



Shire of  
Serpentine  
Jarrahdale

**Confirmed**

**Ordinary Council Meeting  
Minutes**

**7.00pm**

**Monday, 14 October 2019**

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**In Person**

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



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



### 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

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
06/05/19	PCF	✓	A	✓	✓	✓	NA	✓	NA	✓
20/05/19	OCM	✓	✓	✓	✓	✓	A	✓	✓	✓
27/05/19	SCM	✓	✓	✓	✓	✓	A	✓	NA	✓
27/05/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
17/06/19	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
24/06/19	SCM	✓	✓	✓	✓	✓	✓	✓	NA	✓
24/06/19	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
27/06/19	SCM	✓	✓	✓	✓	✓	✓	A	A	✓
27/06/19	PCF	✓	✓	✓	✓	✓	✓	A	A	A
15/07/19	OCM	✓	✓	✓	A	✓	✓	✓	A	✓
22/07/19	SCM	✓	✓	✓	✓	✓	A	✓	NA	✓
22/07/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
29/07/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	A
05/08/19	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
19/08/19	OCM	✓	✓	✓	✓	✓	A	A	✓	✓
26/08/19	PCF	✓	✓	✓	✓	✓	A	A	NA	✓
16/09/19	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
23/09/19	PCF	✓	✓	✓	✓	✓	A	A	NA	✓

A – Apology  
 LOA – Leave of Absence  
 NA – Non Attendance



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## Table of Contents

1. Attendances and apologies (including leave of absence):	5
2. Public question time:	6
2.1 Response to previous public questions taken on notice:	6
2.2 Public questions:	6
3. Public statement time:	13
4. Petitions and deputations:	14
5. President's Report:	16
6. Declaration of Councillors and Officers interest:	19
7. Confirmation of minutes of previous Council meeting(s):	20
7.1 Ordinary Council Meeting – 16 September 2019	20
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:	20
8.1 Economic Development Advisory Committee – 23 September 2019	20
9. Motions of which notice has been given:	21
9.1 - Notice of Motion – Small Business Friendly Local Governments (SJ2201)	21
10. Chief Executive Officer reports:	24
10.1 Development Services reports	24
10.1.1 - Deletion of Condition of Development Approval in relation to Hours of Operation at Lot 13 Kargotich Road, Mundijong (PA18/1127)	24
10.1.2 - Proposed Extension to Salvado Catholic College – Lot 102, 115 Abernethy Road, Byford (PA19/797)	38
10.1.3 - Proposed Child Play Centre ('Private Recreation') at Lots 41 – 45 Olsen Gardens, Byford (PA19/568)	54
10.1.4 - Local Structure Plan – Mundijong - Whitby Precinct G2 – Keirnan Street Mundijong (PA19/606)	74
10.1.5 - Section 31 Reconsideration - Proposed Service Station, Fast Food / Takeaway Shop and Rural Supplies – Lot 801, 11 Shanley Road, Mundijong (PA18/693)	86
10.2 Infrastructure Services reports	106
10.2.1 – Shire of Serpentine Jarrahdale Draft Walking and Cycling Plan (SJ263)	106
10.2.2 - State of the Environment Report 2019 – Release for Public Comment (SJ2809)	115
10.2.3 - Local Biodiversity Strategy – Update Report 2019 – Release for Public Comment (SJ510)	121
10.2.4 – Award Request for Tender– RFT 05/2019 – Mundijong Road Rehabilitation (SJ3060)	127
10.2.5 – Award Request for Tender – RFT 06/2019 – Rowley Road Rehabilitation (SJ3084)	134
10.2.6 - George Street Extension - Road and Drainage Works between 801/803 and 821 South Western Highway, Byford (SJ954)	140
10.3 Corporate Services reports	148



---

10.3.1 - Confirmation of Payment of Creditors (SJ801) .....	148
10.3.2 – Monthly Financial Report – August 2019 (SJ801) .....	151
10.4 Community Services reports .....	157
10.4.1 – Peel Regional Trails Strategy (SJ2520).....	157
10.4.2 – Amendment to Seasonal Fees and Charges for 2019/2020 Financial Year (SJ3025).....	163
10.4.3 - Centrals Football and Sportsman’s Club Incorporated – Football & Netball Fee Waiver Requests (SJ1081) .....	171
10.5 Executive Services reports.....	179
10.5.1 - Thomas Road Working Group - Meeting Outcomes (SJ1369) .....	179
11. Urgent business: .....	184
12. Councillor questions of which notice has been given:.....	184
13. Closure:.....	184

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.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 14 October 2019 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7.00pm and welcomed Councillors, and Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to their Elders past and present.

The Shire President, Councillor Rich acknowledged and welcomed Freeman John Kirkpatrick and past Councillor Sandra Hawkins.

### Minutes

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

**In Attendance:**

**Councillors:** M Rich ..... Presiding Member  
 D Atwell  
 M Byas  
 R Coales  
 B Denholm  
 D Gossage  
 K McConkey  
 J See

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

**Apologies:** Nil.

**Observers:**

Members of the Public – 29

Members of the Press – 1



## 2. Public question time:

### 2.1 Response to previous public questions taken on notice:

#### **Ordinary Council Meeting – 16 September, 2019**

Question asked by **Mrs Lee Bond, Box 44, Armadale WA 6122** at the Ordinary Council Meeting, 16 September 2019. A letter was sent to Mrs Bond on 23 September 2019. (OC19/19736).

#### Question

Under what circumstances would equipment not be stored at a fire station?

Are you permitted to have fire equipment on private land that is not a designated fire station?

#### *Response (Director Development Services)*

*There should be no firefighting appliances (e.g. light tanker, broadacre tanker, bulk water carrier) stored anywhere other than a station. This is to ensure readiness for response. The only exception would be where an appliance is undergoing mechanical work, in which case it may have a small time away from the station. SJ17 and SJ935 (Chief Bush Fire Control Officer and Manager Emergency Services & Community Safety vehicles) are Shire vehicles and may be parked at a residence in accordance with Council's Business Operating Procedure.*

### 2.2 Public questions:

#### **Public question time commenced at 7.01pm.**

#### **John Kirkpatrick, 77 Mead Street, Byford WA 6122**

The Byford Parking strategy as adopted by the Council agreed that traffic moving eastward along Abernethy Road would be able to turn left into George Street and traffic moving South along George Street would only be allowed to turn left.

In other words, traffic exiting George Street to the South would be unable to turn right. This decision was reached after the presentation of the crash statistics for this intersection. As figures show this to be a very dangerous intersection. This position was supported by the Council agreeing to put a continuous island in the road to stop traffic crossing Abernethy Road to enter the parking area at the old IGA Store.

#### Question 1

Has this Council decision been incorporated into the design of the new road being constructed and if not, when did the Council decide to amend the previous Council decision and could the Council present the crash statistics from the Main Roads Department to justify the change of design?

