</td>
<td>ROY HILL</td>
</tr>
<tr>
<td>HIGHWAY CONSTRUCTION</td>
<td>D9, D9, D10, DUMPTUCK &amp; 633D WET HIRE</td>
<td>MRWA CONTRACT 105-15</td>
<td>PITHARA</td>
<td>PITHARA</td>
</tr>
<tr>
<td>DECMIL</td>
<td>SCREENING GRAVEL &amp; SUPPLY OF WET HIRE EQUIPMENT</td>
<td>5hp Area C</td>
<td>2017 - 2018</td>
<td>Mulla Mulla</td>
</tr>
<tr>
<td>WBHO</td>
<td>CRUSHING &amp; SCREENING - EQUIPMENT &amp; LABOUR HIRE</td>
<td>Margaret River Perimeter Rd</td>
<td>FEB - APRIL 2018</td>
<td>MARGARET RIVER PERIMETER RD</td>
</tr>
<tr>
<td>MAIN ROADS</td>
<td>CRUSHING &amp; SCREENING GRAVEL</td>
<td>SOUTH WEST BUNBURY 136,000 Tonnes</td>
<td>2017-2018</td>
<td>COWARAMUP WA</td>
</tr>
<tr>
<td>FULTON HOGAN</td>
<td>CRUSHING &amp; SCREENING</td>
<td>Margaret River Perimeter Rd</td>
<td>2017-2018</td>
<td>WEST PIT BRAMLEY LAYDOWN &amp; THE CUT</td>
</tr>
<tr>
<td>PRIME EARTHMOVING</td>
<td>CRUSHING &amp; SCREENING GRAVEL</td>
<td>50,000 tonnes</td>
<td>2017</td>
<td>BUSSELTON WA</td>
</tr>
<tr>
<td>NARROGIN EARTHMOVING &amp; CONCRETE</td>
<td>ONGOING SUPPLY OF OUR RANGE OF PRODUCTS</td>
<td>Added concrete plant</td>
<td>2018</td>
<td>NARROGIN WA</td>
</tr>
<tr>
<td>STONERIDGE QUARRY</td>
<td>CRUSHING &amp; SCREENING LIMESTONE &amp; DEMOLITION PRODUCT</td>
<td>3 Products: 12mm, 75mm, 38mm - recycled product (brick &amp; rubble)</td>
<td>MAR 2016 - ONGOING</td>
<td>HOPE VALLEY WA</td>
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<tr>
<td>MINJAN GOLD</td>
<td>CRUSHING &amp; SCREENING GOLD ORE</td>
<td>12mm Mill feed</td>
<td>FEB 2016 - 2018</td>
<td>MARVEL LOCH WA</td>
</tr>
<tr>
<td>SHIRE OF KULIN</td>
<td>SUPPLY OF ROAD BASE</td>
<td>7/10/14mm</td>
<td>ONGOING</td>
<td>KULIN WA</td>
</tr>
<tr>
<td>BORAL - SHIRE OF WICKEPIN</td>
<td>SUPPLY OF WASHED AGGREGATES - ROAD PROJECTS</td>
<td>7/10/14mm</td>
<td>ONGOING</td>
<td>NARROGIN WA</td>
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<tr>
<td>SHIRE OF KULIN</td>
<td>SUPPLY OF WASHED AGGREGATES</td>
<td>7/14mm</td>
<td>ONGOING</td>
<td>KULIN WA</td>
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</table>

Reference: E19/6661

Page 34 of 128 © Shire of Serpentine Jarrahdale 2019
<table>
<thead>
<tr>
<th>PROJECT / ONGOING</th>
<th>JOB DESCRIPTION</th>
<th>CONTRACT</th>
<th>YEAR</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>WATER CORPORATION</td>
<td>SUPPLY OF AGGREGATES</td>
<td>10/20mm Blue Dust Rpl Rap</td>
<td>ONGOING</td>
<td>NARROGIN WA</td>
</tr>
<tr>
<td>SHIRE OF PINGELLY</td>
<td>SUPPLY OF ROADBASE/METAL BLUE DUST</td>
<td>Blue Dust Road base</td>
<td>ONGOING</td>
<td>PINGELLY WA</td>
</tr>
<tr>
<td>SHIRE OF WANDERING</td>
<td>SUPPLY OF RIP RAP</td>
<td>Rpl Rap</td>
<td>ONGOING</td>
<td>WANDERING WA</td>
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<tr>
<td>URBAN RESOURCES</td>
<td>WET HIRE – D8</td>
<td>Subdivision, road formation, building site levelling</td>
<td>JUNE 2016</td>
<td>Peregine ESTATE WA</td>
</tr>
<tr>
<td>MINDARIE REGIONAL COUNCIL</td>
<td>SCREENING SAND/LIMESTONE</td>
<td>38mm</td>
<td>MAY/JUNE 2016</td>
<td>TAMALA PARK WA</td>
</tr>
<tr>
<td>HOLCIM</td>
<td>WET HIRE – DOZER D8</td>
<td>Pushing up overburden – sand pit</td>
<td>APRIL 2016</td>
<td>JANDABUP WA</td>
</tr>
<tr>
<td>CBH – CARDINAL CONTRACTING</td>
<td>CRUSHING &amp; SCREENING GRAVEL</td>
<td>New grain facility – Road base - 38mm 40,000 tonnes</td>
<td>DEC 2015 - ONGOING</td>
<td>ALBANY WA</td>
</tr>
<tr>
<td>POSTANS QUARRY</td>
<td>CRUSHING AND SCREENING</td>
<td>Ag Lime</td>
<td>APR 2016</td>
<td></td>
</tr>
<tr>
<td>GRIFFIN COAL</td>
<td>MINE SITE REHABILITATION</td>
<td>Dozer Scraper Grader</td>
<td>FEB - MAY 2016</td>
<td>COLLIE WA</td>
</tr>
<tr>
<td>NARROGIN QUARRY OPERATIONS</td>
<td>A SUBSIDIARY COMPANY OF CASTLE EQUIPMENT</td>
<td>Increased crushing and supply of aggregate to the south-west of WA</td>
<td>JUN 2014 - ONGOING</td>
<td>NARROGIN WA</td>
</tr>
<tr>
<td>HANSON QUARRIES</td>
<td>SUPPLY OF 773, D8 DOZER WET HIRE</td>
<td>Supply of various of plant equipment &amp; operators</td>
<td>FEB 2013 - 2019</td>
<td>BYFORD QUARRY &amp; RED HILL QUARRY WA</td>
</tr>
<tr>
<td>BC IRON</td>
<td>CRUSHING HIGH GRADE IRON ORE</td>
<td>1.2 million tonnes</td>
<td>JUN 2015 - JAN 2016</td>
<td>NOVA NICKEL PROJECT WA</td>
</tr>
<tr>
<td>NOVA NICKEL PROJECT - R/V</td>
<td>CRUSHING BASECOURSE &amp; SUBBASE</td>
<td>New access road &amp; airstrip</td>
<td>JUL - DEC 2015</td>
<td>FRASER RANGE WA</td>
</tr>
<tr>
<td>BC IRON – VENTO</td>
<td>CRUSHING &amp; SCREENING IRON ORE</td>
<td>12mm and fines</td>
<td>JUNE 2015 - JAN 2016</td>
<td>NULLAGINE WA</td>
</tr>
<tr>
<td>HANSON QUARRIES</td>
<td>SUPPLY OF 769 AND ARTICULATED DUMP TRUCKS WITH OPERATORS</td>
<td></td>
<td>FEB 2013-APRIL 2015</td>
<td>BYFORD HARD ROCK QUARRY &amp; RED HILL QUARRY WA</td>
</tr>
<tr>
<td>HOLCIM QUARRIES</td>
<td>SUPPLY 6 X 773/795 DUMP TRUCKS &amp; 65 &amp; 75 TONNE EXCAVATORS WITH OPERATORS</td>
<td>Excavation and Removal of Overburden</td>
<td>MARCH 2013 - APRIL 2015</td>
<td>GOSNELLS WA</td>
</tr>
<tr>
<td>FUG – SOLOMON LEIGHTONS</td>
<td>CRUSHING &amp; SCREENING IRON ORE</td>
<td>12mm and fines 6 million tonnes</td>
<td>NOV 2012 - JUNE 2014</td>
<td>SOLOMON HUB WA</td>
</tr>
</tbody>
</table>
This information unfortunately does not reflect the additional information that has been provided in support of the application. This is limited to a series of photographs, which depict some of the equipment being used for rural pursuits. Given however the reality of the current and completed projects of the applicant, officers do not form an opinion that the proposal is primarily about supporting rural pursuits. This places it in contravention with the objectives of the zone, and should be refused on this basis.
**Initial Proposal**

The table below provides comparison of the main differences between the initial proposal and the revised proposal subject of the reconsideration.

<table>
<thead>
<tr>
<th>Item</th>
<th>Initial Proposal</th>
<th>Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor area of shed</td>
<td>1000m² (50mx 20m)</td>
<td>900m² (45mx20m)</td>
</tr>
<tr>
<td>Wall height of shed</td>
<td>5m</td>
<td>5.5m</td>
</tr>
<tr>
<td>Ridge height of shed</td>
<td>7.13m</td>
<td>6.02m</td>
</tr>
<tr>
<td>Type of vehicles and machines</td>
<td>Articulated trucks, loaders, articulated dump trucks crushers, excavators/bulldozers and a screen.</td>
<td>Stump grinder, prime movers and assorted trailers, low-loader, excavators/bulldozers, articulated dump trucks crushers and loaders.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No details of screening vegetation had been shown on the site plan.</td>
<td>Rural fencing is proposed around the transport depot site. Planting of trees is proposed along the north eastern and north western shed frontages and along the Punrak Road frontage.</td>
</tr>
</tbody>
</table>

Figure 3: Comparison Table

There has been little adjustment between the original and revised proposal, such that concerns on building bulk and scale remain valid.

**SAT Proceedings**

The development application was lodged with the Shire on 23 October 2018. The proposal was refused under delegation on 24 December 2018, as Officers were not satisfied that the land use and scale of the proposed shed was consistent with the objectives of the 'Rural' zone.

The applicant lodged an application for review of the Shire’s decision to the SAT. At the directions hearing held on 12 February 2019, the SAT ordered the applicant to provide the Shire with further information and amended plans in respect of the application by 15 April 2019.

Following this order, the Shire received the additional information on 27 February 2019. For the reasons mentioned above, officers are unable to form a planning position that the proposal will support rural pursuits in the locality. The majority of projects undertaken by the applicant are primarily to do with quarrying and mining, and the supply of construction materials and road building. Of the 49 current and recent projects listed, only 1 could have a potential connection with rural (gravel screening and crushing). This is unlikely however in the view of officers.
Community / Stakeholder Consultation

The initial application was advertised for a period of 21 days from 2 November 2018 to 23 November 2018, within a radius of 1km, in accordance with the Shire’s Local Planning Policy 1.4 Public Consultation for Planning Matters. Four submissions were received as a result of the consultation. Two submitters objected to the proposal, which they considered not to be compatible with the ‘Rural’ zone. The other two submitters had no objections to the proposal subject to the applicant addressing amenity impacts associated with noise, wastewater disposal and stormwater disposal.

The revised application was readvertised to the objectors of the original application for a period of 21 days, from 27 February 2019 to 20 March 2019 in accordance with the Shire’s Local Planning Policy 1.4 Public Consultation for Planning Matters.

As a result of this consultation a further objection was received raising the following concerns:

- The primary purpose for the proposal is for storage of equipment, which is not directly related to, or part of, rural activities conducted on the land;
- The proposal should be located in the Mundijong West Industrial Precinct, approval of the proposal will set undesirable precedence;
- The potential impact of the proposal on the groundwater (hydrocarbons in the wash-down) has not been adequately addressed; and
- The potential impact of the proposal by way of weed seeds and spreading of any plant pathogens (dieback) carried in by the equipment has not been addressed.

A full summary of the submissions and the applicant’s response can be viewed as attachment 2. Officer comment can also be reviewed, which is consistent with the concerns raise in this report.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*

State Planning Framework

- *Metropolitan region Scheme*
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 – Rural Planning
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
- Rural Strategy Review 2013
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 4.6 – Landscape and Vegetation Policy (LPP4.6)
Ordinary Council Meeting Agenda
Monday 17 June 2019

Planning Assessment

Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Technical Assessment in attachment 3. For the purposes of this report, the objections result in the proposal being presented to Council, and for Council to exercise discretion in respect of determining the application.

Land Use:

The proposed development is considered to fall under the use class of a ‘Transport Depot’ in accordance with Table I – Zoning Table of the Shire’s Town Planning Scheme No.2 (TPS2). A ‘Transport Depot’ is an ‘SA’ use in the Rural Zone, meaning the use is not permitted unless Council has exercised its discretion to permit the use, after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions.

‘Transport Depot’ is defined in Appendix 1 of TPS2 as follows:

Transport Depot – “means land or buildings designed or used for one or more of the following purposes:
(a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.
(b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.
(c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.

The above uses (a) to (c) inclusive, singularly or collectively may, with Council’s planning consent, include as an incidental use overnight accommodation of patrons of the facilities.”

The use is considered to fit the definition of Transport Depot, however as will be discussed following it cannot achieve the objectives of the zone due to it being un-associated with supporting rural pursuits.

Aims and Objectives of TPS2

The subject site is zoned ‘Rural’ under TPS2. The purpose and intent of the ‘Rural’ zone specified in clause 5.10.1 of TPS2 is to “allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.”

While TPS2 does not define a ‘rural pursuit’, the general definition as determined by SAT relates to ‘characteristics of the country’ (Attwell and City of Albany). As described in the Proposed Development section of the report, Officers are not satisfied that each of the vehicles/machinery have a strong enough association and purpose of supporting the characteristics of the rural country. Furthermore, evidence taken from the applicant’s website reveals almost all projects being associated with quarrying and mining activity. While the Shire has hard rock and other quarries in the rural zone of the Shire, these are not primarily the intent for the rural area – being for rural pursuits like agriculture and livestock.
While officers, pursuant to the Scheme, may be satisfied that a proposal can garage commercial vehicles which are used on farms, this proposal does not contain sufficient evidence to allow officers to form this opinion.

Rural Strategy 2013 Review:
The Shire’s Rural Strategy is a strategic land use-planning document that identifies a range of distinct policy areas and policy overlays that provides a clear direction for strategic planning of the Shire’s rural areas. The subject land is identified within the ‘Rural Policy’ area under the Shire’s Rural Strategy 2013 Review. The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

Officers have considered that the proposal cannot be supported in the policy area as it presents an ‘alternative use’ which is not directly supporting agricultural activities that is the objective for the area. While only occupying a small portion of the subject land, the nature of the activity is more industrial in nature and is not appropriate for the policy area according to the Rural Strategy 2013.

Amenity
Environmental Protection Authority (EPA) – Guidance Statement No.3
The Environmental Protection Authority’s Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses, guides appropriate separation distances between a ‘Transport Depot’ and sensitive land uses to avoid or minimise the potential for land use conflicts.

Clause 2.3 of the document defines a sensitive land use as:

“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.

The separation distance recommended between a ‘Transport Depot’ and sensitive land uses is 200 metres. The off-site health and amenity impacts associated with a ‘Transport Depot’ is primarily noise.

Figure 4 below identifies that there are no sensitive receptors (marked with red dots) within the generic 200m buffer. The proposed shed is located approximately 330m from the rural workers dwelling on the same site, and approximately 420m from the nearest sensitive receptor (dwelling) on an adjoining property. The proposal therefore exceeds the 200m generic distance for an Environmental Noise Report to be undertaken.
Drainage

During the consultation process, concerns were raised regarding potential contamination of groundwater by wastewater from the wash down area that can contain petroleum hydrocarbons. On this point, the applicant provided information that no washing or major servicing activities will be undertaken at the ‘Transport Depot’. The vehicles will be taken offsite to a workshop in East Rockingham for servicing and washing. In addition, the application does not propose to either store fuel or refuel commercial vehicles on site.

This is a difficult issue to regulate, however the application does provide information of such activities taking place offsite.

The shed will be constructed with an impervious floor that does not allow underground percolation of any potential contaminants. In addition, the application also proposes a hardstand over a limestone base around the shed, which will also reduce the risk of groundwater contamination. The subject site is not in close proximity to any natural (creeks, brooks, rivers) or proclaimed (wetlands) waterways.