#### *Response (Director Infrastructure Services)*

*Council on 27 July 2015 adopted the Byford Access and Parking Working Group decisions and recommendations for public consultation. Public consultation occurred. However, the outcomes of the consultation do not seem to have been presented back to Council.*



*Council cannot approve intersection layouts but rather defer to Main Roads WA for approval. As such, traffic planning requires significant consultation and then final approval from Main Roads. Recent discussions with Main Roads WA have confirmed that the approved plans from 22 May 2017 have left in and left out of George Street and right into George Street from Abernethy Road. A right turn out of George Street to Abernethy Road has not been approved.*

The current Council is to be congratulated on the installation of the toilet block in Percies Park in the Glades. This Park and the adjoining POS has always been popular with the residents and ratepayers and this facility has only increased its usage. The toilet facilities are used by the Community Garden members.

### Question 2

As this park is very popular with the residents, especially young families, will the Council put shading over the playground equipment to protect small children from getting burnt during our hot summer as this is a regular problem, and is one of the only children's playgrounds without this protection and would the Council consider in the next budget considerations upgrading the equipment in this very popular park?

*Response (Director Infrastructure Services)*

*At this stage there are no plans to install shade sails over the playground equipment at Percy Park. The Shire will consider your request against other competing infrastructure requirements in the future budget planning.*

I have raised the question of an unloading bay at Lot 837 South West Highway and was given an undertaking in reply to a Public Question that the Shire was working with the owner to provide a Loading bay to replace the one removed when Aldi was constructed.

Even though the one removed was not on the site of the shopping complex, it did at least mean that deliveries did not have drivers trying to dodge traffic with goods and services for the number of shops in the complex. It is noted that when the Dome Cafe was constructed it provided a suitable loading/unloading bay which has no danger to the public or passing traffic as the drivers do not have to cross through traffic using the thoroughfare of Pitman Way.

### Question 3

When will the Council make the owner of this development put in a suitable loading / unloading bay that eliminates this risk or are they unlike every other developer in Byford exempt from the planning requirements in that they must provide suitable loading and unloading facilities on site?

*Response (Director Development Services)*

*The loading bay referenced above has now been completed in Pittman Way, with additional car parks being created on George Street. The loading bay is considered satisfactory for loading and unloading.*





**Ann & Thomas Dyer, 254 Soldiers Road, Cardup WA 6122**

We have children from Cardup going to different schools in Byford. We asked Councillor Dave Gossage to look into getting the path that comes from Abernethy Road to just pass the S bend in Soldiers Road to look at getting it finished to Cardup Siding Road.

That was four years ago. As we are getting a lot more traffic now and it is going to get a lot worse on Soldiers Road. We are getting worried about children's safety. This is one of the only localities in the Shire that has not got a foot/cycle way to a school.

**Question 1**

Can Council tell us if this is going to be looked into in the near future?

*Response (Director Infrastructure Services)*

*Due to safety considerations with locating dual use paths along 80km/hr speed zones, a path in the identified section of Soldiers Road would be located within the Public Transport Authority (PTA) reserve connecting Mundijong, Whitby, Cardup and Byford. The Shire committed to complete the principal shared path all the way from Byford to Mundijong, and is currently working with Main Roads WA, the Department of Transport and the PTA to obtain the necessary funding and approval.*

On Soldiers Road Byford next to Kentucky Fried Chicken, there is a house built by a developer that is within one metre from the footpath.

**Question 2**

Is this now standard practice or was this a special allowance to let the developer put the house on such a small block, as we were under the understanding that 4 foot was for a neighbouring fence?

*Response (Director Development Services)*

*The subject land is located within the Village Reserve estate, and has a Local Development Plan in place to control the development of these narrow lots. The frontages of the lots are 6 metres in this Estate. In respect of the lot in question, the single house can be setback 1m from the secondary street of Soldiers Road. Placement of the footpath on the property boundary edge also assists in pedestrian safety when travelling north along Soldiers Road.*

When Michelle Rich was first elected as President of this Council, both her and Dave Atwell put it to Councillors that they all accept a 25% reduction in councillor's salary. This was accepted by council members.

**Question 3**

In the next four year term will Council be aiming to maintain the 25% cut or go back to full allowances costing the rate payers thousands of dollars?

*Response (Chief Executive Officer)*

*Bands for Councillor remuneration for all local governments across Western Australia are determined annually by the State Government's independent Salaries*





*and Allowances Tribunal. In accordance with Council's policy and following SAT's determination in 2020, Councillor remuneration within the bands will be a matter for Council proposed to occur next year as part of the 2020-21 budget deliberations.*

**Karina Baker, (address not supplied)**

**Question 1**

What is the status of the Plastic Factory in Cardup and have the Shire received any reports from the company of the conditions that were placed on this?

*Response (Director Development Services)*

*The Plastic Production Factory was granted development approval on 8 May 2018, subject to conditions. The factory also has its occupancy permit in terms of the built infrastructure. The conditions of development approval include various management plans and reports, including Landscape Management Plan, Dust Management Plan, Stormwater Management Plan, Operational Management Plan, Emissions Testing Reporting, Environmental Noise Reporting, Odour Impact Risk Assessment, Fire Management Plan, Waste Water Management Plan and Ground Water Testing Report. The Shire has been in continued engagement with the applicant, to ensure all management plans and reporting required at various stages of development are complied with.*

**Question 2**

Will the Shire be putting tougher compliance on the Wormalls site to clean up the junk yard which is an absolute eyesore, and how will the company and Shire tackle the water run off that flows from that property like a torrent onto Cardup Siding Road and over to the Cardup Brook?

*Response (Director Development Services)*

*The Shire must implement the rules as they exist under the Town Planning Scheme. Also, any development approval and its associated conditions, must be complied with at all times. The Shire continues to engage with the applicant to ensure compliance with the planning framework and development approvals. I have noted your concerns regarding open air storage and stormwater management, and will now have these investigated by the Shire's Statutory Compliance Team.*

**Question 3**

Cardup community would like some information on the status of the LSP for the Cardup Business Park. Is there an LSP and how many changes have been made to the original draft eg sewage? Can the community expect an information session as we had back on the 11<sup>th</sup> December 2014? And can we expect a redo of the submission process due to a great deal of submissions we have read were very geared towards the existing business being Wormalls more so than the Business Park as a whole?