The main risk therefore is from oils and hydrocarbons that would come to the site due to the movement of vehicles. This forms part of the overall planning considerations taken in the report.
Environmental Considerations

During the consultation process, concerns were raised regarding the potential risk and impact of weed seeds spreading and plant pathogens (dieback) entering the site via the agricultural and earthmoving vehicles and machinery carried in by the equipment.

The applicant has provided the following information with regards to these concerns:

- **The proponent currently manages the site as an operational farm. As a farm manager, he recognises the importance of the control of weeds which if unchecked could disrupt the productiveness of the farmland.**

- **The proponent is active in this respect, and has reported and assisted the Shire in controlling an outbreak of cotton bush in an adjacent drainage reserve.**

- **To manage weeds, all vehicles on the site will keep to the hardstand tracks. Any seeds dropped onto the hardstand tracks will not be able to grow. In addition, the proponent will regularly inspect the grounds of the transport depot to identify and remove any weeds.**

- **To manage dieback which is a disease caused by soil-borne fungus that can affect many agriculture crops, the proponent has an interest in managing vehicles to prevent the movement of soil and mud from infected areas.**

- **The vehicles parked at the transport depot will travel to farm sites on public roads, and will not enter known dieback quarantine areas.**

- **In areas suspected of having dieback, vehicles will be cleaned before leaving the work site. Additionally, all vehicles on the transport depot site will keep to the hardstand tracks.**

Notwithstanding the information that has been provided above, the Shire is concerned given many of the projects mentioned in the applicant’s website information appear to be in various locations across the State. This large degree of coverage provides some risk that vehicles may come in to contact with either known or unknown dieback infected areas.

**Built Form**

The proposed shed for garaging of the commercial vehicles has a total floor area of 900m² with a wall height of 5.5m and ridge of 6.02m. During the consultation period concerns were raised regarding construction of a large-scale building that has the potential to be visually intrusive and adversely impacting on the locality.

Officers note that large sheds are commonplace within rural areas and the appearance of these can be mitigated through siting, design and landscaping. Due to the setbacks proposed and rural style fencing around the shed, it is considered that the sheds will be prominent but not an unexpected aspect of the rural zone.

**Traffic Movements**

Clause 67(t) of the Deemed Provisions indicates that due regard should be given to the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The applicant provided information that the use of vehicles and machinery will be infrequent. Vehicle movements to and from the subject site will be between 0-2 trips on a typical day and up to a maximum of 8 trips per day as required. This would appear likely given the applicant’s website.
showing project areas across WA and undertaking large projects. This resulting in infrequent movements.

In essence, a use like this in an industrial zone would be very compatible. However a use of this nature, in a zone and policy area where the Shire is seeking to support the agricultural intent, cannot be supported.

Options and Implications

Option 1
Council may resolve to reaffirm the refusal of the application.

Option 2
Council may resolve to approve the application contained within attachment 1 for a proposed ‘Transport Depot’ at Lot 40 Jarrah Road, Hopeland, subject to conditions.

Option 1 is recommended.

Conclusion
The application seeks approval for ‘Transport Depot’ on rural zoned land. Despite additional information being provided through the SAT process, officers are unable to form a view that the proposal will legitimately support rural pursuits in the locality. This was a central reason to the previous refusal.

Attachments
- Attachment 1 – Development Plans (E19/5927)
- Attachment 2 – Summary of Submissions (E19/5895)
- Attachment 3 – Technical Assessment (E19/6144)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 3.1</th>
<th>A commercially diverse and prosperous economy</th>
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</thead>
<tbody>
<tr>
<td>Strategy 3.1.1</td>
<td>Actively support new and existing local business within the district.</td>
</tr>
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</table>

Financial Implications
Nil.
### Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
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</thead>
<tbody>
<tr>
<td>Further SAT processes</td>
<td>Possible (3)</td>
<td>Moderate (3)</td>
<td>Moderate (5-9)</td>
<td>Financial Impact - 1 Insignificant - Less than $50,000</td>
<td>Accept Officer Recommendation</td>
</tr>
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</table>

### Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Consequence</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
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<tr>
<td>Almost Certain</td>
<td>5</td>
<td>Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
<td>Extreme (25)</td>
</tr>
<tr>
<td>Likely</td>
<td>4</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
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<tr>
<td>Possible</td>
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<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
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<td>Unlikely</td>
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<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
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<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 9 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council REAFFIRMS the refusal dated 24 December 2018 of the application and advises the SAT accordingly.
10.1.4 - Proposed Expansion of Compost Manufacturing and Soil Blending Facility (‘Industry – Noxious’) at Lot 815, 76 Punrak Road, Hopeland (SJ2894)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Statutory Planning and Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Development Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

| Quasi-Judicial | When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |

| Proponent: | Aussie Organics Garden Supplies Pty Ltd |
| Owner: | F and K James |
| Date of Receipt: | 1 February 2019 (notification of appeal) |
| Lot Area: | 40.59ha |
| Town Planning Scheme No 2 Zoning: | ‘Rural’ |
| Metropolitan Region Scheme Zoning: | ‘Rural’ |

Report Purpose

The purpose of this report is for Council to reconsider a condition of approval imposed by Council on its decision on a development application for the expansion of a composting facility (‘Industry-Noxious) at Lot 815, 76 Punrak Road, Hopeland.

Under Section 31 (1) of the State Administrative Tribunal Act 2004 the tribunal has invited Council to reconsider the imposition of condition (y) on this approval.

This report recommends that Council respond to the SAT advising that its condition remains unchanged, on the basis that concerns still exist in respect of the potential environment risk and controls associated with liquid wastes. Officers have previously formed a view supporting the application, however as this reconsideration is specific to Council’s recommended condition (y), it is important that Council consider the additional information provided. This is explained in the report.

Relevant Previous Decisions of Council

OCM142/12/18 – Council approved the development application for the expansion of the composting facility (‘Industry-Noxious) at Lot 815, 76 Punrak Road, Hopeland subject to conditions.
Background

Initial Proposal

Council at its 17 December 2018 Ordinary Council Meeting approved an application for the proposed expansion of an existing composting manufacturing and soil blending facility at Lot 815, 76 Punrak Road, Hopeland subject to a number of conditions. This Council resolution is contained within attachment 1 and the approved details within attachment 2.

Condition (y) was an amendment by Council to the Officer Recommendation and states:-

“No liquid waste shall be brought onto the site.”

The reason given for this condition was “to address concerns regarding control of liquid waste and the environmental impact.”

SAT Appeal

Following the determination, the applicant has appealed the imposition of condition (y) to the State Administrative Tribunal (SAT). A copy of the SAT appeal application has been included as attachment 3.

A Mediation Conference was attended by Officers in relation to this appeal on 25 March 2019. The role of officers was limited to the provision of information, given that Council had imposed the condition. Officers advised Council’s concerns that underpinned the condition, being the control of liquid waste and the environmental impact. The applicant felt they could provide further information to address these concerns. This is the topic of this report.

The following orders were issued by the SAT member:

1. The applicant is to provide further information regarding an alternative condition 25 [Condition y] on or before 5 April 2019.
2. By 12 April 2019 the respondent will provide written comments to the applicant.
3. The respondent is invited to reconsider its decision on or before 17 June 2019, under s 31(1) of the State Administrative Tribunal Act 2004.
4. The proceeding is adjourned to a further directions hearing at 9.30am on 28 June 2019.”

In accordance with Order 1, the applicant has supplied additional information to the Shire in relation to their appeal for the reconsideration of Condition (y). A copy of the additional information supplied by the applicant has been included as attachment 4.

In accordance with Order 3, Council has been invited to reconsider its decision on the application under Section 31(1) of the State Administrative Tribunal Act 2004. A reconsideration under Section 31(1) allows for Council to either:

• Affirm the decision;
• Vary the decision; or
• Set aside the decision and substitute a new decision.

Should Council vary or substitute its decision and the applicant is satisfied with the varied or substituted decision, they can withdraw the proceedings and the new decision comes into effect.
If the applicant is not satisfied with the new decision or Council affirm their original decision, the proceedings are resolved before SAT by way of a full hearing.

**Community / Stakeholder Consultation**

No additional community or stakeholder consultation has been undertaken as part of the SAT proceedings. Although the applicant has provided additional information, there are no amendments proposed to the application which was advertised as part of the original development application process.

**Statutory Environment**

**Legislation**

- *State Administrative Tribunal Act 2004*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Health (Miscellaneous Provisions) Act 1911*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection Regulations 1987*
- *Environmental Protection Act 1986*

**State Planning Framework**

- Metropolitan Region Scheme
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.0 – Environment and Natural Resources Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.4 – Basic Raw Materials
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 2.9 – Water Resources
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – State Industrial Buffer Policy
- Environmental Protection Authority Guideline for Separation Distances Between Industrial and Sensitive Land Uses
- Environmental Protection (Swan Coastal Plain Lakes) Policy 1992
- Water Quality Protection note 90 Organic material Storage and Recycling
- Water Quality Protection Note 39 Ponds for stabilising organic matter.

**Local Planning Framework**

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 1.2 – Development Application Information Policy
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy
Planning Assessment
This section of the report explains the further information provided, and identifies issues that Council may wish to consider in this respect. Due to this being a Council imposed condition, the key issues are expressed in terms of questions arising from the further information.

Control of Liquid Waste
In terms of the control of liquid waste, this relates to the type, quantity, storage and handling of liquid waste being transported to the site and integrated into the composting process.

Information provided by the applicant advises that the regulation of a liquid waste facility is provided for under the *Environmental Protection Act 1986* and *Environmental Protection (Controlled Waste) Regulations 2004*. The operation and enforcement of this legislation is undertaken by the DWER through the issuing of a Works Approval.

*a) Type of controlled liquid waste*
A draft Works Approval has been issued by DWER for the facility and lists that the only types of controlled waste permitted onsite are to include the following as defined within Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004*:

1. D300 – non toxic salts;
2. K110 – waste from grease traps;
3. L100 – car and truck wash waters; and
4. L150 – industrial wash waters contaminated with a controlled waste.

Further information defines these as follows:

1. Non-toxic Salts (D300): It is expected that Non-toxic Salts will account for less than 10% of the liquid waste used in the composting process. The non-toxic salts to be accepted at the facility will typically comprise dilute mixtures (typically less than 5%) of materials such as ammonium nitrate or ammonium sulfate in water that are derived from the washdown of fertiliser manufacturing or transport facilities.

2. Grease Trap Waste (K110): Grease Trap Waste will be the main liquid waste used in the composting process representing approximately 75% of the liquid waste used in the process. Grease Trap Waste is generated mostly by restaurants and food manufacturers and is a mixture of water and fats derived from foods or animal products.

3. Car and Truck Wash Waters (L100) (but excluding Fire Wash Waters): It is expected that Car and Truck Wash Waste Waters will account for less than 10%
of the liquid waste used in the composting process. Car and Truck Wash Waste Waters typically comprise wastewater from car and truck wash facilities.

4. Industrial Wastewater (L150): It is expected that Industrial Wastewater will account for less than 10% of the liquid waste used in the composting process. Industrial wastewater typically comprises washdown waters or stormwaters from industrial facilities.

In terms of L150, the applicant advised subsequently by email:

*L150 comprises stormwaters and washdown waters that may contain small traces of food or hydrocarbon or other wastes. L150 is not expected to comprise more than 10% of liquid wastes used.*

**Examples of washdown waters are:**

- washdown of air-conditioning cooling towers or industrial machinery which may contain small amounts of hydrocarbons
- food production factories which will contain some amounts of food waste – eg small goods factories, biscuit factories, milk production / ice creameries

*L150 also includes stormwater collected from ports and industrial facilities which may contain some hydrocarbons or other effluent washed down from hard surfaces such as roads, loading areas etc and stormwater from landfills which may contain some level of nutrients*

It is noted, that as part of the DWER licence that Non-Toxic Salts (D300) are only permitted as part of Stage 2 operations, which have not been approved by the Shire.

**Key issues for Council to consider:**

- To what degree can the Regulator ensure that such liquid wastes are restricted to this list only?
- How will the Regulator be able to guarantee that the constituents of such waste are per the stated list?

**b) Quantity of controlled liquid waste**

The draft DWER Works Approval specifies a maximum amount of 10,000 tonnes for a liquid waste facility (LWF) upon the site. This 10,000 tonnes per annum allocated for the LWF was based on a compost and soil blending production capacity of up to 11,400 tonne per annum.

The composting process requires moisture to be maintained at precise levels for optimum decomposition of materials. It is unclear how this would interact with the DWER works approval for the higher tonnage it provides for.

**Key issues for Council to consider:**

- To what degree can the Regulator ensure that the quantity of liquid waste does not exceed that licenced?
c) Storage

Ultimately the type, quantity, storage and handling of liquid waste is regulated by DWER, being the government authority empowered to licence, monitor and enforce the requirements of Part V of the *Environmental Protection Act 1986* through the issuing of the necessary Works Approval.

The DWER Works Approval stipulates the type of liquid waste and quantity as discussed above but it also specifies how each liquid is to be stored.

Part (e) of the DWER Works Approval states:

1) Low permeability pad constructed of ≥150 mm layer of concrete with a minimum 500mm high bund walls on all sides with one lockable outlet located on the bund wall adjacent to the compost production hardstand, with the inclusion of:
   - Stage 1: installation of two enclosed, impermeable 260,000 L ‘RT260’ liquid waste holding tanks (storage of controlled waste L100, L150 and K110);
   - Stage 1: installation of one enclosed, impermeable wash down pad holding tank 5,000 L;
   - Stage 2: installation of three enclosed, impermeable 32,000 L zincalume tanks sitting within the containment infrastructure (for the holding of <10% ammonia nitrate solution – D300);

2) The concrete pad will be graded at a slope of greater than 1: 200 towards the compost production pad.”

The DWER draft Works Approval contains minimum construction specifications that must be met for all infrastructure associated with the proposed development as shown in the table below:

<table>
<thead>
<tr>
<th>Table 1.2.1: Infrastructure to be constructed during Stage 1 and Stage 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column 1</td>
</tr>
<tr>
<td><strong>Infrastructure</strong></td>
</tr>
<tr>
<td>a) General</td>
</tr>
<tr>
<td>b) Green waste storage hardstand</td>
</tr>
<tr>
<td>Reference:</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td><strong>Ordinary Council Meeting Agenda</strong></td>
</tr>
</tbody>
</table>

| c) Bio-filter liquid discharge station (BLDS) | 162 m² | The bio-filter liquid discharge station must be designed to the following specifications: 1) Two bays constructed of concrete (32 mpa) and reinforcing mesh. 2 mm filter plates (1 per bay) will be fitted to the side of the BLDS behind which sits a sump equipped with a submersible pump for extraction of liquids/leachates to the liquid waste storage tanks; 2) BLDS is to pre-filter and separate incoming liquid wastes of solid materials (e.g. fat globules) and to reduce the potential to produce odours during storage or application to compost. |
| d) Bio-filter liquid discharge station (BLDS) apron | 54 m² | The BLDS apron must be constructed to the following specifications: 1) Constructed of concrete and reinforcing mesh with drive/roll over bund, with bunded side walls; 2) Designed to ensure no uncontaminated surface water runoff enters the BLDS. |
| e) Tank Farm (Applicant to advise: tank numbers to be reduced according to reduced Category volume limits) | 600 m² | The tank farm must be constructed with the following specifications: 1) Low permeability pad constructed of ≥150 mm layer of concrete with a minimum 500mm high bund walls on all sides with one lockable outlet located on the bund wall adjacent to the compost production hardstand, with the inclusion of: • Stage 1: installation of two enclosed, impermeable 260,000 L ‘RT260’ liquid waste holding tanks (storage of controlled waste L100, L150 and K110); • Stage 1: installation of one enclosed, impermeable washdown pad holding tank 5,000 L; • Stage 2: installation of three enclosed, impermeable 32,000 L zinclume tanks sitting within the containment infrastructure (for the holding of <10% ammonia nitrate solution = D300); 2) The concrete pad will be graded at a slope of greater than 1:200 towards the compost production pad. |
| f) Compost production pad | Stage 1 5,000 m²  
Stage 2 7,500 m² | The compost production pad must be constructed within the following specifications: 1) Constructed with a minimum 200 mm layer of compacted limestone topped with a 40mm layer of asphalt to achieve a permeability of 1x10⁻⁶ m/s or better; 2) All sides of the hardstand to have a 300 mm high bund; 3) Graded at a slope of greater than 1:200 towards the capture basin; 4) Constructed to contain all leachate generated and drained from the windrows via the capture basin to the evaporation pond; 5) Piping to allow for the static forced air technology operation through the use of blowers able to maintain oxygen levels above 10% at all times (aerobic state); 6) Inclusion of a spray system along each windrow designed to produce large droplets; 7) Designed to allow the ability to monitor each windrow temperature through the use of temperature probes, in accordance with AS 4454-2012; 8) Siting of a ‘Powerscreen Trommel 511’ or similar for the
### Ordinary Council Meeting Agenda
Monday 17 June 2019

**Key issues for Council to consider:**

To what degree can the Regulator ensure as per condition (e) that the tanks in the tank farm will be impermeable?

To what degree can the Regulator ensure that both the overflow pond and evaporation pond are impermeable?

<p>| | | |</p>
<table>
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<tr>
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</thead>
</table>
| **k) Wash down pad and holding tanks** | 8 m² | The wash down pad and holding tank must be constructed with the following specifications:  
1) Wash down pad constructed of concrete and bunded;  
2) Each wash down pad graded at a slope of 1:200 towards a concrete sump, from which wastewater is pumped to a 5,000L holding tank located within the tank farm;  
3) One holding tank constructed of impermeable material for the capture and storage of all wash down water;  
4) Sump to include:  
   a) an enclosed pipeline that transfers wash down water from the sump to the storage tank; or  
   b) the ability for wash down waters to be pumped out of the sump and transferred via tanker to the liquid waste storage tanks in the tank farm, for use in the BLDS. |
| **l) Site office and storage shed** | - | No specification |
| **m) Internal roads** | - | The internal roads must be constructed with the following specifications:  
1) Constructed of compacted limestone;  
2) Low speed signage (≤ 25 km) to be installed or other mechanisms for speed control measures at the premises. |
| **n) Chemical and fuel storage area** | Stage 2 18 m³ | The chemical and fuel storage area must be constructed with the following specifications:  
1) Installation of two self-bunded, above ground metal hydrocarbon storage tanks for use in the composting facility equipment;  
2) Placed on a concrete pad with 500 mm high concrete bund walls on all sides capable of containing the contents of the largest tank and fire water;  
3) Used for the storage of ≤ 5,000 L diesel fuel, < 100 L lubricants and < 100 L cleaning agents;  
4) The fill point on each fuel storage tank to contain a liquid tight connection or hand-held trigger nozzle;  
5) Designed with a drip/catch tray at the refuelling/filling point/s to contain all/any spills from refuelling/filling operations;  
6) The refuelling/filling point must be located at least 2 m away from any building and at least 3 m from any ignition source with relevant safety signs located within the premises;  
7) Ensure spill kits are located within or in close proximity to the chemical and fuel storage area for the management of any spills. |
To what degree can the regulator ensure that the risk of contamination from a break in the working surface of the composting facility will be able to be contained and rectified without the loss of contaminants from the closed system?

d) Handling

The handling of liquid waste is made up of two parts; transport of liquid waste to a site and the handling of liquid waste within a site.

The transportation of controlled liquid waste is governed by the *Environmental Protection (Controlled Waste) Regulations 2004*. While the transport of liquid waste to the property sits outside what can be considered as part of a planning determination, an outline of the process is provided for Council's information to further demonstrate the high level of scrutiny and compliance that is placed on the applicant to operate a liquid waste facility.

Under regulation 25 of the Regulations, it is a requirement that the applicant only use a carrier that has been licenced by DWER to transport liquid waste. This includes appropriate licencing for both the transport vehicle and the driver having been issued a controlled waste drivers licence. The waste holder providing the liquid waste must provide to the carrier information on the type of controlled waste, amount and containment type, and the physical state of the controlled waste. Both waste holders and carriers are required to use a Controlled Waste Tracking Form that is supplied to DWER allowing for liquid wastes to be tracked from their origin, during transport and to its final destination. Receipts documenting the type and quantity of liquid waste delivered to a site are issued to waste holders (such as the applicant) and must be retained for a minimum of 3 years. Staff will follow a Site Delivery Control System which includes a range of sampling and testing to verify the liquid being received at the site and document those findings along with the Controlled Waste Tracking receipt from the carrier.

Once the liquid waste has been transported to the site, it would be stored in an approved facility as specified by the DWER Works Approval, discussed above. The use of liquid waste in the composting process is also governed by the Works Approval with the applicant having provided a process flow diagram (See Figure 1) which pictorially represents the manufacturing process for ease of reference.

The facility is essentially portrayed as a closed system in that all wastewaters produced are captured and retained within the storage ponds.

Key issues for Council to consider:

To what degree can the Regulator ensure that such liquid wastes are restricted to this list only?

How will the Regulator be able to guarantee that the constituents of such waste are per the stated list?

To what degree can the Regulator ensure the safe travel of liquid wastes?

What happens if a traffic accident causes spill, especially noting the presence of the Jandakot Water Mound and Peel Harvey Coastal Catchment within the Shire which coincide with the major transport routes?

What controls exist to limit the travel of waste on road that do not run through the Jandakot Water Mound, for example Anketell Road and Thomas Road?

To what degree can the regulator ensure that the risk of contamination from a failure in the closed system can be managed?
Options and Implications

With regard to the reconsideration of the application under Section 31(1) of the State Administrative Tribunal Act 2004 Council has the following options:

Option 1
Council may resolve to reaffirm its original determination made at its 17 December 2018 meeting of Council which prohibits the use of liquid waste at the facility.

Option 2
Council may resolve to approve the application by amending the wording of Condition (y) to allow liquid waste.

Given this is a Council decision, officers are unable to provide a recommendation given officers have made a previous recommendation to Council which recommended support of the proposed composting facility which includes liquid waste.

Conclusion
It is considered that Council need to take into account the additional stated issues in light of the additional information provided by the applicant.

Attachments –
- **Attachment 1** – Original Council Resolution (E19/4908)
- **Attachment 2** – Approved Details (E18/12300)
- **Attachment 3** – SAT Appeal Application (IN19/1884)
- **Attachment 4** – Additional Information (E19/4907)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 3.1</th>
<th>A commercially diverse and prosperous economy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 3.1.1</td>
<td>Actively support new and existing local business within the district.</td>
</tr>
<tr>
<td>Outcome 4.2</td>
<td>A strategically focused Council</td>
</tr>
<tr>
<td>Strategy 4.2.1</td>
<td>Build and promote strategic relationships in the Shire’s interest.</td>
</tr>
</tbody>
</table>

Financial Implications

Should Council resolve to reaffirm its original decision, the application would be placed before a hearing of the SAT for determination. Due to the number of issues that still exist in respect of the use of liquid waste, and that the Shire does not have specific answers to these, it is recommended Council reaffirm its decision.
Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further SAT processes should Council not approve the Application</td>
<td>Possible (3)</td>
<td>Moderate (3)</td>
<td>Moderate (5-9)</td>
<td>Financial Impact - 2</td>
<td>Financial Impact - 2 Minor - $50,000 - $250,000</td>
</tr>
<tr>
<td>The approved proposal causing environmental impact</td>
<td>Possible (3)</td>
<td>Major (4)</td>
<td>High (10-16)</td>
<td>Environmental impact</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
<td>Extreme (25)</td>
</tr>
<tr>
<td>Likely</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Possible</td>
<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
<td>High (15)</td>
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<tr>
<td>Unlikely</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 12 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council REAFFIRMS its original condition (y) as follows:

“No liquid waste shall be brought onto the site.”
### 10.1.5 – Proposed two (2) lot subdivision of Lot 80 (No. 128) Bournbrook Avenue, Cardup (PA19/281)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Dynamic Planning and Developments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Development Services</td>
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<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <em>Local Government Act 1995</em>.</td>
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#### Authority / Discretion

| Quasi-Judicial | When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |

| Proponent:        | Harley Dykstra Pty Ltd |
| Owner:            | W R & L M A Hesford    |
| Date of Receipt:  | 25 March 2019          |
| Lot Area:         | 9,498m²                |
| Town Planning Scheme No 2 Zoning: | Rural Living A (RLA8) |
| Metropolitan Region Scheme Zoning: | Rural |

#### Report Purpose

The purpose of this report is for Council to consider an Application for Approval of Freehold Subdivision pertaining to Lot 80 (No. 128) Bournbrook Avenue, Cardup *(attachment 2)*. The application seeks to subdivide the subject site into two (2) rural residential lots.

The land associated with the subdivision is owned by a Shire employee and in accordance with the Shire’s Business Operating Policy 1.1.0 ‘Control over Employees Dealing in Land and Other Business Activity Within the Shire of Serpentine Jarrahdale’, independent assessment of the proposal was undertaken by Dynamic Planning & Developments.

Proposed Lot A is 5,338sqm in area, and retains its vehicle access to Bournbrook Avenue as well as the existing dwelling and outbuildings.

Proposed Lot B is 4,160sqm in area and would be accessed via a 6.0m wide battleaxe configuration to Bournbrook Avenue.

Council’s resolution on the subject application will form the Shire’s referral authority response on the subdivision proposal to the Western Australian Planning Commission (WAPC). The WAPC is the determining authority with respect to the proposal, as it is with all subdivision applications.
Relevant Previous Decisions of Council
15 April 2019 - OCM049/04/19 - Retrospective Fill Application - Approved with conditions
25 July 2016 - OCM125/07/06 – Dwelling, outbuilding and watertank - Approved subject to conditions
25 July 2016 - OCM133/07/16 – Subdivision application recommended - Approval with schedule of conditions

Background

Existing Development
The property accommodates an existing single storey single house (built circa 2017), located generally to the north of the subject site, as well as an existing outbuilding and water tank. Preceding these developments, the subject site has remained free of any development with historical aerial imagery suggesting some past agricultural use of the land.

An avenue of trees also features along the eastern and southern boundary of the subject site, the history of which goes back to Amendment No. 85 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS No. 2). The relevance of this is detailed further in the report.

Figure 1 provides an aerial imagery of the subject site and surrounds.

Proposed Development
The application seeks to subdivide the subject site into a total of two (2) rural residential lots (refer attachment 1 – plan of proposed subdivision). The proposed lot sizes are:
- Proposed Lot A is 5,338sqm in area, and retains its vehicle access to Bournbrook Avenue as well as contains the existing dwelling, outbuilding and water tank; and,

- Proposed Lot B is 4,160sqm in area and would be accessed via a 6.0m wide battleaxe configuration to Bournbrook Avenue.

A building envelope that replicates the existing dwelling and outbuilding footprint is proposed for Lot A whilst the building envelope for proposed Lot B would be considered at a later stage, having regard to the Shire’s requirements set out in Clause 5.12.9c of TPS No. 2 as well as bushfire protection considerations.

Figure 2 illustrates the proposed subdivision.
Community / Stakeholder Consultation

In accordance with Table 1 – Consultation Matrix of the Shire’s Local Planning Policy 1.4 – Public Consultation for Planning Matters, subdivision referrals from WAPC are subject to an ‘A’ classification meaning:

No consultation will occur where the proposal:

i. Is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality or that of adjoining landowners; and

ii. Is not required under Clause 64(1) of the Deemed Provisions.

The WAPC have referred the application to the Shire as well as other public authorities and utility service providers (as applicable) for comment. Comments / recommendations are to be provided back to the WAPC within 42 days of the referral.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Development Control Policy 1.1 – Subdivision of Land (General Principles)
- Development Control Policy 3.4 – Subdivision of Rural Land
- Model Subdivision Conditions Schedule, May 2019

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Subdivision Guide Plan – Lots 5 & 239 Gossage Road, Peel Estate
- Rural Strategy
- Local Planning Policy 1.4 – Public Consultation for Planning Matters
- Local Planning Policy 4.16 – Landscape and Vegetation Policy
Planning Assessment
Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

The planning provisions applicable to subdivision and development of land zoned ‘Rural Living A’ are detailed under cl. 5.12 and Appendix 4A of TPS No. 2. A detailed assessment of the proposal against each sub-clause is summarised under Table 1 below with further commentary provided (where stated) in the sections to follow:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Summary of Provision</th>
<th>Proposed / Comment</th>
<th>Compliance (Y / N)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cl. 5.12 of TPS No. 2</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.12.1</td>
<td>Purpose and intent as per Shire’s Rural Strategy</td>
<td>Retains residential use in rural setting.</td>
<td>Yes</td>
</tr>
<tr>
<td>5.12.2</td>
<td>Rural Living A zone - lots between 4,000sqm and 1.0ha</td>
<td>Lot A – 5,338sqm&lt;br&gt;Lot B – 4,160sqm</td>
<td>Yes</td>
</tr>
<tr>
<td>5.12.3</td>
<td>Rural Living B zone – lots between 2ha to 4ha</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>5.12.4</td>
<td>Notwithstanding 5.12.2 &amp; 5.12.3, site constraints may allow lots larger than 1ha</td>
<td>n/a – complies with cl.5.12.2</td>
<td>Yes</td>
</tr>
<tr>
<td>5.12.5</td>
<td>Require submission in support of its inclusion in accordance with cl.5.9.3</td>
<td>n/a – site already zoned Rural Living A zone</td>
<td>Yes</td>
</tr>
<tr>
<td>5.12.6</td>
<td>Reticulated water supply required for lots &lt;2ha unless approved by Council and WAPC. Reticulated water not required for land &gt;2ha where 90,000 litre rainwater supply is provided.</td>
<td>Reticulated water not available. Lot A provided with water tank. Lot B will require water tank.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>5.12.7</td>
<td>Land use permissibility in accordance with Appendix 4A and 4B.</td>
<td>n/a – subdivision only</td>
<td>n/a</td>
</tr>
<tr>
<td>5.12.8</td>
<td>Subdivision Guide Plan (SGP) to be prepared for Rural Living A zone</td>
<td>n/a – SGP already exists</td>
<td>Yes</td>
</tr>
<tr>
<td>5.12.9</td>
<td>Land zoned Rural Living A zone shall be subject to the following conditions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>Subdivision in accordance with SGP. Minor amendments may be permitted subject to Council and WAPC approval. Lot sizes will not generally be permitted to be reduced.</td>
<td>Layout is generally consistent with SGP however, minor variation sought to access and lot boundaries.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>b)</td>
<td>Planning Guidelines for Nutrient Management (May 1993 as amended) apply.</td>
<td>Existing dwelling serviced by ATU. No details provided for proposed lot.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>c)</td>
<td>Building envelopes not to exceed 1,000sqm and be no closer than 20m to the primary street boundary and 10m to any other lot boundary.</td>
<td>Lot A – approx. 947sqm (including water tank &amp; outbuilding) Lot B – to be confirmed</td>
<td>Yes - condition</td>
</tr>
<tr>
<td>Clause</td>
<td>Summary of Provision</td>
<td>Proposed / Comment</td>
<td>Compliance (Y / N)</td>
</tr>
<tr>
<td>--------</td>
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<td>-------------------</td>
</tr>
<tr>
<td>d)</td>
<td>No building shall be constructed on a lot other than within the approved building envelope</td>
<td>Lot A building envelopes follow footprint of existing buildings. Lot B – to be confirmed</td>
<td>Yes – subject to condition</td>
</tr>
<tr>
<td>e)</td>
<td>Stormwater drainage design to be to the satisfaction of Council. Approval from Council and Water Corporation to be sought prior to site works.</td>
<td>Lot A provided with existing on-site retention infrastructure. Lot B – no details provided.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>f)</td>
<td>Landowner shall be responsible for the establishment and maintenance of fire breaks to the satisfaction of Council.</td>
<td>Compliance with the Shire’s ‘Firebreak and Fuel Hazard Reduction Notice’ is a legal requirement for current and future landowners.</td>
<td>Yes – subject to condition</td>
</tr>
<tr>
<td>g)</td>
<td>Keeping of horses, sheep, goats and other grazing animals, where permitted, shall be subject to prior approval of the Council. Approval to keep animals shall not exceed Department of Agriculture stocking rates.</td>
<td>n/a – subdivision only.</td>
<td>n/a</td>
</tr>
<tr>
<td>h)</td>
<td>Signs, hoardings or advertisements shall not be erected without prior written approval.</td>
<td>n/a – subdivision only.</td>
<td>n/a</td>
</tr>
<tr>
<td>i)</td>
<td>No buildings shall be constructed within the zone of materials, colour or texture which in the opinion of Council is undesirable for the locality.</td>
<td>n/a – subdivision only.</td>
<td>n/a</td>
</tr>
<tr>
<td>j)</td>
<td>No dwelling house to be constructed with an internal floor area less than 110sqm.</td>
<td>n/a – subdivision only. *note: proposed Lot B will be able to accommodate a dwelling of at least 110sqm in floor area.</td>
<td>n/a</td>
</tr>
<tr>
<td>k)</td>
<td>Council may by notice served, require preservation of any tree or group of trees. No tree or group of trees shall be cut, removed or destroyed without such notice or order being withdrawn by Council.</td>
<td>Existing trees forming ‘priority tree planting areas’ as per SGP to be retained.</td>
<td>Yes – subject to condition</td>
</tr>
<tr>
<td>l)</td>
<td>Lot boundary fencing shall be of post and rail or post and wire.</td>
<td>n/a – subdivision only.</td>
<td>n/a</td>
</tr>
<tr>
<td>m)</td>
<td>Owners are to inform purchasers of applicable provisions and those contained under Appendix 4A and 4B, as applicable.</td>
<td>No details provided. Notification to be placed on Titles</td>
<td>Yes – subject to condition</td>
</tr>
<tr>
<td>Clause</td>
<td>Summary of Provision</td>
<td>Proposed / Comment</td>
<td>Compliance (Y / N)</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>n)</td>
<td>All land designated as public open space or public accessway on the endorsed SGP to be given up free of cost to the Crown.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**Appendix 4A (RLA8)**