*Response (Director Development Services)*

*There is an adopted local structure plan for the Cardup Business Park, which provides intended land use guidance as follows:*

*The LSP has been designed to facilitate a wide variety of lot sizes to accommodate various types of general industrial uses. The final lot sizes will*



*ultimately depend on the types of uses proposed. For instance, it is expected that uses such as warehousing, transport and logistics business and the like will be attracted to the area. These uses may typically require a lot size ranging from 2-5 hectares in area. Other types of uses that might typically be expected to take advantage of exposure to the South Western Highway will be showroom type uses which would start at a minimum lot size of 2,000m<sup>2</sup>.*

*The Shire is currently advertising its draft Local Planning Strategy and Scheme, which set updated policy and planning guidance for the Business Plan. This specifically states:*

*The Cardup Business Park is well located on South Western Highway between the Byford and Mundijong Whitby urban areas. This area is conveniently located between the two district activity centres and largest urban areas within the Shire, which makes the location optimal for providing service commercial land uses. These uses would generate businesses and industries which would create employment opportunities to support the local population.*

*This is then supported by industrial development objectives as follows:*

- Allow for a broad range of industrial uses to be developed within industrial areas.*
- Ensure that more intensive industrial uses which are likely affect the amenity of the surrounding area are located away from existing urban areas.*
- Locate less intensive industries, rural industries or large scale commercial uses to act as a buffer between industries of a greater intensity and sensitive land uses.*
- Provide for the development of bulky goods retail and other large scale format retail, services or showrooms within close proximity to activity centres.*

*The Cardup Business Park is also identified within the Service Commercial Policy Area, whereas the West Mundijong Industrial Area is identified in the Industry Policy Area. This helps to shape the Shire's expectation for future structure planning and land use to be associated with service commercial type uses, which are more compatible with levels of surrounding rural and residential amenity. West Mundijong in contrast, with its buffers and separation, will be focussed for more extensive general industrial uses.*

### **Mary Plant, 37 Alice Road, Cardup WA 6123**

#### **Question 1**

This question is in regards the "Business Park" and I use that phrase loosely, in Cardup. The Wormalls site is an absolute disgrace on Cardup Siding Road.

I drive along here almost on a daily basis, and every time I am appalled by the mess both inside and outside the perimeter fence.

It was my understanding that plants and greenery would be planted along the verge. This was to make the area pleasing to the eye, akin to what a "Park" purports to be. Industrial areas in Canning Vale and Armadale, to name just two, meet this requirement.



I urge the council to revisit the requirements stipulated and to make sure that Wormalls are complying. It seems to me that this company is not in the least community minded and needs to be reminded that it is a part of this otherwise beautiful area.

*Response (Director Development Services)*

*The Shire has previously been liaising with Wormalls in respect of landscaping at the site, having dealt with the Landscaping Plan and timings for landscaping to begin. The Shire will be following this issue up with the operator, to ascertain timing and completion of works. The Shire will also investigate your concerns regarding open storage, to ensure that development approvals are being complied with as is a responsibility for all developers to do within the Shire.*

*In terms of the broader Business Park, the adopted structure plan has been designed to facilitate a wide variety of lot sizes to accommodate various types of general industrial uses. This reflects an objective for a broad range of land uses, and this does not preclude general industrial uses.*

*Under the Shire's new Draft Planning Scheme and Strategy which is currently out for comment, the Shire is seeking to provide policy direction for the business park which notes its location on South Western Highway between the Byford and Mundijong Whitby urban areas. The Shire is particularly looking to promote the area as optimal for providing service commercial land uses, that can create employment opportunities to support the local population and which set an attractive arrangement of well scaled industrial buildings like warehouses, showrooms and the like.*

## Question 2

What progress has the Council made in regards to suitable accommodation, and I don't mean nursing homes, for older residents who for whatever reason do not wish to remain in their large homes with large gardens to care for. A village style area close to public transport is needed, so that our elderly residents can remain close to family and old friends.

*Response (Chief Executive Officer)*

*This has been a matter which the Shire has and will continue to advocate for on behalf of the community. We are hopeful of an announcement soon regarding a potential development in the Shire which may address this need.*

## **Nicole Metcalf, 119 Tuart Road, Oakford WA 6121**

### Question 1

Traffic counters were installed on Tuart Road, Oakford on September. Has Main Roads advised when an inspector will be sent to monitor the road and place speed signage?

*Response (Director Infrastructure Services)*

*Traffic counters were installed on Tuart Road, Oakford from 21 August 2019 – 27 August 2019 and a request was made on 3 September 2019 for a Main Roads*



*Inspector to inspect. The Shire does not have authority over heavy vehicle movements and so Main Roads do not advise the Shire of when inspections will be carried out. The Shire will follow up with Main Roads as to whether the inspections are complete and if any action will be taken as a result.*

Question 2

The application for a Sand Mine on Lot 1 Thomas Road has been refused. Is the proponent seeking approval through SAT?

*Response (Director Development Services)*

*The applicant has sought a review of the Shire's decision to refuse development approval for the proposed extractive industry on Lot 1 Thomas Road, Oakford. The applicant lodged their review with the SAT on 13 September, and the Shire will be the respondent in the process going forward.*

**Lee Bond, Box 44, Armadale WA 6112**

Question 1

I have requested that overhanging council trees be cutback from hanging over our firebreak on the bridle path side when is this going to happen?

*Response (Director Infrastructure Services)*

*There are no records of your request however if you can provide details Council will investigate and take appropriate action.*

Question 2

Who is responsible for making sure that a candidate returns the voter names and address's information after an election and what is the penalty for retaining by copying or simply keeping the information and using such list for personal reasons?

*Response (Chief Executive Officer)*

*Under section 4.42(2) of the Local Government Act 1995, each candidate is to receive a copy of the electoral rolls. The electoral rolls are supplied by the WA Electoral Commission.*

*Section 25B of the Electoral Act 1907 requires a person receiving an electoral roll to make an undertaking that they will return the enrolment information to the Electoral Commissioner or destroy the enrolment information. The candidate makes this undertaking through a form completed with the Returning Officer upon nomination. Section 25D of the Electoral Act 1907 provides that misuse of the electoral roll, which includes any use not permitted by the Electoral Act, can result in a penalty of \$1,000. The Western Australian Electoral Commission is responsible for ensuring compliance with the Electoral Act.*

**Question 3**

Who is responsible for the entries into the creditors payments and when it is a reimbursement why isn't that stated and why isn't it clearly stated the reason for the payment as too often it is not clear to the ratepayer what the payment is for?

*Response (Director Corporate Services)*

*I am the Senior Officer responsible for the preparation of the accounts paid report.*

*Regulation 13(1) of the Local Government Financial Management Regulations requires the following information be provided.*

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*The Department of local government Accounting manual defines "sufficient information to identify the transaction" as an EFT number together with a brief description of the goods or services for which the payment is made, whether the payment was a direct payment or a reimbursement is not considered a requirement however when space allows within the reports 54 character field this information is disclosed.*

**Public question time concluded at 7.27pm.**

**3. Public statement time:**

**Public statement time commenced at 7.27pm.**

**Lee Bond, Box 44, Armadale WA 6112**

A recent entry into the creditors payments for Councillor Denholm left him upset because it was not listed as a reimbursement for him and was not entirely clear as to why the payment was made. He volunteered to mark out the stalls for the festival after hearing the ratepayer was going to have to pay someone to do it. The appropriate paint was not available, he borrowed that from a sporting club and had to replace it. That meant travelling a long distance to replace the paint. He wasn't given any help and where is the recognition for his efforts? Perhaps a small icon of thanks next to the entry in the creditors payments would be appropriate for this kind of generosity. I am sure it will be an infrequent event for any Councillor. I have discussed this with councillor Denholm and he is aware of my intention to raise the issue.