| 1     | Use class permissibility                                                          | n/a – subdivision only                | n/a                |
|       | • Residence (P)                                                                  |                                        |                    |

| 2     | No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA | Lot A – existing onsite treatment infrastructure (ATU), Lot B – system to be determined following geotechnical study | Yes – subject to condition |

| 3     | No indigenous vegetation or trees shall be destroyed or cleared.                 | All vegetation to be retained.         | Yes – subject to condition |

| 4     | The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of landscaping for this estate plant indigenous trees and shrubs | n/a – existing priority tree planting areas. | n/a                |

| 5     | Owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of trees and shrubs planted. | n/a – existing priority tree planting areas. | n/a                |

| 6     | The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA. | BMP submitted. | Yes – subject to condition |

| 7     | The subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of on-the-ground works. | n/a – detention areas already established as part of SGP. | n/a                |

| 8     | At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance. | n/a – subdivision application only. | n/a                |

| 9     | The land is situated within the catchment of the Peel-Harvey estuarine system where active nutrient management and responsible | n/a – subject application only. | n/a                |
Ordinary Council Meeting Agenda  
Monday 17 June 2019

<table>
<thead>
<tr>
<th>Clause</th>
<th>Summary of Provision</th>
<th>Proposed / Comment</th>
<th>Compliance (Y / N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Direct access to Hopkinson Road shall be prohibited. Any existing private access to Hopkinson Road is to be closed once internal access is established and the crossover revegetated with indigenous species to the satisfaction of Council.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>11</td>
<td>Bridle paths to be constructed by the subdivider in accordance with the Subdivision Guide Plan, and shall include the main roads and drain reserve.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>12</td>
<td>The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a SGP.</td>
<td>Proposal generally consistent with SGP.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>13</td>
<td>A SGP for the subdivision of land into rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it, and the requirements of Clause 5.9.3</td>
<td>Proposal generally consistent with SGP.</td>
<td>Yes – refer comments below</td>
</tr>
<tr>
<td>14</td>
<td>The SGP referred to in Clause 12 shall include and be accompanied by Technical Guidelines on planning, roadworks, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use of development of land to overcome problems which would occur, should the land be developed.</td>
<td>SGP existing.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Table 1 – Assessment summary against cl. 5.12 and Appendix 4A of TPS No. 2

Reticulated Water Supply

A reticulated water supply is not available to the subject land, or in proximity of the land. The nearest infrastructure is located on Cardup Siding Road, corner Learmouth Turn over 1.0km away, north-east of the subject site.

In the immediate area, the Shire has supported allotments measuring less than 2.0ha to be created subject to the provision of a 90,000 liter rainwater tanks – refer Figure 3 below, which illustrates lots less than 2 ha in size with residences in the immediate area serviced by a rainwater tank.

It is considered in this instance that the proposed lot can easily be serviced with an adequate sustainable and healthy water supply for domestic and firefighting purposes, via onsite rainwater tanks with the rainfall and roof space providing sufficient catchment.
Reticulated Sewer

Currently there is no sewer reticulation available to the site with the nearest infrastructure being located approximately 1.9km away in Byford on Carinata Crescent, north-east of the subject site. All lots in the immediate locality are managed through on-site disposal methods such as ATU’s.

Shire Officers have indicated that the primary health risk to consider for this proposal is the site’s ability for the long-term disposal of effluent. On the basis that the site’s soil type is described as deep pale brown to yellowish sand to sandy loam over clay with groundwater approximately 1.3m below surface level (Perth Groundwater Atlas), a moderate to high risk of waterlogging is anticipated. Additionally, the subject site is located within a sewage sensitive zone and generally lot sizes of less than 1.0ha are not supported as per the draft Government Sewerage Policy.

Notwithstanding the above, an analysis of the soil type, and the characteristics of the water hydrology, indicate that onsite effluent disposal is possible. This is demonstrated in figure 4 which shows a number of surrounding lots are below 1ha in size that have been created and approved with a residence meaning that onsite effluent disposal is possible. In regards to this application, it is important to condition that a geotechnical report is undertaken to analyse the soil and site characteristics, in order to inform the most appropriate effluent disposal design.
Subdivision Guide Plan – Proposed lot layout

The proposed subdivision is generally consistent with the lot configuration outlined in the SGP with the exception of:

- Location of proposed Lot A and Lot B common boundary; and,
- Introduction of a battleaxe leg along the western boundary.

The lot layout differences are illustrated in Figure 5 below, which provides an overlay of the proposed plan of subdivision and the SGP.

From a lot size perspective, it is noted that the creation of allotments measuring between 4,000sqm to 5,000sqm has occurred, which are consistent with the proposed lots which are 5,338sqm (Lot A) and 4,160sqm (Lot B) respectively. Figure 6 below illustrate all lots within immediate proximity of the subject site which measure between 4,000sqm to 5,000sqm, therefore supporting the proposed Lot B being the smaller of the two lots proposed.

Notwithstanding the above, it is recommended that the proposed lot sizes are revised by increasing the size of proposed Lot B. By revising the lot size, not only will it reflect the lot configuration of the adjoining lots to the west (i.e. No. 124 and No. 126 Bournbrook), it will also work towards improving separation / buffer distances required to the ‘priority tree planting areas’, the management of inflow surface water across the land thereby mitigating flooding issues and, achieving a suitable building envelope which takes into consideration boundary setback and fire separation requirements. It will also result in proposed Lot A being closer in size and shape with that outlined in the SGP.
Figure 5 – Overlay of Proposed Plan of Subdivision and extract of SGP

Figure 6 - 4,000sqm to 5,000sqm allotments surrounding subject site
State Planning Policy 3.7 – Planning in Bushfire Prone Areas

A Bushfire Management Plan (BMP) has been submitted by the applicant for the proposed subdivision.

The BMP has been reviewed by Shire Officers and has been deemed acceptable. However, the ‘Implementation and Enforcement Table’ (Page 13 of the BMP) is incorrect as there should be a column for the Landowner / Developer prior to Subdivision Clearance; this will need to be corrected. The BAL assessment has been included as attachment 3 to this report.

Subdivision Conditions

From the above planning assessment, a number of conditions and advice notes are recommended to be applied to the proposed subdivision. The Western Australian Planning Commission (WAPC) requires conditions to be taken from the Model Subdivision Conditions Schedule. These conditions have a specific code and these codes have been used in the resolution for condition A. All recommended conditions are tested for validity by the WAPC and consideration is given to the planning purpose, relevance and reasonableness of the condition. The WAPC may consider non-standard conditions providing they are suitably justified. These are shown as conditions B, C D in the resolution. Attachment 4 includes a schedule of conditions with justification to assist the WAPC in imposing the conditions recommended. The council report will also be sent to the WAPC to support the justifications with a technical assessment.

Options and Implications

With regard to the recommendation for the proposed subdivision application, Council has the following options:

Option 1

Council may resolve to recommend approval of the application subject to appropriate conditions.

Should the Council elect Option 1, the approval recommendation and conditions shall be referred back to the WAPC for consideration and a determination made under delegation available to the Department. Should Council wish to amend the proposed condition/s of subdivision approval, Council’s reasons for such an amendment will be included in the response back to the WAPC.

Option 2

Council may resolve to refuse the application providing appropriate reasons.

Should Council elect Option 2, the refusal recommendation and reasons shall be referred back to the WAPC for consideration. The WAPC may seek further information from the Shire as to its recommendation for refusal prior to making a determination. The WAPC can overrule the Shire’s recommendation based on delegation available to the Department.

Option 1 is recommended.
Conclusion
The proposal seeks approval for a two (2) lot subdivision of an existing ‘Rural Living A’ zoned lot. The proposed subdivision layout is generally consistent with the SGP with the exception of lot shape and inclusion of a battleaxe leg. Subject to the revision of the proposed lots by way of altering the common boundary further north, the proposal is considered to warrant a recommendation of approval, subject to conditions to the WAPC.

Attachments
- **Attachment 1** – Proposed Plan of Subdivision (IN19/11523)
- **Attachment 2** – Applicant Cover letter (IN19/11524)
- **Attachment 3** – Bushfire Management Plan (IN19/11525)
- **Attachment 4** – Letter to WAPC Recommendation (IN19/11554)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>A diverse, well planned built environment</td>
</tr>
<tr>
<td>2.1.1</td>
<td>Actively engage in the development and promotion of an effective planning framework</td>
</tr>
<tr>
<td>2.2</td>
<td>A sustainable natural environment</td>
</tr>
<tr>
<td>2.2.1</td>
<td>Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets</td>
</tr>
</tbody>
</table>

Financial Implications
There are no financial implications for Council to consider as part of this application.

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequate onsite effluent disposal causing water impact</td>
<td>Unlikely (2)</td>
<td>Moderate (3)</td>
<td>Moderate (5-9)</td>
<td>Environment - 2 Minor - Contained, reversible impact managed by internal response</td>
<td>Accept Officer Recommendation</td>
</tr>
<tr>
<td>Bushfire Risk</td>
<td>Unlikely (2)</td>
<td>Moderate (3)</td>
<td>Moderate (5-9)</td>
<td>Property - 2 Minor - Localised</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>
A risk rating of 6 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council RECOMMENDS to the WAPC that the application for two (2) lot subdivision at Lot 80 (No. 128) Bournbrook Avenue, Cardup be APPROVED, subject to the following Conditions and Advice Notes:

Conditions:

A. D4 The land being filled, stabilised, drained and/or graded as required to ensure that:
   a) lots can accommodate their intended development; and
   b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
   c) stormwater is contained on-site. (Local Government).

D5 Prior to the commencement of subdiisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdiisional works have...
been carried out in accordance with the pre-works geotechnical report. (Local Government)

T12 2.5 by 2.5 metre truncation is to be provided at the junction of the access way and the proposed 2.5 by 2.5 metre rear lot. (Local Government)

T16 The proposed access way being constructed and drained at the landowner / applicant cost to the specifications of the local government. (Local Government)

T20 Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. (Local Government)

B8 Prior to commencement of subdivisional works, a detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)

B1 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended). (Local Government)

EN11 A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan).

The restrictive covenant is to state as follows:

“No buildings and effluent disposal systems are to take place outside the defined building envelopes, unless otherwise approved by the local government.” (Local Government)

EN2 Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government)

F1 Information is to be provided to demonstrate that the measures contained in the bushfire management plan prepared by Harley Dykstra, Version A dated 21 February 2019 that address the following:

(a) Vehicle access to be installed in accordance with Table 6, column 3 of Guidelines for Planning in Bushfire Prone Areas;

(b) Gates and hardstand to be installed prior to clearance of conditions; and

(c) Compliance with the Shire’s annual Firebreak and Fuel Hazard Reduction Notice.

have been implemented during subdivisional works. (Local Government)

F2 A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a
Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.

Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

‘This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land’ (Western Australian Planning Commission)

W4 A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

‘A mains potable water supply is not available to the lot(s).’ (Local Government)

W5 A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

‘A reticulated sewerage service is not available to the lot(s).’ (Local Government)

B. Lot-dividing boundary to be realigned further north to align similarly with Lots 81 & 82 Bournbrook Avenue, Cardup.

C. Prior to the commencement of sub-divisional works, the landowner / applicant is to provide a site and soil evaluation in compliance with Australian/New Zealand 1547: On-site domestic wastewater management certifying that the land is physically capable of accommodating on-site sewage disposal.

D. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

‘The lots are subject to the provisions of Appendix 4A and 4B of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (As amended)’ (Local Government)

Advice Notes:

a) The applicant is advised to determine Tree Protection Zones, TPZ for all protected trees in accordance with the AS 4970-2009 Protection of Trees in Development Sites. The applicant must also determine methods protecting the trees effectively.

b) Building envelopes are not to exceed 1,000sqm and be no closer than 20m to the primary street boundary and 10m to any other lot boundary.

c) With regard to condition B, the location of the common boundary is to be located 10.0m from the existing outbuilding / shed structure.
10.1.6 – Proposed Volunteer Bush Fire Brigades Local Law (SJ1066)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Governance / Manager Rangers and Emergency Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Development Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

Legislative | Includes adopting local laws, local planning schemes and policies.

Report Purpose

To propose that Council adopt a Volunteer Bush Fire Brigades Local Law.

Relevant Previous Decisions of Council

At its meeting held on 17 December 2018 (OCM156/12/18), Council authorised the Chief Executive Officer to give statewide and local public notice of the proposed Volunteer Bush Fire Brigades local law (attachment 1).

Background

The Shire of Serpentine Jarrahdale By-laws relating to the Establishment, Maintenance, and Equipment of Bush Fire Brigades was Gazetted on 29 March 1985. While functional, it is outdated.

Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

The proposed local law was advertised for public submission from 13 February 2019 to 5 April 2019.

No submissions were received from the public, however the Department of Local Government, Recreation and Cultural Industries (DLG) responded on behalf of the Minister for Local Government, and the Minister for Fire and Emergency Services (MFES) also responded:

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules (DLG)</td>
<td>Noted. There is no requirement in the Bush Fires Act for ‘rules’ to be included in a local law.</td>
</tr>
<tr>
<td>Clause 3 defines the term “Rules” as the rules that govern the operation of Bush Fire Brigades adopted by the Shire, as amended from time to time.</td>
<td>The Shire does not wish to regulate bush fire brigades or their activities. It has successfully operated and engaged with its brigades for a</td>
</tr>
<tr>
<td>Ordinarily, bush fire brigade local laws contain their Rules as a schedule to the local law.</td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>Response</td>
</tr>
<tr>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>Shire’s local law does not do this and states that the rules are to be adopted from time to time. This means that a significant part of the local law is effectively contained on a separate document maintained by the Shire. This may be raised as an issue by the Delegated Legislation Committee, as the document can be amended at any time without any parliamentary scrutiny. While the Committee has raised concerns with this practice in the past, it related to other kinds of local laws and not Bush Fire Brigade Local Laws specifically. As such, this is a potential issue only and has been raised for the Shire’s noting. The Shire’s official Gazetted name contains a hyphen between “Serpentine” and “Jarrahdale”. It is suggested that the hyphen be included whenever the Shire’s name is cited. The Shire allows for the establishment of bush fire brigades in clause 5 of the proposed local law. The Shire may like to consider providing for approval of members of the brigade by the local government, and incorporating a process for removal of members where necessary, while ensuring procedural fairness is provided to the affected member (MFES). Similarly, clause 6 of the local law allows for the election of officers of the brigade but not for their removal. The Shire may like to consider incorporating a process for removal of officers where necessary, while again ensuring procedural fairness is provided to the affected officer (MFES).</td>
<td></td>
</tr>
<tr>
<td>considerable period without a provision in local laws – the matters dealt with can be undertaken by agreement with the brigades instead. The clauses of the local law that deal with ‘rules’ have been deleted. Government Gazette, 23 June 1961, page 1995, indicates the Names and Common Seals of Municipalities; lists the Shire of Serpentine Jarrahdale with a hyphen, “Shire of Serpentine-Jarrahdale”. Noted. There is no requirement for this to be included in a local law, and it is not provided for in the current (1985) local law. The Shire does not wish to be involved in the potential removal of officers of a brigade; this should be undertaken by the brigades and their members. Noted. Similarly, there is no requirement for this to be included in a local law, and it is not provided for in the current (1985) local law. The Shire does not wish to be involved in the potential removal of officers of a brigade; this should be undertaken by the brigades and their members.</td>
<td></td>
</tr>
</tbody>
</table>


The Shire does not wish to be involved in the approval of members of a brigade or their potential removal; this should be undertaken by the brigades and their members.

The only requirement under the Bush Fires Act is under s41(2) for it to keep a register of bush fire brigades and their members in accordance with the regulations, and to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register.
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The DLG also made a number of minor suggestions with respect to the presentation and format of the draft local law, all of which are straightforward.

In addition, further minor amendments are proposed to:

- Clause 5 to provide for brigades to hold annual general meetings;
- Clauses 6(7) to provide that brigades may also appoint persons to other offices as they require such as a secretary, treasurer etc., and 6(8) to allow brigades to establish different types of membership if they so decide;
- Add clause 8 which notes that the appointment, employment, payment, dismissal and duties of bush fire control officers are provided for in the Act; and
- Add clause 9 which notes that the Shire may provide funds for the maintenance and equipment with appliances and apparatus of bush fire brigades

These are matters about which a local government may make a local law but have been required to be added to a similar local law by the WA Parliamentary Committee on Delegated Legislation, which oversees subsidiary legislation on behalf of State Parliament.

A duly amended local law, with the changes proposed shown ‘marked’ from what was authorised by Council for public submission in December 2018 (attachment 2). The changes are considered minor.

It also contains a number of notes and text boxes to assist readers to interpret what clauses mean, and what other legislation might apply, but which do not form part of the local law and will be deleted from the official version to be Gazetted.

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note though that as a last resort, the Shire could consider use of s52 of the Interpretation Act 1984 which provides that:</td>
<td></td>
</tr>
<tr>
<td>52. <strong>Power to appoint includes power to remove, suspend, appoint acting officer etc.</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —</td>
<td></td>
</tr>
<tr>
<td>(a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and ..</td>
<td></td>
</tr>
</tbody>
</table>

Reference: E19/6661
Statutory Environment

Section 43 of the Bush Fires Act provides that a local government which establishes a bush fire brigade shall by its local laws:

… provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

Other sections of the Bush Fires Act set out where a local government may make local laws, including s62:

62. Local government may make local laws
(1) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to —
(a) the appointment, employment, payment, dismissal and duties of bush fire control officers; and
(b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
(c) any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

The use of a local law to deal with anything other than what is required under the Act is unnecessary - all critical matters are dealt with under the Bush Fires Act and Regulations. For example:

- Part 2 of the Bush Fires Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
  - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
  - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
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- Section 39 sets out the powers of bush fire control officers;
- Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
- Section 41 provides that Act, a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
- Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1);
- Section 43 is the only area of the Bush Fires Act that requires a local government to make a local law (discussed below); and
- Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, ‘CALM’ and bush fire control officers.

- Part 5 deals with miscellaneous matters and among other things:
  - Allows a local government to delegate any of its powers and duties to its CEO; and
  - Provides for penalty and prosecution provisions.

**Comment**

Other than dealing with the matters for which a local government must include in a local law about bush fire brigades) the use of a local law to deal with other matters is unnecessary.

There is no penalty for a breach of the 1985 local law, nor is any proposed for the new local law. The Shire has been able to manage its funding and/or support to volunteer brigades for a considerable period without inclusion of matters for which it may (but is not required) include in a local law. The local law deals only with those matters that are required to be dealt with by local law; the Shire simply does not which to regulate matters that it does not have to.

The Shire has a set of Business Operating Procedures that deal with a widely set of activities relating to the operation of Bush Fire Brigades as agreed with them and amended from time to time.

In the unlikely event it became necessary for the Shire to take action, if all else fails it could:

- Withhold funding from a brigade; and/ or
- Seek return of assets and/or equipment; and/ or
- Ultimately, deregister a brigade under s41(3) of the Bush Fires Act. This provision is wide ranging and is used mainly when a brigade merges with another or disbands, but can be applied for any reason a local government see fit.
Options and Implications

It is considered unsatisfactory to leave the 1985 by-law in place. A more contemporary and flexible approach to ensuring the Shire’s volunteer bush fire brigades are supported in going about their role is considered necessary.

Option 1

Option 2

Option 1 is recommended.

Conclusion

An approach which recognises the valuable contribution made by volunteer bush fire brigades in the community and their role while providing a framework within which they can efficiently operate, via a draft new local law which deals only with what must be included by the Bush Fires Act.

Attachments

- **Attachment 1** - Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades Local Law – Advertised for Public Submission (E18/13503)
- **Attachment 2** - Shire of Serpentine-Jarrahdale Volunteer Bush Fire Brigades Local Law 2019 – Track changes incorporating submissions received (E19/6174)
- **Attachment 3** - Shire of Serpentine-Jarrahdale Volunteer Bush Fire Brigades Local Law 2019 (E19/6409)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.2</th>
<th>A strategically focused Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategy 4.2.3</strong></td>
<td>Provide clear strategic direction to the administration</td>
</tr>
</tbody>
</table>

Financial Implications

There are costs associated with the drafting, advertising for public comment and Gazettal of the proposed local law.
Risk Implications

If the existing by-law law is not updated or amended there is a risk that the Shire may not have in place the most effective means to allow its bush fire brigades to operate.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>An out of date bushfire local law</td>
<td>Unlikely (2)</td>
<td>Minor (2)</td>
<td>Low (1-4)</td>
<td>Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

Risk Matrix

<table>
<thead>
<tr>
<th>Consequence</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likelihood</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Almost Certain</td>
<td>5</td>
<td>Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Likely</td>
<td>4</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
</tr>
<tr>
<td>Possible</td>
<td>3</td>
<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>2</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
</tr>
<tr>
<td>Rare</td>
<td>1</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
</tr>
</tbody>
</table>

A risk rating of 4 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.
Voting Requirements: Absolutely Majority

Officer Recommendation:

That Council:


2. In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government and Emergency Services.

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the Shire office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
10.2 Infrastructure Services reports

10.2.1 - Award Request for Quote - RFQ 37/2018 - Purchase of a Front End Loader (SJ2817)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer:</td>
<td>Director Infrastructure Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

Executive

The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.

Report Purpose

To advise Council of submissions received in relation to Award of Contract for RFQ 37/2018, Purchase of a Front End Loader and for Council to award the contract to the best value for money submission as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

As part of the process the machines were assessed and the highest rated were performance tested.

Community / Stakeholder Consultation

N/A
Submissions
The Request for Quote RFQ 37/2018 – Purchase of a Front End Loader, was advertised on the WALGA Vendor Panel on 6 December 2018 and closed at 2.00pm on 8 January 2019.

There were four (4) submissions received which are summarised in **Confidential attachment 1** - RFQ 37/2018 - Purchase of a Front End Loader – Evaluation Report.

**Attachment 2 - Confidential** - RFQ 37/2018 - Purchase of a Front End Loader – Pricing Schedule.

Quote submissions were received from the following companies:

<table>
<thead>
<tr>
<th>#</th>
<th>Company Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hitachi Construction Machinery</td>
</tr>
<tr>
<td>2</td>
<td>JCB Construction Equipment Australia</td>
</tr>
<tr>
<td>3</td>
<td>Komatsu Australia Pty Ltd</td>
</tr>
<tr>
<td>4</td>
<td>Westrac Pty Ltd</td>
</tr>
</tbody>
</table>

**Evaluation Panel**
An evaluation panel was convened of the following personnel:
- Manager Operations
- Acting Supervisor Drainage
- Manager Waste and Fleet.

All members of the quote valuation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the submitters. Each member of the panel assessed the quote submissions separately.

**Evaluation Criteria**
The following evaluation criteria and weightings were used by the quote evaluation panel to assess quote submissions:

<table>
<thead>
<tr>
<th>EVALUATION CRITERIA</th>
<th>WEIGHTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price with quantities</td>
<td>60%</td>
</tr>
<tr>
<td><strong>Parts Supply</strong></td>
<td></td>
</tr>
<tr>
<td>The ability to supply parts in a timely manner.</td>
<td>20%</td>
</tr>
<tr>
<td>Tell us about your distribution Centre, and where it is located’</td>
<td></td>
</tr>
<tr>
<td>Do you have a 24/7 Customer Support Centre?</td>
<td></td>
</tr>
<tr>
<td>Do you have a Field Service Unit?</td>
<td></td>
</tr>
<tr>
<td><strong>Mechanical Assessment:</strong></td>
<td>10%</td>
</tr>
<tr>
<td>To be completed by the Shire of Serpentine Jarrahdale</td>
<td></td>
</tr>
<tr>
<td><strong>Driver/Operator Assessment:</strong></td>
<td>10%</td>
</tr>
<tr>
<td>To be completed by the Shire of Serpentine Jarrahdale;</td>
<td></td>
</tr>
</tbody>
</table>
Comment

All submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment are documented in the confidential attachment 1 – Evaluation Report. The prices submitted for the recommended respondent is documented in confidential attachment 2 - Pricing Schedule.

Following the assessment of all quote submissions against the selection criteria, the quote submitted by Komatsu Australia Pty Ltd was assessed as being the best value for money that meets the Shire’s requirements.

The quote evaluation panel therefore recommends the quote submission made by Komatsu Australia Pty Ltd.

Statutory Environment

Section 3.57 (1) of the Local Government Act 1995 requires a local government to invite quotes before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Options and Implications

The following options have been identified:

Option 1

Award the contract as recommended in attachment 1 - Confidential - RFQ 37/2018 - Purchase of a Front End Loader – Evaluation Report to Komatsu Australia Pty Ltd.

Option 2

Not award the contract and requote.

The Evaluation Panel recommends option 1.

Conclusion

Komatsu Australia Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support option 1 and the contract be awarded to Komatsu Australia Pty Ltd.

Attachments

- Attachment 1 - Confidential - RFQ 37/2018 - Purchase of a Front End Loader – Evaluation Report (E19/1045)
- Attachment 2 - Confidential - RFQ 37/2018 - Purchase of a Front End Loader – Pricing Schedule (E19/1047)
Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.1</th>
<th>A resilient, efficient and effective organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 4.1.1</td>
<td>Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources</td>
</tr>
</tbody>
</table>

Financial Implications

The funding for this quote is included in the 2018/2019 plant replacement program.

Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the purchase of the front end loader should not occur and Shire continue hiring plant at a higher operational cost.</td>
<td>Possible (3)</td>
<td>Minor (2)</td>
<td>Moderate (5-9)</td>
<td>Financial Impact - 4 Major - $500,000 - $2M</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>5</td>
<td>Medium (5)</td>
<td>High (10)</td>
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<td>High (16)</td>
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<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
</tr>
<tr>
<td>Rare</td>
<td>1</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
</tr>
</tbody>
</table>

A risk rating of 6 has been determined for this item.
Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Absolute Majority

**Officer Recommendation:**

That Council AWARDS RFQ 37/2018 Purchase of a Front End Loader including additional plant attachments to Komatsu Australia Pty Ltd for $239,500 as per confidential attachments 1 and 2.
10.2.2 - Award Request for Quote – RFQ 06/2019 - Traffic Management Services (SJ2955)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Director Infrastructure Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

Executive

The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting quotes, directing operations and setting and amending budgets.

Report Purpose

To advise Council of submissions received in relation to RFQ 06/2019 - Traffic Management Services and for Council to award the contract to the best value for money submission as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

OCM154/08/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Urban, seconded Cr Gossage

That Council

1. Award tender RFT 02/2016 for Traffic Management Services to Quality Traffic Management Pty Ltd for a two (2) year period from 1 September 2016 to 31 August 2018 in accordance with the submitted tender as per confidential attachment OCM154.2/08/16.

2. Authorise the Chief Executive Officer to approve a one (1) year extension of the contract with Quality Traffic Management Pty Ltd to 31 August 2019, if the Chief Executive Officer is satisfied with the level of service and operation of the contract.

CARRIED UNANIMOUSLY
Background

As part of the Shire’s ongoing requirement for traffic management services, a tender was prepared and advertised seeking suitable contractors to undertake provision of road works planning and associated safety activities relating to traffic management.

Traffic Management is a vital service providing safety for general public and staff when undertaking a variety of projects, albeit capital and maintenance and public events throughout the Shire.

The purpose of appointing a Traffic Management Services contract is to provide best value for money for services over an extended period, as opposed to obtaining services on a case by case basis. Traffic Management Contractors can offer better rates for service if they are locked into a contract over a number of years.

Costs associated with this contract are charged to the respective Capital and Operating accounts over the course of the financial year. Costs per annum vary, depending upon the scope of the various projects on the annual Capital Works program, or unplanned maintenance or repairs as required.

The actual expenditure for traffic management over the last 2 years was as follows:

- 17/18 FY - $223,000
- 18/19 FYTD - $72,000

Due to the significant fluctuations in overall cost, it is preferable to externally contract this work to ensure maintenance is completed in a timely manner.

Community / Stakeholder Consultation

N/A

Submissions

The Request for Quote RFQ 06/2019 - Traffic Management Services, was advertised in the WALGA eQuotes Portal on 28 March 2019 and closed at 2.00pm on 12 April 2019.

Three submissions were received, and the submissions are summarised in confidential attachments:

Attachment 1 - Confidential – Quote Evaluation Report (E19/5316)
Attachment 2 - Confidential – Quote Pricing Schedule (E19/5317)

All submissions comply with the request for quote guidelines and compliance criteria.
Submissions were received from the following companies:

<table>
<thead>
<tr>
<th>#</th>
<th>Company Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Advanced Traffic Management</td>
</tr>
<tr>
<td>2</td>
<td>Quality Traffic Management</td>
</tr>
<tr>
<td>3</td>
<td>WARP Pty Ltd</td>
</tr>
</tbody>
</table>

**Evaluation Panel**

- Manager Operations
- Acting Supervisor Drainage
- Manager Waste and Fleet

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the quoters. Each member of the panel assessed the quotes separately.

**Evaluation Criteria**

The following evaluation criteria and weightings were used by the quote evaluation panel to assess quoter submissions:

<table>
<thead>
<tr>
<th>EVALUATION CRITERIA</th>
<th>WEIGHTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price with quantities</td>
<td>60%</td>
</tr>
<tr>
<td>Relevant experience with:</td>
<td></td>
</tr>
<tr>
<td>Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.</td>
<td>20%</td>
</tr>
<tr>
<td>Quoters’ Resources, Key Personnel, Skills and Experience with:</td>
<td></td>
</tr>
<tr>
<td>Capacity to deliver the services including:</td>
<td>10%</td>
</tr>
<tr>
<td>Key personnel / Professional skills;</td>
<td></td>
</tr>
<tr>
<td>Describe the key personnel who will be involved in the work, including past work of a similar nature.</td>
<td></td>
</tr>
<tr>
<td>Demonstrated Understanding/Experience with:</td>
<td>10%</td>
</tr>
<tr>
<td>Project schedule;</td>
<td></td>
</tr>
</tbody>
</table>
Ordinary Council Meeting Agenda  
Monday 17 June 2019

### EVALUATION CRITERIA

<table>
<thead>
<tr>
<th>EVALUATION CRITERIA</th>
<th>WEIGHTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Process for delivery of goods/services;</td>
<td></td>
</tr>
<tr>
<td>• Project Management Plan;</td>
<td></td>
</tr>
<tr>
<td>• Critical assumptions; and</td>
<td></td>
</tr>
<tr>
<td>• Any additional information.</td>
<td></td>
</tr>
</tbody>
</table>

### Comment

All quote submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment are documented in the *confidential attachment 1* - RFQ 06/2019 - Traffic Management Services - Evaluation report.

The prices submitted for the recommended quoter are documented in the *confidential attachment 2* - RFQ 06/2019 - Traffic Management Services - Pricing Schedule.

Following the assessment of all quote submissions against the selection criteria, the quote submitted by Quality Traffic Management was assessed as being the best value for money that meets the Shire's requirements.

The quote evaluation panel therefore recommends the contract be awarded to Quality Traffic Management.

### Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite quotes before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

### Options and Implications

The following options have been identified:

**Option 1**

Award the contract as recommended in the Confidential - RFQ 06/2019 - Traffic Management Services - Evaluation Report to Quality Traffic Management.