The matter of voter names and address's being used by individuals for their own purposes must be looked into and dealt with. Darling Downs Residents Association has failed to provide the correct Constitution and still receives funding. Evidence can be provided to show that a particular person in this group has used these voter lists to keep his position of control. All these groups need the scrutiny of the public or stop any ratepayer funds going to them

I must raise the unacceptable behaviour of too many candidates for this election. You shouldn't wonder why people are not interested in voting and this election would be up there with the other sad and sorry council elections. Not only have many of the candidates





treated the voter as idiots but they have indicated that if the wrong people are elected and you didn't vote you brought it on yourself. How dare you think that bullying is okay. I didn't vote for anyone because no-one deserved my vote, however I, like everyone else deserves the best councillors. When someone worthy of my vote is a candidate, they will get my vote. I have seen many people pass through this council as councillors and it is time we had people with integrity not just claiming they can be trusted. We need councillors who are capable and willing to communicate with the ratepayer and general public, it shouldn't be them and us and nor should it be friends with benefits.

**Public statement time concluded at 7.30pm.**

#### **4. Petitions and deputations:**

##### **4.1 Deputation - Clare McLean, Senior Planning Consultant, Peter Webb and Associates on behalf of DJ MacCormick Mundijong Pty Ltd regarding item 10.1.4 – Local Structure Plan – Mundijong – Whitby Precinct G2 – Keirnan Street, Mundijong**

I am presenting this evening on behalf of my client, *DJ MacCormick Mundijong Pty Ltd*, in relation to **Item 10.1.4**, which seeks the Council's approval to progress our recently submitted Local Structure Plan over the eastern portion of the wider area defined as Precinct G in the *Mundijong-Whitby District Structure Plan*.

My client recently purchased Lots 11, 12, 13 and 14 Keirnan Street, Mundijong with the intention of progressing the urban development of these landholdings as soon as practicably possible, following the successful conclusion of the required structure planning and subdivision processes.

This item before you seeks to establish the extent of the land to be included in the structure plan, which is sought to ensure my client is able to proceed with this planned land development.

In this regard, the Local Structure Plan area boundary was proposed by us to extend only over the eastern portion of Precinct G2, capturing the land owned by my client together with the two (2) properties identified for future development as a co-located High School and District Playing Fields.

We recognise that the Officer report before you recommends a slightly modified version of the extent of land we had proposed to be included in the structure plan.

The main purpose of my presentation tonight is to advise that we have reviewed the Officer's justification for that modified boundary area, which includes the unmade Lang Road Reserve and the portion of land to the north of this road reserve which is identified as containing an Aboriginal site. I can confirm that my client is willing to accept these modifications.

In concluding, I would like to extend our appreciation to the Shire's Strategic Planning Team, who have attended to the preliminary assessment of the Local Structure Plan and the matter of addressing the modified structure planning boundary both efficiently and professionally. The outcome being the Officer report before you, which is considered by us to present a fair and balanced recommendation.

On this basis, we respectfully ask that the Council resolve to support the Officer's recommendation.



**4.2 Deputation – Mr Malcolm Mackay, Director, Mackay Urbandesign regarding item 10.1.3 – Proposed Child Play Centre (‘Private Recreation’) at Lots 41-45 Olsen Gardens, Byford**

My deputation relates to Agenda item: 10.1.3 relating to the Proposed Child Play Centre (‘Private Recreation’) at Lots 41 – 45 Olsen Gardens, Byford (PA19/568).

In general terms, the purpose of my deputation is to speak briefly in the support of the development and, as the applicant, to make myself available for any questions that the elected members may have.

In speaking in favour of the application my intent is to cover the following points:

- The landowner is overseas and I am speaking on his behalf.
- Offer support for the recommended option for approval.
- The proposed development will significantly contribute to the activation and viability of the centre as a whole, to the benefit of the local businesses and community.
- The success of centres today is less to do with retail and more to do with a centre being a desirable destination, especially in regard to food and beverage and different forms of recreation and entertainment.
- A children’s play facility is something that has been keenly desired by the local community, given the number of young families in the area.
- The development provides a great opportunity for building a sense of community between young local families.
- There are no adverse impacts arising from the development, and any additional car parking demand can be easily accommodated and managed given the current utilisation of the centre’s car parks.

**4.3 Deputation – Ray Haeren, Regional Director, Urbis regarding item 10.1.5 – Section 31 Reconsideration – Proposed Service Station, Fast Food / Takeaway Shop and Rural Supplies – Lot 801, 11 Shanley Road, Mundijong**

The purpose of my deputation is to speak in support of the application, and in particular to address the recommended deletion of the restaurant use. In particular, I will address the proposal in the context of the State Administrative Tribunal discussions and the previous agreement to remove the drive through lane associated with the restaurant.





## **5. President's Report:**

Good evening and welcome to the October Ordinary Council Meeting for 2019.

I would like to begin by officially welcoming our new Chief Executive Officer, Paul Martin, to the Shire.

Paul joined the Shire on 23 September 2019 and I know he has hit the ground running, getting to meet Shire staff and be across all the projects and initiatives underway, as well as meeting with community, businesses and key stakeholders.

On behalf of the Council, Shire staff and our community, it is great to have you on board Paul.

It was a pleasure to host the Shire's Citizenship Ceremony on 17 September 2019, where we welcomed 33 new citizens from 11 different countries around the world including Bangladesh, Fiji, Germany, India, Iran, Kenya, Malaysia, Mexico, Pakistan, Philippines and United Kingdom.

On 18 September 2019, I had a positive meeting with the City of Kwinana Mayor Carol Adams and CEO Joanne Abbiss to discuss our shared freight and traffic corridors, including Thomas and Anketell Roads.

With the Westport Taskforce shortlisting five options to address Perth's future freight needs and the real possibility of a new Port being planned and built in Cockburn Sound, it is important that we look at the implications for our local road networks and how we preserve the integrity of the proposed freight corridors.

On the same day, the Acting CEO Helen Sarcich and I met with Trevor Keating, where we learnt about his shearing collection and discussed opportunities for the collection to remain in the region.

I also met with Minister for Local Government, Heritage, Culture and the Arts David Templeman to present him with the draft Serpentine Heritage Precinct Plan.

We know how much the Serpentine community values the area's local heritage and I look forward to working with the local community to ensure we preserve its history and charm.

The draft plan was well received by the Minister and it is anticipated that the plan will be presented to Council for consideration in the coming months.

On 19 September 2019, the Acting CEO Helen Sarcich, Deputy Shire President Dave Atwell, Mundijong Volunteer Fire Brigade captain Jason White and I were thrilled to receive a new Bulk Water Tanker on behalf of the Mundijong Volunteer Fire Brigade.

The 12.2 Bulk Water Tanker can hold 12,000 litres of water, far greater than the previous tanker it is replacing, and ensures our firefighters are best equipped in the case of an emergency.

On behalf of Council and our community, I would like to thank the Department of Fire and Emergency Services for providing us with the new firefighting vehicle.

On 25 September 2019, I attended the Westport Reference Group Workshop and it was interesting learn more about the shortlisted options and the possibilities for Serpentine Jarrahdale.

The following day I attended the Peel CCI - Serpentine Jarrahdale Business Bootcamp at Byford and District Country Club. There was a great turnout of local business owners and



operators and we look forward to delivering more of these events in the future to support our local business community.