**Option 2**

Not award the contract and requote.

Option 1 is recommended.
Conclusion

Quality Traffic Management has been assessed as being able to meet the requirements of the contract. The submitter met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support option 1 and the contract be awarded to Quality Traffic Management.

Attachments

- **Attachment 1 - Confidential** - RFQ 06/2019 - Traffic Management Services- Evaluation Report (HPRM E19/5316)
- **Attachment 2 - Confidential** - RFQ 06/2019 - Traffic Management Services- Pricing Schedule (HPRM E19/5317)

Alignment with our Strategic Community Plan

This item directly aligns with the following outcomes and strategies within the Shire’s Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 3.3</th>
<th>An innovative, connected transport network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 3.3.1</td>
<td>Maintain, enhance and rationalise the Shire’s transport network in accordance with affordable sound Asset Management Plans</td>
</tr>
</tbody>
</table>

Financial Implications

The funding for this quote is included in the 2018/2019 operational budget and will be included in the operational budget for future financial years.
### Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not awarding the contract to the successful submitter will mean Council will pay higher operational costs for traffic management.</td>
<td>Possible (3)</td>
<td>Minor (2)</td>
<td>Moderate (5-9)</td>
<td>Financial Impact - 2 Minor $50,000 - $250,000</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

### Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>5</td>
<td>Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Likely</td>
<td>4</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
</tr>
<tr>
<td>Possible</td>
<td>3</td>
<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>2</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>1</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 6 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.
Voting Requirements: Absolute Majority

Officer Recommendation:

That Council:

1. AWARDS RFQ 06/2019 - Traffic Management Services to Quality Traffic Management, for a period of two (2) years, as per the prices set out in the confidential attachment 2 pricing schedule at a fixed price for the first 12 months and subject to rise and fall, in line with Perth CPI.

2. AUTHORISES the Chief Executive Officer to approve an extension for one (1) year provided the Chief Executive Officer is satisfied with the level of service and continued value for money.
10.3 Corporate Services reports

10.3.1 - Confirmation of Payment of Creditors (SJ801)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

| Legislative | Includes adopting local laws, local planning schemes and policies. |

Report Purpose

The purpose of this report is to prepare a list of accounts paid each month, as required by the Local Government (Financial Management) Regulations 1996.

Relevant Previous Decisions of Council

Nil.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 5.42 of the Local Government Act 1995 states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.18 - Payments from Municipal and Trust Fund.

Section 6.10 of the Local Government Act 1995 states the Financial Management Regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.


Comment

In accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, schedules of all payments made through the Council’s bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

a) Payees name;
b) The amount of the payment;
c) The date of the payment; and
d) Sufficient information to identify the transaction.
A detailed list of invoices for the period 1 May 2019 to 31 May 2019 is provided in attachment 1.

Attachments

- **Attachment 1** – Creditors List of Accounts 1 May 2019 to 31 May 2019 (E19/6566)
- **Attachment 2** – Purchasing Card Report 8 April 2019 to 5 May 2019 (E19/6568)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.1</th>
<th>A resilient, efficient and effective organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 4.1.1</td>
<td>Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources</td>
</tr>
</tbody>
</table>

Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 May 2019 to 31 May 2019 totalled $4,618,663.50.

Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council does not accept the payments</td>
<td>Unlikely (2)</td>
<td>Insignificant (1)</td>
<td>Low (1-4)</td>
<td>Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>
**Risk Matrix**

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
<td>Extreme (25)</td>
</tr>
<tr>
<td>Likely</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Possible</td>
<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
<td>High (15)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 2 has been determined for this item.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council

RECEIVES the Schedule of Accounts as paid under delegated authority from 1 May 2019 to 31 May 2019, totalling $4,618,663.50 as attached, covering:

1. **EFT Vouchers EFT55344 to EFT55712 including purchasing card payment totalling $4,411,689.32;**

2. **Municipal Cheque Vouchers CHQ45975 to CHQ45979 totalling $1,925.45; and**

3. **Municipal Direct Debits DD47426.1 to DD47512.33 totalling $205,048.73.**
10.3.2 – Monthly Financial Report – April 2019 (SJ801)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995</td>
</tr>
</tbody>
</table>

**Authority / Discretion**

| Legislative | Includes adopting local laws, local planning schemes and policies. |

**Report Purpose**

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the Local Government Act 1995.

This report is about the financial position of the Shire as at 30 April 2019.

**Relevant Previous Decisions of Council**

The original budget for 2018/19 was adopted on 25 June 2018 at an Ordinary Council Meeting (OCM059/06/18). As a part of this decision, and in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances, as resolved by Council, shall be:

a) 10% of the amended budget; or
b) $10,000 of the amended budget, whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

**Background**

The Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 require that the Shire prepare a Statement of Financial Activity each month. The Local Government Act 1995 further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.

**Community / Stakeholder Consultation**

Nil.
Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Comment

Monthly Financial Report

The attached report shows the month end position as at the end of April 2019. The municipal surplus for the month ending 30 April 2019 is $6,670,101, which is favourable, compared to a budgeted surplus for the same period of $66,823. The reasons for the variances are discussed below.

<table>
<thead>
<tr>
<th>Description</th>
<th>YTD Budget</th>
<th>30 April 2019 Actual</th>
<th>Variance (unfavourable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Surplus at 1 July 2018</td>
<td>1,126,999</td>
<td>1,126,999</td>
<td>-</td>
</tr>
<tr>
<td>Proceeds from sale of assets</td>
<td>294,450</td>
<td>148,049</td>
<td>(146,401)</td>
</tr>
<tr>
<td>Changes to net transfers to and from Reserves</td>
<td>6,282,162</td>
<td>(574,465)</td>
<td>(6,856,627)</td>
</tr>
<tr>
<td>Changes to net transfers to and from Restricted Cash</td>
<td>2,145,924</td>
<td>1,593,235</td>
<td>(552,689)</td>
</tr>
<tr>
<td>Loan principal Drawdown (New loans)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Loan principal repayments</td>
<td>(451,253)</td>
<td>(451,253)</td>
<td>-</td>
</tr>
<tr>
<td>Capital expenditure</td>
<td>(21,332,705)</td>
<td>(8,719,103)</td>
<td>12,613,602</td>
</tr>
<tr>
<td>Capital revenue (cash items)</td>
<td>6,714,410</td>
<td>2,996,914</td>
<td>(3,717,496)</td>
</tr>
<tr>
<td>Operating revenue (cash items)</td>
<td>32,017,602</td>
<td>32,323,239</td>
<td>305,637</td>
</tr>
<tr>
<td>Operating expenditure (cash items)</td>
<td>(26,730,766)</td>
<td>(21,773,514)</td>
<td>4,957,252</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>66,823</td>
<td>6,670,101</td>
<td>6,603,278</td>
</tr>
</tbody>
</table>

Attachments

- Attachment 1 – Monthly Financial Report April 2019 (E19/6286)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.1</th>
<th>A resilient, efficient and effective organisation</th>
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<tbody>
<tr>
<td>Strategy 4.1.1</td>
<td>Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.</td>
</tr>
</tbody>
</table>
Financial Implications
As at 1 April 2019, the Shire’s respective cash position was as follows:

Municipal Fund: $2,366,156
Trust Fund: $1,459,102

Material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

Operating Revenue
  Rates
  No variance analysis required, variance to budget is less than 10%.
  Operating Grants, Subsidies and Contributions
  No variance analysis required, variance to budget is less than 10%.
  Fees and Charges
  No variance analysis required favourable variance less than 10%.
  Interest Earnings
  Favourable variance of $80,810 primarily due to additional penalty and instalment interest earned on rates debtors (Penalty Interest - $44,245 and Instalment Interest - $20,152).
  Other Revenue
  No variance analysis required, variance to budget is less than 10%.

Operating Expenses
  Employee Costs
  Favourable variance of $1,354,956 due to timing differences related to new positions not recruited yet, positions currently vacant, and operating budget items being capitalised.
  Materials and Contracts
  Favourable variance of $3,236,850 due primarily to timing differences in relation to provision of services across all programs and business units the most material of which is Waste Services at $589,949 and Consulting fees which are $451,596 under budget due primarily to the timing of various strategy and planning initiatives across the organisation.
  Other significant variations include Bushfire Mitigation - $515,200, Administration & Operations Centre feasibility - $200,000, Subdivision feasibility - $150,000, Community Safety and Crime Prevention - $126,661.
  Utility Charges
  Favourable variance of $96,987 due to timing differences in relation to utility charges across the organisation, the most significant component being electricity costs associated with Street Lighting - $68,895 and Volunteer Fire Brigades electricity charges - $30,168.
  Depreciation on Non-Current Assets
  No variance analysis required, variance to budget is less than 10%.
Interest Expenses
Favourable variance of $17,180 due to timing differences relating to loan repayment dates.

Insurance Expenses
No variance analysis required, variance to budget is less than 10%.

Other Expenditure
Favourable variance of $246,590 primarily in relation to timing of Community funding programs - $135,409 and Conference/Training expenses - $82,916.

Other
Profit on Asset Disposals
No variance analysis required as no variance to budget.

Loss on Asset Disposals
Favourable variance of $103,150 due to less vehicle disposals year to date than budgeted.

Non-Operating Grants, Subsidies and Contributions
Unfavourable variance of $3,717,496 due to timing of grant funding receipts, the most material of which is National Stronger Roads funding in relation to Abernethy Road for the amount of $3,528,385.

Proceeds from Disposal of Assets
Unfavourable variance of $146,401 due to timing differences related to the disposal of vehicles.

Repayment of Debentures
No variance analysis required as no variance to budget.

Proceeds from New Debentures
No variance analysis required as no variance to budget.

Transfers (to)/from Cash Backed Reserves (Restricted Assets)
Unfavourable variance of $6,856,627 due to timing differences related to capital expenditure programs and application of reserve funds.

Transfers (to)/from restricted cash (Municipal)
Unfavourable variance of $552,689 due to timing differences related to completion of projects to which Restricted Cash applies.
Risk Implications
Risk has been assessed on the basis of the Officer’s Recommendation.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council not accept the Officer’s recommendation.</td>
<td>Unlikely (2)</td>
<td>Insignificant (1)</td>
<td>Low (1-4)</td>
<td>Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed</td>
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Risk Matrix

<table>
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<tr>
<th>Likelihood</th>
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<tr>
<td>Likely</td>
<td>4</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
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<tr>
<td>Possible</td>
<td>3</td>
<td>Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
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<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>1</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 2 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation:

10.3.3 - Review of Council Policies - Purchasing and Procurement (SJ514-09)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Finance</th>
</tr>
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<tbody>
<tr>
<td>Senior Officer:</td>
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<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
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</tbody>
</table>

Authority / Discretion

| Legislative | Includes adopting local laws, local planning schemes and policies. |

Report Purpose

A review of the following Council Policies has been undertaken and are recommended for Council endorsement:

- Council Policy 3.2.4 - Purchasing
- Council Policy 3.2.5 - Procurement of Goods or Services through Public Tendering

Relevant Previous Decisions of Council

OCM179/12/17 - Review of Council Policies 2017
OCM049/05/18 – Review of Council Policy 3.2.4 - Purchasing (SJ526-02)

OCM076/05/19

COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr McConkey, seconded Cr Denholm

That Council

1. AMENDS the advertising requirements of Council Policy – 3.2.5 Procurement of Goods or Services through Public Tendering, by inserting the words ‘and also a local media outlet circulating within the Shire of Serpentine Jarrahdale.’

CARRIED 6/2

Councillor McConkey, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded. Councillors, Atwell, Coales, Denholm, McConkey, Piipponen and See voted FOR the motion. Councillors Rich and Byas, voted AGAINST the motion

Reason for difference to Officers Recommendation

The amendment allows for any future changes to media advertising.
OCM079/05/19
COUNCIL RESOLUTION / Councillor Recommendation

Moved Cr McConkey, seconded Cr Denholm

That Council

2. REQUESTS the Chief Executive Officer undertake a thorough review of Council Policy 3.2.5 Procurement of Goods or Services through Public Tendering, with the outcome of this review to be presented to Council at a workshop and the complete reviewed policy to be presented to the July 2019 Ordinary Council Meeting or earlier.

CARRIED UNANIMOUSLY 8/0

Reason for difference to Officers Recommendation
A timeframe was added to ensure this motion is dealt with quickly.

Background

Following the Shire implementing a “Centre Led” procurement process in 2018 and Council’s adoption of an appropriate purchasing policy the competence and sophistication of the organisation has moved on significantly.

This review of both policies regarding purchasing under $150,000 and Tendering over $150,000 is required to recognise the process and cultural improvements to date.

The revised Council Policies as contained in attachments 2 and 5 identify the changes including the additional information with the requirements for the management of Council’s procurement function. These policies reinforce Council’s ongoing commitment to maintaining the Shire’s strategic and operational objectives.

These policies underpin the organisation’s ability to:

• attain best value for money;
• achieve sustainable benefits;
• provide consistent, efficient and accountable decision making and processes;
• promote fair and equitable competition;
• achieve probity and integrity;
• achieve compliance;
• promote risk mitigation;
• create appropriate records; and
• protect commercial-in-confidence information.
Community / Stakeholder Consultation
Policy Concept Forum

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>27 May 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors in Attendance</td>
<td>Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See</td>
</tr>
</tbody>
</table>

The Executive Management Group (EMG) discussed the review of these Council Policies through Procurement discussions and consideration.

Statutory Environment

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of Council to determine the Local Government policies.

The Local Government (Functions and General) Regulations 1996, Regulation 11A requires the Shire to have a written Purchasing Policy for the supply of goods and services worth $150,000 or less.

Under Section 3.57 of the Local Government Act 1995, a local government is required to invite tenders before it enters into a contract of a prescribed kind according to Regulation that designates a tender threshold of over $150,000.

Comment

To ensure local businesses are given the best possible opportunity to participate in Shire procurement processes the new “Procurement of Goods or Services through Public Tendering Policy” will require that all Tenders are advertised much more widely in local media.

This means that beginning immediately all tenders will be advertised in at least 3 local papers such as the Mandurah Coastal Times, Rockingham Courier and The Examiner.

A review of the Shire’s purchasing procedures and supporting tender documentation was completed by Paxon Group on 1 November 2018, to provide the Shire with assurance that these are in compliance with the Act, Regulations and best practice.

The proposed Council Policies as contained in attachments 3 and 6 are key documents for underpinning the guidelines for the operation of the centre led Procurement Team.

The key changes to the reviewed Council Policies are:

Council Policy 3.2.4 – Purchasing

- Name changed to Procurement of Goods or Services up $150,000 to clearly demonstrate compliance with the Function and General Regulations.
- The Objective has been streamlined to identify the Shire’s requirements within the Policy.
- The Scope has been added to maintain consistency with the Shire’s updated Policy template.
- Value for Money has been expanded to allow for consolidation of the description of Value for Money and the Assessing Value for Money.
- Assessing Value for Money section has been combined with Value for Money’ description.
• **Evaluation Panels** section has been moved to Procurement of Goods or Services through Public Tendering.

• **Exemptions** section has been expanded to identify cases on when a Purchase Order is unnecessary.

**Council Policy 3.2.5 - Procurement of Goods or Services through Public Tendering**

- The **Scope** has been added to maintain consistency with the Shire’s updated Policy template.
- Additional dot points have been added under **Tender Exemption** which identify specific circumstances where tendering is not required.
- **Tender Criteria** has been expanded to include the identification of the five tender categories and to further clarify the inclusions of a Tender contract.
- **Specifications** section has been added to provide the tenderer with a concise, unambiguous description explaining to the tenderer exactly what is required.
- **Probit** section has been added to inform the tenderer of the criteria followed by the Shire to ensure that the tender selection process is fair and objective.
- **Advertising Tenders** section has been reviewed to provide further clarification on the advertising requirements so as to ensure local businesses are given the best possible opportunity to participate in Shire procurement processes.
- **Opening of Tenders** section has been reworded to simplify the tender opening process.
- **Tender Evaluation** section has been renamed **Tender Selection Criteria and Evaluation Panel Guidelines**. This section provides further clarification in relation to the principles of procedural fairness, being:
  - knowledge;
  - relevant considerations;
  - bias;
  - confidentiality; and
  - commenting during the tender selection process.
- **Tender Clarification** section has been added stipulating that any questions relating to tender clarification will be answered via the tender forum hosted by the e-tender provider.
- **Notification of Outcome** has been renamed **The Evaluation Process**. This section outlines the process followed after the tenders have closed.
- **Scoring System** section has been added including a table describing the 0-5 score basis on which each submission is individually assessed.
- **Appendices A-E** have been included at the back of the Policy. These Appendices are **Tender Evaluation Criteria** for each tender category, being:
  - Construction Works (major and minor);
  - Professional and Consultant Services;
  - Other Services;
  - Plant and Equipment; and
Options and Implications

Option 1
Council to adopt the following new and revised Council Policies:

- Council Policy 3.2.4 - Purchasing
- Council Policy 3.2.5 - Procurement of Goods or Services through Public Tendering

Option 2
Council to refuse the following new and revised Council Policies:

- Council Policy 3.2.4 - Purchasing
- Council Policy 3.2.5 - Procurement of Goods or Services through Public Tendering

Option 1 is recommended.

Conclusion
This report is presented to Council recommending the adoption of amended Council Policies:

- Council Policy 3.2.4 - Purchasing
- Council Policy 3.2.5 - Procurement of Goods or Services through Public Tendering

It is considered that the modifications provide more transparency in regards to procurement practices.

Attachments

- [Attachment 1](#) – Current Council Policy 3.2.4 – Purchasing (E17/11227)
- [Attachment 2](#) – Track Changes version Council Policy 3.2.4 – Purchasing (E19/5671)
- [Attachment 3](#) – Proposed final version Council Policy – Purchasing - Procurement of Goods or Services up to $150,000 (E19/5674)
- [Attachment 4](#) – Current Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering (E17/11234)
- [Attachment 5](#) – Track Changes version Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering (E19/5670)
- [Attachment 6](#) – Proposed final version Council Policy - Procurement of Goods or Services through Public Tendering (E19/5672)
Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.1</th>
<th>A resilient, efficient and effective organisation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 4.1.1</td>
<td>Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within associated resources.</td>
</tr>
<tr>
<td>Outcome 4.2</td>
<td>A strategically focused Council</td>
</tr>
<tr>
<td>Strategy 4.2.2</td>
<td>Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.</td>
</tr>
</tbody>
</table>

Financial Implications

Nil.

Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council does not adopt the revised Council Policies</td>
<td>Possible (3)</td>
<td>Insignificant (1)</td>
<td>Low (1-4)</td>
<td>Compliance - 1 Insignificant - Occasional noticeable temporary non-compliances</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

Risk Matrix

<table>
<thead>
<tr>
<th>Consequence</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>5 Medium (5) High (10) High (15) Extreme (20) Extreme (25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td>4 Low (4) Medium (8) High (12) High (16) Extreme (20)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible</td>
<td>3 Low (3) Medium (6) Medium (9) High (12) High (15)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unlikely</td>
<td>2 Low (2) Low (4) Medium (6) Medium (8) High (10)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rare</td>
<td>1 Low (1) Low (2) Low (3) Low (4) Medium (5)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A risk rating of 3 has been determined for this item.
Voting Requirements: Simple Majority

Officer Recommendation:

That Council

1. ADOPTS the amended Council Policy – Purchasing - Procurement of Goods or Services up to $150,000 as contained in attachment 3.

2. ADOPTS the amended Council Policy - Procurement of Goods or Services through Public Tendering as contained in attachment 6.
10.3.4 – Application for Rates Exemption – RSL, Byford (SJ281)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Finance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

| Review | When the Council operates as a review authority on decisions made by Officers for appeal purposes. |

Report Purpose

This report is presented to Council to consider application for rates exemption for the Returned & Services League of Australia (RSL).

Relevant Previous Decisions of Council

Nil.

Background

On 1 April 2019 an application for rates exemption was received from The Returned & Services League of Australia for Lot 90, 840 South Western Highway, Byford (A305700).

The property has been owned by the RSL since 2012.

The Returned & Services League of Australia is a not-for-profit organisation that operates an Opportunity Shop run by volunteers and provides funding and support to community groups and welfare and advocacy services to veterans and their families.

Community / Stakeholder Consultation

Nil.

Statutory Environment


“(2) The following land is not rateable land;
   (g) land used exclusively for charitable purposes”
**Comment**

The Returned & Services League of Australia

An application has been received for rates exemption from The Returned & Services League of Australia on 1 April 2019 as contained in attachment 1.

The property at 840 South Western Highway, Byford (A305700) is used as an Opportunity Shop. In support of the application, the organisation has provided a Statutory Declaration as to the use of the property, a Financial Report for the year ended 30 June 2018, and The Returned & Services League of Australia WA Branch Incorporated Constitution Rules.

The use of the land, not the nature of the landowner, is the key determinant of rateability of land and in this case, the exclusive use of the land is as a shop.

A shop is a commercial operation regardless of the where the proceeds are applied and does not appear to meet the requirements of “land used exclusively for charitable purposes”.

However, given the obvious community building characteristics of the RSL is may be considered reasonable to consider a donation in the upcoming budget.

**Options and Implications**

**Option 1**

Decline the request for land to be considered exempt from rates under Section 6.26 of the Local Government Act.

**Option 2**

Decline the request for land to be considered exempt from rates under Section 6.26 of the Local Government Act and list for consideration a donation of $500 in the 2019/2020 budget.

Option 2 is recommended

**Conclusion**

The application for rate exemption is not supported as the land is used for a commercial purpose.

**Attachments**

- **Attachment 1** - Application for Rates Exemption Local Government Act 1995 – Section 6.26 (IN19/7052)

**Alignment with our Strategic Community Plan**

<table>
<thead>
<tr>
<th>Outcome 4.1</th>
<th>A resilient, efficient and effective organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 4.1.1</td>
<td>Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.</td>
</tr>
</tbody>
</table>

**Financial Implications**

Nil.
Risk Implications
Risk has been assessed on the basis of the Officer’s Recommendation.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAT challenge upheld</td>
<td>Unlikely (2)</td>
<td>Insignificant (1)</td>
<td>Low (1-4)</td>
<td>Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>

Risk Matrix

<table>
<thead>
<tr>
<th>Consequence</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>5 Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
<td>Extreme (25)</td>
</tr>
<tr>
<td>Likely</td>
<td>4 Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Possible</td>
<td>3 Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
<td>High (15)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>2 Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>1 Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 2 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council

1. DECLINES the application for rates exemption from The Returned & Services League of Australia for Lot 90, 840 South Western Highway, Byford (A305700) as contained in attachment 1.

2. LISTS for consideration a donation in the amount of $500 in the 2019/2020 budget.
10.4 Community Services reports

10.4.1 – Minor Strategic Review - Strategic Community Plan (SJ2880)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

**Authority / Discretion**

| Executive | The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets. |

**Report Purpose**

The purpose of this report is to seek Council adoption of the amendments following a minor review of the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-27.

**Relevant Previous Decisions of Council**

OCM087/07/17 – That Council:


OCM032/02/19 – That Council RECEIVES the results of the Shire of Serpentine Jarrahdale Community Perceptions Survey 2018.

**Background**

On 24 July 2017, Council adopted the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-27 (OCM087/07/17). The Strategic Community Plan 2017-27 sets the Shire’s strategic direction in achieving the community’s long-term vision and aspirations. Developed following extensive community engagement and consultation, the plan establishes the following four key objectives the Shire aims to progress over the next 10 years:

- **People**
  A connected, thriving, active and safe community

- **Place**
  A protected and enhanced natural, rural and built environment

- **Prosperity**
  An innovative, commercially diverse and prosperous economy

- **Progressive**
  A resilient organisation demonstrating unified leadership and governance

Under each of the above key objective areas, the plan further details the outcomes and strategies that form the primary driver for all other planning undertaken by the Shire.
In September 2018, the Shire conducted its biannual Community Perceptions Survey. The Community Perceptions Survey provides Council an overview of the Shire’s service delivery performance and provides important feedback to consider in the delivery of the Strategic Community Plan. The results from this survey were provided to Council in February 2019 (OCM032/02/19).

Community / Stakeholder Consultation
Policy Concept Forum
Not Applicable.

Community Consultation
Community Perceptions Survey conducted September 2018.

Statutory Environment
Local governments have a statutory obligation under s5.56(1) of the Local Government Act 1995 (WA) (‘the Act’) to plan for the future of their district. Accordingly, Regulations have been made under s5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

Regulation 19C of the Local Government (Administration) Regulations 1996 (WA) (‘the Regulations’) require a local government to ensure that a Strategic Community Plan is made for its district.

The Regulations also outline the review frequency. The Strategic Community Plan must be reviewed at least once every four years (Regulation 19C s4).

The Department of Local Government, Sport and Cultural Industries (‘the Department’) has developed an Integrated Planning and Reporting Framework and Guidelines document to assist local governments with their review processes. This document recommends:

- A minor strategic review is undertaken in year 2. This is usually a desktop exercise focusing on resetting the Corporate Business Plan with consequential amendments to the core informing strategies as required. If there are no major changes proposed, community engagement is discretionary.

- A major strategic review is undertaken in year 4. This process re-engages with the community on the vision and key choices for the coming ten and four years. As noted earlier, the four-yearly major strategic review is a regulatory requirement.

Any modifications to the Strategic Community Plan must be adopted by Council with an absolute majority (Regulation 19C (7)). After the adoption of modifications to a Strategic Community Plan, Regulation 19D (1) requires Council to give local public notice in accordance with Regulation 19D (2)(b), which relevantly states:

(2) The local public notice is to contain –

(b) where a strategic community plan for the district has been modified -

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.
Comment

In accordance with the Department’s recommendation and in light of the recently completed Community Perceptions Survey, the Shire has undertaken a minor strategic review of the Strategic Community Plan 2017-27.

The Community Perceptions Survey identified the following seven (7) focus areas that respondents would like the Shire to focus on:

1. Local roads and traffic especially improving road surfaces across the Shire and reducing congestion in and around the Byford Town Centre.
2. Value for money from Council rates. Residents perceive rates to be too high and would like to see them reduced or to receive better value services and facilities.
3. Footpaths, trails and cycleways across the Shire to increase connectivity, improve safety for pedestrians and cyclists, and encourage an active community.
4. Playgrounds, parks and reserves by increasing the number of parks, introducing dog exercise areas and installing more play equipment and facilities.
5. Access to public transport especially the extension of the Armadale train line and more bus services.
6. Streetscapes by beautifying suburb entrances and increasing verge maintenance.
7. Safety and security including more police, security patrols and other preventative measures.

In comparison to the 2016 Community Perceptions Survey, it is identified that focus areas 1, 4, 5 and 6 are new areas of focus for the community. As such, these areas have been highlighted and summarised within the Strategic Community Plan as follows:

Community Perceptions Survey – August 2018 summary of responses

In addition to the above feedback received in November 2016, results from the August 2018 Community Perceptions Survey highlighted that moving forward, the community would like the Shire to also focus on the following areas:

1. Safety and improvement of roads - Whilst the community has always had a desire for improved transport networks in the Shire, emphasis on the safety and improvement of local roads was a greater focal point in the feedback received. The community would like to see roads upgraded to manage the current population and for the quality and maintenance of road surfaces to be improved. This area is a priority for 40% of the community.

2. Playgrounds, parks and reserves – The community feels that there are not enough local parks in the Shire and that there is a lack of play equipment. The community would like the number of parks and open spaces to increase and highlighted the need for a designated dog park.

3. Public transport - Investment in infrastructure that supports greater transportation choices was a key visionary outcome for SJ2050. More specifically however, the 2018 survey results demonstrate a desire from the community for improved public transport connectivity throughout the Shire. This is a priority for 12% of the community.

4. Streetscapes – Beautifying suburb entrances, increasing verge maintenance and litter management was identified as a priority for 11% of the community.
Also inserted into this section, is the following Strategic References table, designed to map the Strategic Community Plan’s Strategies to each area of feedback from both the 2016 and 2018 Community Perception Surveys. Importantly, this will provide the community with a useful tool to track the Shire’s progress towards the key areas, through the reported activities within the Quarterly Corporate Business Plan Progress Reports.

### Community Perceptions Survey – Strategic references

In order of community priority, the focus areas from the Community Perceptions Surveys are linked to the relevant strategies in the Plan as set out in the following table. The table demonstrates the connection between the communities feedback and the Shire’s actions.

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Community Priority</th>
<th>Strategic Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety and Improvement of roads</td>
<td>40%</td>
<td>3.3.1</td>
</tr>
<tr>
<td>Value for money from Council Rates</td>
<td>27%</td>
<td>4.1.1, 4.2.2</td>
</tr>
<tr>
<td>Footpaths, trails and cycleways</td>
<td>15%</td>
<td>2.2.1, 2.3.3.1</td>
</tr>
<tr>
<td>Playgrounds, parks and reserves</td>
<td>13%</td>
<td>2.2.1, 2.3.1</td>
</tr>
<tr>
<td>Public Transport</td>
<td>12%</td>
<td>3.3.1, 4.2.1</td>
</tr>
<tr>
<td>Streetscapes</td>
<td>11%</td>
<td>2.2.1, 2.2.2, 2.2.3</td>
</tr>
<tr>
<td>Safety and Security</td>
<td>11%</td>
<td>1.3.3</td>
</tr>
<tr>
<td>Customer Service</td>
<td>N/A</td>
<td>4.1.1</td>
</tr>
<tr>
<td>Reputation</td>
<td>N/A</td>
<td>4.1.2</td>
</tr>
</tbody>
</table>

It has been determined that each key area has sufficient strategies to address the feedback received from the 2018 Community Perceptions Survey. As such, no amendments to the strategies have been made. A full description of the strategies relating to the new focus areas are as follows:

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety and improvement of roads</td>
<td>• 3.3.1 Maintain, enhance and rationalise the Shire’s transport network in accordance with affordable sound Asset Management Plans</td>
</tr>
</tbody>
</table>
| Playgrounds, parks and reserves          | • 2.2.1 Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets  
• 3.3.1 Maintain, enhance and rationalise the Shire’s transport network in accordance with affordable sound Asset Management Plans   |
| Public transport                         | • 3.3.1 Maintain, enhance and rationalise the Shire’s transport network in accordance with affordable sound Asset Management Plans  
• 4.2.1 Build and promote strategic relationships in the Shire’s interest  |
| Streetscapes                             | • 2.2.1 Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets  
• 2.2.2 Seek to minimise resource usage and continue to maximise reuse opportunities  
• 2.2.3 Continue to minimise the volume and impact of waste generated within the district |
The Shire’s President’s Foreword on page 5 is updated to outline the key achievements over the last two years and to reaffirm the Shire’s vision and strategic objectives.

Other minor changes to grammar, formatting and photos were also made as part of the review.

Refer to attachment 2: Strategic Community Plan (Revised June 2019)_Tracked Changes to view all changes made.

Refer to attachment 1: Strategic Community Plan (Revised June 2019)_Final to view the revised Strategic Community Plan.

Options and Implications

Option 1
Council adopt the revised Strategic Community Plan at attachment 1.

Option 2
Council adopt with amendments the revised Strategic Community Plan.

Option 3
Council do not adopt the revised Strategic Community Plan, and remain with the current version of the Strategic Community Plan at attachment 3.

Option 1 is recommended.

Conclusion

The minor strategic review has highlighted that the Shire’s Strategic Community Plan remains relevant in achieving the community’s long-term vision and aspirations. The incorporation of the community’s feedback from the 2018 Community Perceptions Survey is an important part of the process to collaborate with the community in realising the future of our local area.

Attachments

- Attachment 1 – Strategic Community Plan 2017-27 (revised June 2019) Final (E19/6149)
- Attachment 2 – Strategic Community Plan 2017-27 (revised June 2019) Tracked Changes (E19/6048)
- Attachment 3 – Strategic Community Plan 2017-27 (current) (E17/8199)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome</th>
<th>4.1 A resilient, efficient and effective organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy</td>
<td>4.1.1 Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources</td>
</tr>
<tr>
<td>Outcome</td>
<td>4.2 A strategically focused Council</td>
</tr>
<tr>
<td>Strategy</td>
<td>4.2.2 Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions</td>
</tr>
</tbody>
</table>
Financial Implications
There are no financial implications associated with this recommendation.