On 2 October 2019, it was great to join our community, local sporting clubs and Shire staff and Councillors for the official opening of the \$3.9 million Briggs Park upgrades.

We were spoilt with perfect weather for the opening, with more than 200 people attending and taking advantage of the free Community Sports Day.

Works on the lower oval included remediating drainage issues, a new cricket pitch and multi-use cricket and tee-ball nets, while new goal posts were installed on both ovals.

Sport will be able to be played at night on both ovals for the first time, with four new light towers installed on the lower oval and the upper oval's light towers replaced.

It is fantastic that our local sporting clubs now have access to modern, purpose-built facilities to support them to grow their clubs and help them be successful on and off the field.

The Council acknowledges the financial support provided by the State Government's Local Projects, Local Jobs program and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation.

I would also like to thank Shire staff and the contractor, Tracc Civil, for their work on this project and completing it on time and on budget.

As a District we have many hidden gems that should be celebrated. I would like to take a moment to celebrate one such gem...the Borg Family from Jarrahdale. They are not only local fruit growers but also the largest Rose wholesaler in Western Australia. Tonight as a community we congratulate their oldest son, young local fruit grower Joseph Borg who was recently awarded the John Giumelli Encouragement Award by the Hills Orchard Improvement Group at the 36<sup>th</sup> Perth Hills Festival on 12 October 2019. Joseph follows in his sister Jacinta's footsteps after she became the first female to ever win the award in 2013.

Joseph is a fourth generation fruit grower, with the Borg family having grown apple and stone fruit in Jarrahdale for more than 25 years. It is a great honour for Joseph and his family and we thank you all for playing a huge part in our local community now and for many years to come.

In closing, I would like to make a few acknowledgments.

Firstly, I would like to recognise the way our organisation has performed over the past four months during the transition of our outgoing CEO and the arrival of Paul Martin.

For any organisation, going through change can often be a challenging and uncertain period.

I would like to say how impressed I was with the way that our staff rose to the challenge and ensured that we continued delivering on our plans, strategies and services for our community.

A special mention to our Executive Team for their leadership during this period.

To Helen Sarcich, thank you for stepping up as Acting CEO and bringing your professionalism, enthusiasm and can-do attitude to the role.



Having to finalise a Budget in your first few weeks in the role is no small feat, as well as supporting Andrew Trosic as a new director and helping him settle in to his new role at the Shire.

It has been pleasing to hear the feedback from our community and external stakeholders about how well you represented the Shire, as well as from Shire staff who spoke highly of your leadership and support you provided while in the role as Acting CEO.

Thank you also to Steve Harding, Frazer Sullivan, Andrew Trosic and Lisa Keys for your support and leadership during this time. It was especially nice to see the four of you work with Helen as a team over the four months and the lead by example for the Shire staff and wider SJ community.

Finally, as this is our last Ordinary Council Meeting before the election this Saturday, I would like to thank the Council for all their work over the past two years in progressing the Shire and delivering better services, infrastructure and outcomes for our community.

To our retiring councilors – Councillor Piipponen and Councillor Gossage – thank you for your service and contribution to Council and our community and I wish you both well in your future endeavors.

I would like to present Councillor Gossage with a certificate as a small token of our appreciation. The certificate for Councillor Piipponen will be provided at a later date.

To all candidates in the upcoming elections, good luck.

As always, my full calendar can be viewed within the OCM agenda on the following page.

<b>Date</b>	<b>Details</b>	<b>Location</b>
16 September 2019	Ordinary Council Meeting	Shire Offices
17 September 2019	Australian Citizenship Ceremony	Shire Offices
18 September 2019	Meeting with City of Kwinana Mayor and CEO	Shire Offices
	Weekly meeting with Acting CEO	Shire Offices
	Meeting with Trevor Keating	Shire Offices
	Meeting with Hon. Minister David Templeman	Perth
19 September 2019	Photo - Mundijong 12.2 Bulk Water Tanker	Mundijong
23 September 2019	Meet and Greet with New CEO	Shire Offices
	Economic Advisory Committee Meeting	Shire Offices
	Policy Concept Forum	Shire Offices
25 September 2019	Weekly Meeting with CEO	Shire Offices
	Westport Reference Group Workshop	Perth
26 September 2019	Peel CCI - Serpentine Jarrahdale Business Bootcamp	Byford and District Country Club
27 September 2019	Meeting with Assistant Commissioner - DFES	Shire Offices
1 October 2019	JDAP Meeting	Shire Offices
	Photo - Oakford Fire Breaks	Oakford



<b>Date</b>	<b>Details</b>	<b>Location</b>
2 October 2019	Official Opening of Briggs Park Oval	Byford
	Weekly Catch Up with CEO	Shire Offices
3 October 2019	Meeting with Peel Development Commission	Shire Offices
7 October 2019	Agenda Briefing	Shire Offices
9 October 2019	Meeting with CEO Southern Dirt	Shire Offices
	Weekly Meeting with CEO	Shire Offices

## 6. Declaration of Councillors and Officers interest:

Councillor Atwell declared a Financial Interest in item 10.1.1 as Councillor Atwell is part owner of land in the West Mundijong Industrial Area. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Denholm declared a Financial Interest in item 10.1.3 as Councillor Denholm's daughter is an employee of the developer. Councillor Denholm will leave the Chambers while this item is discussed.

Councillor Atwell declared an Impartiality Interest in item 10.1.4 as Councillor Atwell uses the property occasionally for grazing with owner's permission.

Councillor Atwell declared a Financial Interest in item 10.1.5 as Councillor Atwell did firebreaks for the owner. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Rich declared a Financial Interest in item 10.2.4 as several of the tendering companies are clients of Councillor Rich's family business. Councillor Rich will leave the Chambers while this item is discussed.

Councillor Rich declared a Financial Interest in item 10.2.5 as several of the tendering companies are clients of Councillor Rich's family business. Councillor Rich will leave the Chambers while this item is discussed.

Councillor Atwell declared an Impartiality Interest in item 10.4.2 as Councillor Atwell is a Life Member of some of the Clubs involved.

Councillor Atwell declared an Impartiality Interest in item 10.4.3 as Councillor Atwell is a Life Member of the Centrals Football Club.



**7. Confirmation of minutes of previous Council meeting(s):**

**7.1 Ordinary Council Meeting – 16 September 2019**

OCM215/10/19

**COUNCIL RESOLUTION**

Moved Cr McConkey, seconded Cr Atwell

That the amended minutes of the Ordinary Council Meeting held on 16 September 2019 be CONFIRMED (E19/11861).

**CARRIED UNANIMOUSLY 8/0**

**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 – 23 September 2019**

OCM216/10/19

**COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr Atwell

1. That Council RECEIVES the [minutes](#) of the Economic Development Advisory Committee Meeting held on 23 September 2019 (E19/12305); and
2. That Council ADOPTS Economic Development Advisory Committee Resolution EDAC006/09/19 and REQUESTS the Chief Executive Officer to develop a Shire of Serpentine Jarrahdale Destination Marketing Plan 2020-2023; and
3. That Council ADOPTS Economic Development Advisory Committee Resolution EDAC007/09/19 and NOTES the status update.