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Council do not adopt the revised Strategic Community Plan, there may be a perception from the community that the feedback from the Community Perceptions Survey will not be actioned and as such, may result in reputational loss for the Shire.</td>
<td>Unlikely (2)</td>
<td>Minor (2)</td>
<td>Low (1-4)</td>
<td>Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item</td>
<td>Accept Officer Recommendation</td>
</tr>
</tbody>
</table>
### Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Consequence</th>
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<tr>
<td>Almost Certain</td>
<td>5</td>
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</tr>
<tr>
<td>Likely</td>
<td>4</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
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<td>Medium (9)</td>
<td>High (12)</td>
<td>High (15)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>2</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>1</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 4 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Absolute Majority

**Officer Recommendation:**

That Council:

1. ADOPTS the revised Strategic Community Plan at attachment 1.

2. In accordance with Regulation 19D of the *Local Government (Administration) Regulations 1996*, AUTHORISES the Chief Executive Officer to give local public notice stating that:
   a. modifications to the Strategic Community Plan for the Shire of Serpentine Jarrahdale have been adopted by Council following a minor review;
   b. the period of the Strategic Community Plan remains 2017 to 2027;
   c. the revised Strategic Community Plan is available electronically on the Shire’s website and hard copies are available at the Mundijong Public Library or the Shire’s Administration building.
10.4.2 – Alcoa Community Partnership Agreement (SJ2345)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Acting Manager Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Acting Director Community Services</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

**Authority / Discretion**

| Executive | The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets. |

**Report Purpose**

This report seeks Council’s direction in regards to the Community Funding Partnership with Alcoa of Australia Limited.

**Relevant Previous Decisions of Council**

As per OCM142/10/17, Council resolved to endorse the Community Partnership Agreement between Alcoa of Australia (then, Alcoa Huntly) and authorized the Chief Executive Officer to negotiate Memorandum of Understanding’s with the benefiting Jarrahdale community groups.

**Background**

A formal three-year partnership agreement between the Shire and Alcoa of Australia was executed in November 2017 (attached as confidential attachment 1) to provide funding to the value of $100,000 over three years to identified Jarrahdale community groups or events being;

- Jarrahdale Heritage Society
- Lions Club of Serpentine Jarrahdale (Jarrahdale Log Chop and Country Fair)
- Jarrahdale Primary School
- Perth Symphony Orchestra
- Jarrahdale Community Collective
- Jarrahdale Cemeteries Committee
Under the agreement, the Shire was to co-contribute funding per year as financial or in-kind support such as project management. The payment schedule of the agreement is outlined as:

- Year One - $30,000
- Year Two - $35,000 – conditional upon successful completion of acquittal of Year One funding.
- Year Three - $35,000 – conditional upon successful completion of acquittal of Year Two funding.

The initial agreement was to provide funding to the identified groups by December 2017, as the Shire’s co-contribution had previously been allocated a budget, however once negotiations commenced with the groups it became apparent that expenditure by December 2017 would not be achievable to meet the objectives of the Agreement. Subsequently, Alcoa of Australia and the Shire agreed that a variation would be executed to administer the year one funding over the 2018/2019 financial year, and years two and three over 2019/2020 and 2020/2021.

In March 2019, a deed of variation was executed (confidential attachment 2) to reflect the changes in direction. The variations were:

- Formalisation of Alcoa’s decline to sponsor the revised Perth Symphony Orchestra event project (revised to Opera at the Mill).
- Identification of projects to be funded within Year One being:
  - Jarrahdale Heritage Society Landscape and Planting Project;
  - Jarrahdale Log Chop and Country Fair;
  - Jarrahdale Primary School Community Workshop;
  - Jarrahdale Primary School equipment.
- Updated dates for acquittal to reflect that each year of funding be conditional upon agreed projects being identified prior to 30 June of each year (Alcoa then has the right to terminate the agreement if no projects identified).
- Council’s co-contribution being in-kind and not just financial.

Following the administration of Year one funding, Officers identified barriers to administering the funds in an appropriate manner. Council Policy – Community Grants, indicates that Council will not consider funding for State and Federal government organisations unless there is a broad community benefit. At this time, the identified project for the Primary School (to be implemented via the Jarrahdale Primary School P&C Association) is located on the school site specifically, and would not generally be accessible to the broader community.

Whilst it is recognised that this is a valuable project for the school the administration of funding for such a project falls outside of Shire policy.

Community / Stakeholder Consultation

A number of community stakeholder meetings have occurred regarding the agreement since 2018 in order to reach consensus between identified Jarrahdale groups. The key objective was to
identify projects that would generate significant community benefit, rather than focus on the dollar value of funding per group.

Following agreement and implementation of Year One projects, Officers more recently met with Jarrahdale Community Collective (JCC) and Jarrahdale P&C (9 May 2019), as well as the Jarrahdale Heritage Society (15 May 2019). Whilst the JCC have identified a valuable project for implementation in Year Two which has the support of the other groups (specifically relevant to a community hub initiative), JCC further provided a request to the Shire to terminate the agreement after that time - if the Shire was not able to administer the funds for the P&C project in Year Three. In this manner, the school could liaise directly with Alcoa for the funding so as to not forfeit the amount, and still initiate the project.

**Statutory Environment**

Nil.

**Comment**

Discussions between Officers and Alcoa have indicated that support of the Jarrahdale Community Collective, Jarrahdale Log Chop and Country Fair, and Jarrahdale P&C (as the most significant community groups within the agreement) across both Years Two and Three of the agreement is of high importance.

Given the administrative constraints of the agreement and the high importance of the groups and their work in the community, Alcoa suggested terminating the agreement in June 2019, to enable direct negotiation between Alcoa and the groups. As the current agreement terminates at 30 June 2019 should a project not be identified, the suggestion to terminate the Agreement at this time would allow a full financial year for the community groups to undertake the negotiation process and subsequent delivery of their projects. Should Council opt to not terminate the agreement, a project has been identified for year two funding under the Agreement.

Officers provide in-kind project management to community groups where required as part of usual operations, therefore a termination of the agreement will not result in any interruption to this service. Furthermore, the opportunity for Council to co-contribute to projects via the Community Grants or Community Contributions Scheme (where appropriate) is still possible.

Whilst the partnership to date has provided a positive outcome for the Jarrahdale community with funding allocated for works at St Paul’s Church, Officers suggest that the community groups are in a better position to negotiate funding for projects that support Alcoa’s objectives and align with community aspirations.

*Council Policy – Community Grants* aims to support the broader community by funding projects that deliver benefit to all ratepayers and residents. Alcoa’s objectives allow for the provision of funding for projects that may benefit a specific identified target group which limits the assistance that Council can provide, hence the administrative impact on the Shire.

Should Council agree to terminate the agreement, the Shire will no longer be required to conduct funding administration on behalf of Alcoa.
Options and Implications

Option 1
That Council REQUEST the Acting Chief Executive Officer to negotiate termination of the Community Partnership Agreement (being the cessation of Year One) between the Shire of Serpentine Jarrahdale and Alcoa of Australia effective 20 June 2019, and advocate that Alcoa of Australia continue to provide funding support to Jarrahdale community groups directly. Alcoa have indicated that this is their preferred approach. Officers continue to provide project management support for relevant projects.

Option 2
That Council REQUEST the Acting Chief Executive Officer to negotiate with Alcoa of Australia the termination of the agreement after Year Two funding has been administered, as per the Agreement. Alcoa may not agree to this arrangement.

Option 3
That Council REQUESTS the Acting Chief Executive Officer to indicate to Alcoa of Australia that the Shire wishes to maintain the agreement through years Two and Three, to ensure funding support is fully provided by Alcoa, noting that the Jarrahdale P&C will not be a beneficiary of the agreement.

Alcoa has indicated that it is important to them that the Jarrahdale Primary School and P&C are recipients of the funding so may not agree to this arrangement.

Option 1 is recommended.

Conclusion
A formal three-year partnership agreement with Alcoa of Australia was executed in November 2017. Since this time, the identification of projects and the administration of the agreement has become difficult to implement in a timely and accessible manner.

Via mutual agreement between all key stakeholders, Officers recommend terminating the agreement immediately (being the cessation of Year One) so that Jarrahdale groups can liaise directly with Alcoa for the funding and implementation of identified projects over what would be the remaining term.

Assistance from Shire Officers will continue to be provided where appropriate, and co-contributions to projects that meet Council’s priorities may be provided where consistent with the Community Grant and Community Contributions policy.

Attachments
- Attachment 1 – Confidential - Alcoa Agreement (E17/12032)
- Attachment 2 - Confidential – Deed of Variation (E19/1401)
## Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 1.1</th>
<th>A healthy, active, connected and inclusive community.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 1.1.1</td>
<td>Provide well planned and maintained public open space and community infrastructure.</td>
</tr>
<tr>
<td>Outcome 4.2</td>
<td>A strategically focused Council</td>
</tr>
<tr>
<td>Strategy 4.2.2</td>
<td>Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.</td>
</tr>
</tbody>
</table>

## Financial Implications

There are no financial implications to Council as the Year Two income was expected to be received in the 2019/20 financial year. Should the agreement terminate immediately, this income (and relevant expenditure) would not occur, thus having a nil impact on budget.

## Risk Implications

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

<table>
<thead>
<tr>
<th>Risk</th>
<th>Risk Likelihood (based on history and with existing controls)</th>
<th>Risk Impact / Consequence</th>
<th>Risk Rating (Prior to Treatment or Control)</th>
<th>Principal Risk Theme</th>
<th>Risk Action Plan (Controls or Treatment proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative community sentiment in Shire/Alcoa terminating the agreement.</td>
<td>Possible (3)</td>
<td>Minor (2)</td>
<td>Moderate (5-9)</td>
<td>Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile</td>
<td>Accept Risk. Officers have continually met with relevant groups to keep them informed on status of agreement. The objective in terminating agreement is to make the funds more accessible to all groups, not to reduce the level of funding available.</td>
</tr>
<tr>
<td>Future partnership opportunities</td>
<td>Possible (3)</td>
<td>Minor (2)</td>
<td>Moderate (5-9)</td>
<td>Reputation - 2 Minor - Substantiated,</td>
<td>Accept Risk. Officers will continue to</td>
</tr>
</tbody>
</table>
with Alcoa become limited.

localised impact on key stakeholder trust or low media item

liaise with key stakeholders (including Alcoa) to achieve objectives that are in the best interest of the community.

Risk Matrix

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>5 Medium (5)</td>
<td>High (10)</td>
<td>High (15)</td>
<td>Extreme (20)</td>
<td>Extreme (25)</td>
</tr>
<tr>
<td>Likely</td>
<td>4 Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Possible</td>
<td>3 Low (3)</td>
<td>Medium (6)</td>
<td>Medium (9)</td>
<td>High (12)</td>
<td>High (15)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>2 Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>1 Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 6 has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council

1. REQUESTS the Acting Chief Executive Officer to negotiate termination of the Community Partnership Agreement between the Shire of Serpentine Jarrahdale and Alcoa of Australia effective 20 June 2019; and

2. ADVOCATES that Alcoa of Australia continue to provide funding support to Jarrahdale community groups directly.
10.5 Executive Services reports

10.5.1 – Western Australian Local Government Association 2019 - Annual General Meeting – Appointment of Voting Delegates (SJ1225)

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>Manager Governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Officer/s:</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Disclosure of Officers Interest:</td>
<td>No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 1995.</td>
</tr>
</tbody>
</table>

Authority / Discretion

| Executive | The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets. |

Report Purpose

The purpose of this report is for Council to approve the Voting Delegates and Proxy Voting Delegate for the 2019 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2019.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this item.

Background

The Annual General Meeting of the Western Australian Local Government Association (WALGA) is traditionally held during August each year. This year the AGM will be held on Wednesday 7 August, 2019 at the Perth Convention and Exhibition Centre from 1.30pm – 5.30pm, refer attachment 1.

Pursuant to the WALGA Voting Delegate Information, all Member Councils are entitled to be represented by two (2) Voting Delegates at this meeting. Voting delegates may be either Elected Members or serving Officers.

The Shires current Delegates to the Western Australian Local Government Association – Peel Zone are Councillor Rich and Councillor Atwell. Councillor McConkey is the Deputy Delegate.

Community / Stakeholder Consultation

Not Applicable.

Statutory Environment

Council Policy 1.1.15 – Councillor Fees and Entitlements
Comment
If the Shire of Serpentine Jarrahdale wishes to have voting entitlements at the Western Australian Local Government Association Annual General Meeting, nominated Delegates must be registered by Friday 5 July 2019.

At the Ordinary Council Meeting on 27 November 2017 (OCM156/11/17), Councillors Rich and Atwell were elected to be Council’s representatives to the Western Australian Local Government Association Peel Zone meetings. Councillor McConkey was elected to be the Deputy Representative.

It is recommended that Councillors Rich and Atwell be Council’s nominated Voting Delegates, with Councillor McConkey nominated as the Proxy delegate for the WALGA Annual General meeting. In the event that the Proxy delegate is required to attend on behalf of a Voting Delegate, the Western Australian Local Government Association must be notified prior to the AGM to enable voting slips to be issued to the Proxy Delegate.

The Council nominated voting delegates will also be registered for the convention.

Options and Implications
Option 1
That Council nominates Councillors Rich and Atwell as Voting Delegates to represent the Shire of Serpentine Jarrahdale at the Western Australian Local Government Association Annual General Meeting and that Councillor McConkey be nominated as a Proxy Voting Delegate.

Option 2
That Council nominates _____________________________ and ____________________ as Voting Delegates and _________________________________ as a Proxy Voting Delegate.

Option 1 is recommended.

Conclusion
It is important that the Shire of Serpentine Jarrahdale is represented at the Western Australian Local Government Association Annual General Meeting on Wednesday 7 August 2019, and the Convention. The nomination of Councillors Rich and Atwell as Voting Delegates, and Councillor McConkey as a Proxy Delegate ensures consistency with the existing Council Delegates to the Western Australian Local Government Association – Peel Zone.

Attachments
- Attachment 1 – Notice of Annual General Meeting (IN19/11157)

Alignment with our Strategic Community Plan

<table>
<thead>
<tr>
<th>Outcome 4.2</th>
<th>Build and promote strategic relationships in the Shire’s interest.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategy 4.2.1</td>
<td>A strategically focused Council</td>
</tr>
</tbody>
</table>

Financial Implications
$1,475 per registration.
**Risk Implications**

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

<table>
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<tr>
<th>Risk</th>
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</tr>
</thead>
<tbody>
<tr>
<td>That the Shire of Serpentine Jarrahdale is not represented at the WALGA AGM</td>
<td>Unlikely (2)</td>
<td>Minor (2)</td>
<td>Low (1-4)</td>
<td>Reputation - 1 insignificant - unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item</td>
<td>Manage by nominating two delegates and a proxy delegate...</td>
</tr>
</tbody>
</table>

**Risk Matrix**

<table>
<thead>
<tr>
<th>Likelihood</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td>Low (4)</td>
<td>Medium (8)</td>
<td>High (12)</td>
<td>High (16)</td>
<td>Extreme (20)</td>
</tr>
<tr>
<td>Likely</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Possible</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low (2)</td>
<td>Low (4)</td>
<td>Medium (6)</td>
<td>Medium (8)</td>
<td>High (10)</td>
</tr>
<tr>
<td>Rare</td>
<td>Low (1)</td>
<td>Low (2)</td>
<td>Low (3)</td>
<td>Low (4)</td>
<td>Medium (5)</td>
</tr>
</tbody>
</table>

A risk rating of 4 has been determined for this item.
Officer Recommendation:

That Council

1. NOMINATES
   a. Shire President, Councillor Michelle Rich
   b. Deputy Shire President, Councillor David Atwell
   to be registered as Voting Delegates on behalf of the Shire of Serpentine Jarrahdale at the 2019 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on 7 August 2019.

2. ENDORSES the following Councillor as proxy voting delegates should the registered voting delegates be unable to attend the 2019 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on 7 August 2019:
   a. Councillor Keira McConkey.
10.6 Confidential reports
The meeting is to be closed to members of the public whilst item 10.6.1 is discussed.

<table>
<thead>
<tr>
<th>10.6.1 - Confidential - Long Outstanding Rate Debt (SJ280)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsible Officer:</strong> Manager Finance</td>
</tr>
<tr>
<td><strong>Senior Officer:</strong> Director Corporate Services</td>
</tr>
</tbody>
</table>

**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 *Local Government Act 1995*.

Confidentiality Provisions
This report is confidential in accordance with Section 5.23(2)(b) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal affairs of any person

A full report is provided to Councillors under separate cover. The report is not for publication.

The meeting is to be reopened to the public
11. Urgent business:

12. Councillor questions of which notice has been given:

13. Closure