**CARRIED UNANIMOUSLY 8/0**



## 9. Motions of which notice has been given:

9.1 - Notice of Motion – Small Business Friendly Local Governments (SJ2201)	
<b>Councillor</b>	Councillor Rich
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Notice of Motion

A Notice of Motion was received from Councillor Rich on Monday 7 October 2019.

The Notice of Motion is:

“That Council:

1. Requests the CEO prepare a discussion paper about the Small Business Friendly Local Governments initiative as promoted by the Small Business Development Corporation and present to Council at the February 2020 OCM.
2. Include as part of the discussion paper any budgetary impacts that this initiative would have to the Shire if Council endorsed participation in the initiative.
3. Include any reports or data available that shows the impact of this initiative on local businesses from Local Government areas already participating in the initiative”.

### Officer Comment

The Small Business Development Corporation (SBDC) has developed the Small Business Friendly Local Government (SBFLG) initiative to recognise local government authorities in Western Australia that are actively committed to supporting small businesses in their local area.

To participate in the program local governments are required to sign the Small Business Friendly Local Government Charter to show they are committed to work with, and actively support small business. A copy of the Charter is included as **attachment 1** of this report.

Participating local governments are required to adopt three ‘standard’ activities and at least three ‘flexible’ activities to support small businesses. Further information is outlined in the Small Business Friendly brochure included in this report as **attachment 2**.

Local governments involved with the program are required to report every six months to the SBDC on progress towards achieving the commitments made.

The Shire is currently engaging in Small Business friendly activities such as:

- Facilitating workshops to deliver training and staff development services.
- Providing networking and knowledge based opportunities for local businesses.
- Hosting regular business networking events in collaboration with business support organisations such as the Peel Chamber of Commerce and Industry Inc.
- Requesting business input into the Shires economic development and tourism development initiatives.





- Updating the Shires economic development and tourism website.
- Improving the tendering capacity and awareness of Shire procurement opportunities for local businesses through workshops and training, and distributing early information on open quotation requests and Shire tenders.
- Promoting economic and tourism investment and growth that will support businesses within the Shire.

Participation in the program allows the local government an opportunity to form a relationship with the Small Business Development Corporation and provide additional Small Business development initiatives, such as Encouraging 'Buy Local Campaigns' and the ability to partner with Small Business Development Corporation (SBDC) on Small Business friendly projects.

Participation in the program may offer the Shire greater opportunities to enhance its support of Small Businesses within the Shire and for small business development.

A Councillor Request (CC19/3386) was received in relation to this matter and an Officer response was provided on Monday, 7 October 2019 at 7.33pm.

### **Attachments**

- [Attachment 1](#) - Western Australian Small Business Friendly Local Governments – Charter (E19/12884)
- [Attachment 2](#) - Small Business Development Corporation – Small Business Friendly Brochure (E19/12885)

**Voting Requirements:** Simple Majority

Councillor Recommendation

That Council:

1. Requests the CEO prepare a discussion paper about the Small Business Friendly Local Governments initiative as promoted by the Small Business Development Corporation and present to Council at the February 2020 OCM.
2. Include as part of the discussion paper any budgetary impacts that this initiative would have to the Shire if Council endorsed participation in the initiative.
3. Include any reports or data available that shows the impact of this initiative on local businesses from Local Government areas already participating in the initiative.





**MOTION**

**Moved Cr Coales, seconded Cr McConkey**

**That Council endorses the Director of Community Services email to Councillors of 7 October 2019 in response to local Government Business Friendly Councils and provide an update at February 2020 Ordinary Council Meeting.**

**MOTION LOST 4/4**

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

*Councillors Coales, Gossage, McConkey and See voted FOR the motion.  
Councillors Rich, Atwell, Byas and Denholm voted AGAINST the motion*

**OCM217/10/19**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Rich, Seconded Cr Byas**

**That Council:**

- 1. Requests the CEO prepare a discussion paper about the Small Business Friendly Local Governments initiative as promoted by the Small Business Development Corporation and present to Council at the February 2020 OCM.**
- 2. Include as part of the discussion paper any budgetary impacts that this initiative would have to the Shire if Council endorsed participation in the initiative.**
- 3. Include any reports or data available that shows the impact of this initiative on local businesses from Local Government areas already participating in the initiative.**

**CARRIED UNANIMOUSLY 8/0**



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports

Councillor Atwell declared a Financial Interest in item 10.1.1 and left the Chambers at 8.09pm prior to this item being discussed.

<b>10.1.1 - Deletion of Condition of Development Approval in relation to Hours of Operation at Lot 13 Kargotich Road, Mundijong (PA18/1127)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority/Discretion

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.
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Proponent:	Harley Dykstra Pty Ltd M A Dunsmore
Owner:	M L Dunsmore S Melville B Forrest
Date of Receipt:	19 December 2018
Lot Area:	4.43ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

### Report Purpose

The purpose of the report is for Council to consider a development application that seeks to remove a condition on an existing development approval, in order to allow an approved Logistics Facility ('Light Industry') to have unrestricted operating hours (24 hours). The approved development is located at Lot 13 Kargotich Road, Mundijong, within the West Mundijong Industrial Area. Full details of the proposal are contained within **attachment 1**.

The proposal is presented to Council as Officers do not have delegated authority to determine development applications where objections have been received during the consultation process that cannot be addressed through amendments to the proposal or conditions, in accordance with delegations 11.1.1 and 12.1.1 – Determination of Development Applications.

The report recommends that the proposal be approved subject to conditions.



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**Relevant Previous Decisions of Council**

On 5 November 2018, approval was granted for a Logistics Facility ('Light Industry') at the subject site under delegated authority.

**Ordinary Council Meeting – 19 August 2019**

OCM176/08/19 COUNCIL DECISION / Officer Recommendation:

*That Council:*

1. *ENDORSES the proposal to continue with the Draft West Mundijong Structure Plan independently of the Greater Mundijong District Structure Plan to expedite development of the area.*
2. *Pursuant to Schedule 2, Part 4, Clause 17 of the Planning and Development (Local Planning Schemes) Regulations 2015 DEEMS the Draft West Mundijong Structure Plan to be compliant with clause 16(1) and DEEMS it satisfactory for advertising in terms of clause 18 of the Regulations.*

**Ordinary Council Meeting – 19 August 2019 – extract**

OCM174/08/19 COUNCIL DECISION / Officer Recommendation:

*That Council:*

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

**Background**

On 5 November 2018, development approval was granted under delegated authority for a Logistics Facility ('Light Industry') at the subject site. The approval is contained within **attachment 2** to this report. Condition 2 of this approval states:

*"The logistics facility hereby approved shall operate within the hours of 7:00am – 5:00pm Monday to Friday and 7:00am to 1:00pm on Saturdays only. The facility shall not operate outside of these hours or on Sundays or Public Holidays without prior approval from the Shire of Serpentine Jarrahdale."*

This condition reflected the hours of operation applied for by the original application. The condition went further to help manage noise impacts on nearby landowners, given the West Mundijong Industrial Area comprises a number of sensitive receptors (single dwellings) that must be appropriately protected while the area continues its longer term transition to an industrial area. The land in question is shown with nearby existing dwellings also marked. The image also shows the separation distance of these dwellings.

**Separation to Nearest Dwelling**

The applicant has now submitted a further development application to seek removal of this condition, so as to permit unrestricted operating hours. This has raised the key issue of noise management, and how to provide an appropriate level of protection to existing single dwellings while the area continues to transition towards the intended industrial land use outcome. Managing noise impacts represents an important consideration in this proposal. Following extensive liaison with the applicant, and the applicant providing further noise impact assessments, Officers are now satisfied with the information that has been provided.

### Existing Development

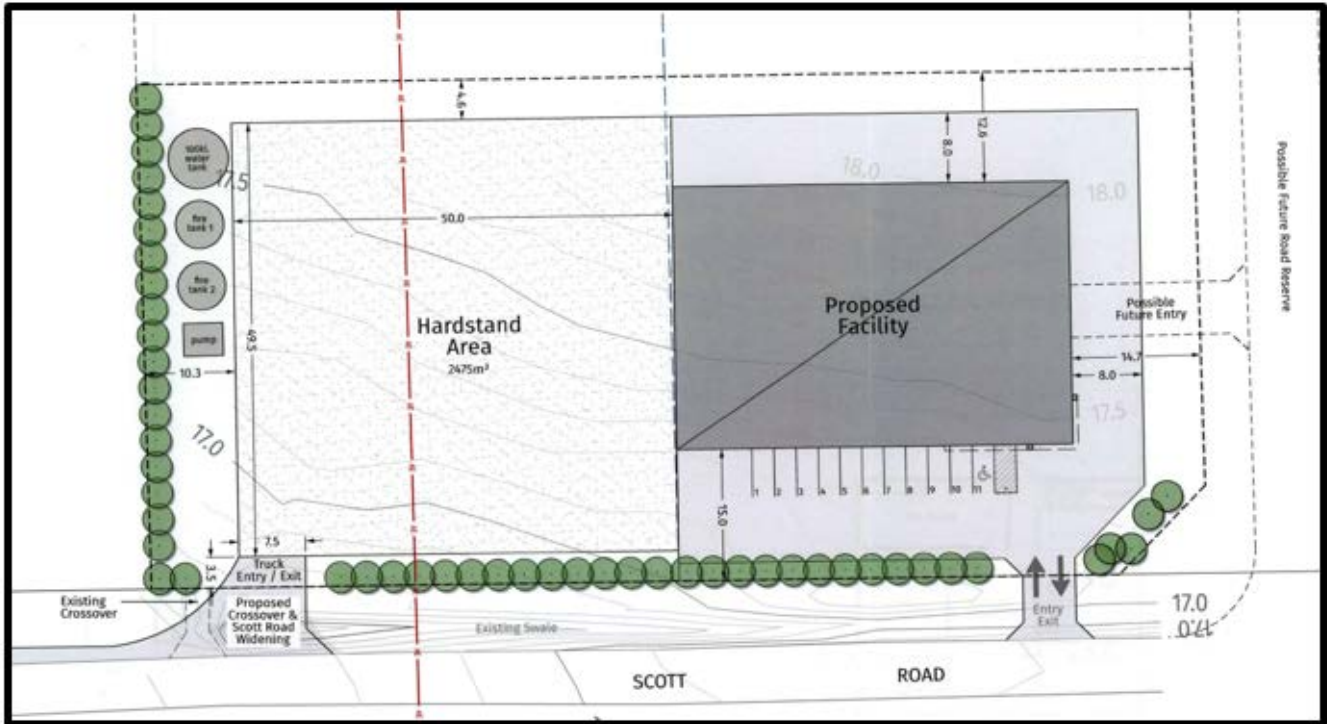
The subject site is located in West Mundijong. Kargotich Road runs along the western boundary and Scott Road to the south. There is an easement running through the property to the benefit of Western Power. The easement comprises high voltage power lines that run in a north-south alignment through the property. The site is predominantly clear of vegetation and there is an existing crossover onto Scott Road.

The development, as approved, comprises of a Logistics Facility used for the handling, assembling and packing of goods, and transport in and out of goods. It would not involve any manufacturing or processing. It seeks to provide general logistics and goods handling.

The warehouse would be located towards the south of the site, set back 15m from the lot boundary with Scott Road. The building would be surrounded by an 8m wide area of hardstand to the north and east and a car park and vehicle manoeuvring area would be located to the south. The total area of hardstand would measure 2,475m<sup>2</sup> in area.

Deliveries to and from the site would typically occur 4 times a day. Goods delivered to the site would be gathered and packaged for transport away from the site. Once packaged, they would be stored on the hardstand area adjacent to the warehouse ready for dispatch. There would be a total of 4 vehicles operating from the site including 2 semi-trailers and 2 rigid trucks. There would also be 4 company vehicles that would be used by members of staff.





### Proposed Development

The application seeks approval to delete condition 2 of the existing approval to allow unrestricted hours of operation for the activities described above.

### **Community / Stakeholder Consultation**

Advertising was carried out for a period of 21 days, from 20 May 2019 – 10 June 2019. Letters were sent to 14 surrounding landowners in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

During the consultation period, three submissions were received. Two submissions were in support of the proposal and one objecting to the proposal. The objection together with the Officers comment and the applicant's response are contained within **attachment 3**. The objection is addressed further under the relevant Amenity and Noise sections of the report.

### **Statutory Environment**

#### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*

#### State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (existing and draft versions)



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### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Proposed Local Planning Scheme No. 3
- Draft West Mundijong District Structure Plan

### **Planning Assessment**

Clause 77 (1) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) allows for an owner of land in respect of which development approval has been granted to apply to delete any condition to which the approval is subject. The Deemed Provisions state that Local Governments are to treat such applications as if they are new applications.

A comprehensive assessment has been undertaken in accordance with section 67 of the Deemed Provisions and is contained within **attachment 4**.

For the purposes of this report, the objection results in the proposal being presented to Council, and will be discussed together with where Council are required to exercise discretion. The issues relating to the deletion of the condition are contained within the Amenity section of the assessment.

### Land Use:

The development has been approved and remains consistent with the land use of 'Light Industry' defined under TPS2 as an industry:-

*“(i) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*

*(ii) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.”*

The subject site is zoned 'Urban Development' under TPS2 where the land use can be considered subject to it not adversely impacting the preparation of a Structure Plan. It is worth noting that the land use has already been approved and the proposal seeks approval for the deletion of the condition. The Shire is currently advancing the structure plan for the area, based on the district structure plan that was originally formulated to facilitate rezoning of the land to Industry under the Metropolitan Region Scheme. The Shire advancing a Local Structure Plan seeks to help facilitate the planning framework that will result in the transition of the area to its intended industrial development outcome.

### Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the State and Local Planning Policy Framework in order to establish if a development is consistent with orderly and proper planning. The Regulations specifically require consideration of Orderly and Proper Planning, Structure Plans and Local Development Plans.



### Aims and Provisions of TPS2

Clause 5.17 of TPS2 sets out the objectives of the 'Urban Development' zone *"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"*. It also states that the above components will be facilitated through the establishment of Structure Plans. Currently, there is a District Structure Plan that was prepared to inform the region scheme amendment from Rural to Industry. There is no local structure plan prevailing over the subject site.

Clause 5.19.1.3 of TPS2 states *"Council may approve the development or use for other than a single house within the Urban development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:*

- a) *The preparation of a Structure Plan for, or*
- b) *The orderly and proper planning of, or*
- c) *The health, amenity, safety or convenience of the future occupants of,*  
*the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 64 of the Deemed Provisions"*.

In accordance with TPS2, there is therefore discretion available to approve the development application subject to a) – c) above. Discretion afforded by this clause did enable consideration and approval of the original development, and has been used to consider other proposed developments in advance of the local structure plan being finalised.

### Draft Local Planning Scheme No. 3 (LPS3)

At its Ordinary Council Meeting of 19 August 2019, Council resolved to advertise LPS3. Clause 67 (b) requires for a Local Government to consider *"any proposed local planning scheme"* when considering an application for development approval.

The subject site is zoned 'Industrial Development' under LPS3, the objectives of which are to designate land for future industrial development and to provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme. This is consistent with the same kinds of issues needing to be considered in respect of development in advance of a structure plan, under TPS2.

The land use of 'Industry' differs to that of TPS2 and does not include *"packing or canning or adapting for sale"*. The definition in LPS3 relates to *"the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles"*. Due to this, the proposal is considered to fall outside of this land use definition and best within the LPS3 definition of 'warehouse/storage' defined as:

- "premises including indoor or outdoor facilities used for*
- (a) the storage of goods, equipment, plant or materials; or*
  - (b) the display or the sale by wholesale of goods."*





Notwithstanding the change to the land use, any approval granted will be approved under TPS2 and not LPS3. However, in giving due regard to LPS3, the land use of 'warehouse/storage' is a permitted land use within the 'Industrial Development' zone and therefore the proposal is considered consistent with LPS3.

The subject site lies within Special Control Area 10 of LPS3. Schedule 3 of LPS3 sets out the objective of this area to designate and specify infrastructure items and contribution methodology for the West Mundijong Development Contribution Area. A condition is recommended to ensure a monetary contribution is paid to the Shire in this regard.

### West Mundijong Draft District Structure Plan

The subject site lies within the West Mundijong Draft District Structure Plan. The subject site is designated as 'General Industry' under the Draft District Structure Plan. Under Table 1 – Zoning Table of TPS2, 'Light Industry' is a permitted land use within the 'General Industry' zone and as such the proposal is consistent.

Clause 5.1 of the Draft District Structure Plan states *“development, including land use and subdivision within the district structure plan area shall not be permitted until a local structure plan is prepared and endorsed in accordance with the requirements of clause 5.18 of the Scheme”*. Regardless, it is worth noting that the proposal is consistent with the Draft District Structure Plan.

Furthermore, at its Ordinary Council Meeting of 19 August 2019, Council resolved to continue with the Draft West Mundijong Structure Plan independently of the Greater Mundijong District Structure Plan to expedite development of the area. At this meeting, Council also resolved to deem the draft Structure Plan satisfactory for advertising. It is therefore acknowledged that the intent for the area is for industrial purposes. As such, it is considered that the proposal would not adversely impact on the preparation of a Structure Plan in accordance with Clause 5.19.1.3 of TPS2.

An Environmental Noise Assessment was prepared to inform this Structure Plan. This assessment principally suggested the following mitigation measures;

- “Quieter” light industry is to be located at the periphery of the area to the east and south to provide a separation and internalised buffer to residential and rural residential development. General industry is to be located in the core of the area and adjacent to less sensitive rural land uses to the west and north;
- Consideration be given at further detailed stages of planning to explore the merits and potential of constructing a noise attenuation barrier to mitigate emissions to residential development;
- Detailed area plans required for residential lots adjoining the Water Corporation reservation;
- Identify land subject to the buffer and ensure that land is maintained as rural;
- Acoustic assessments by a 'competent' acoustic consultant prior to development approval indicating that the industry would be considered as 'NOT significantly contributing' to the noise received at a residence.

The recommendation relevant to this proposal relates to the requirement for an Acoustic Assessment indicating that the industry would not be 'significantly contributing' to the noise



received at a residence. This has been received as part of the development application and is discussed further below.

Council may recall that the draft DSP looked specifically at precinct level noise to determine impacts on existing and planned sensitive land use up to the edge of the area (i.e. the future residential area on the east side of the Tonkin Highway). Its scope had no relationship to the management of transitional arrangements internal to the precinct, noting a number of existing sensitive land use receptors (homes) within the industrial precinct. These will need to be afforded the full protections as per the Environmental Protection (Noise) Regulations 1997.

### Amenity

For the application to be supported, the Shire must be satisfied that the proposal would not have an adverse effect on the *“health, amenity, safety or convenience of the future occupants of”* the area intended for the preparation of a Structure Plan, in accordance with Clause 5.19.1.3 of TPS2.

The condition on the initial approval was imposed to reflect the original application, and was also seen to ensure an appropriate level of amenity for the surrounding landowners whilst the area transitions into an industrial area. The Draft District Structure Plan was formulated by the Shire in 2014, and was used to secure an amendment to the Metropolitan Region Scheme to zone the land industrial. This included processes of extensive community engagement, to ensure landowners are aware of the future objective of this land.

It should be noted an approval has also been granted for an industrial development on the northern adjoining lot, which is a roof truss and wall framing industrial business. This is now an operational industry that was classified as a ‘Light Industry’ land use. Under the EPA’s Guidance it is considered this type of industry would be most closely related to a ‘Joinery and Wood Working Premises’ which the Guidance recommends a generic separation distance of between 100m and 300m depending on size.

The closest dwelling to this adjacent development is approximately 40m from the lot boundary and approximately 60m from the factory itself. At the time of this assessment, it was accepted that as long as the proposal was consistent with the Herring Storer acoustic assessment provided as part of the Draft District Structure Plan, there would be no adverse impact resultant from the proposal by way of noise. No further acoustic report or noise management plan was required either at the assessment stage or by way of a condition of approval; however, as the area develops there is now a need to assess the cumulative impacts of development and manage the impacts accordingly to ensure a level of amenity is maintained.

The *EPA’s Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses* sets out generic separation distances for industrial development to sensitive receptors (dwellings). In this case, a transport vehicles depot is identified with a 200m distance. As the proposal is within this distance, the Shire has taken a precautionary approach and required an acoustic study based on site and industry specific information to be presented to demonstrate that the proposal will not result in unacceptable health and amenity impacts to nearby sensitive receptors.

The applicant submitted a revised acoustic assessment as part of the application which has undergone a detailed assessment to ensure that compliance with the noise regulations is achieved. It identified noise sensitive premises located 160m and 300m from the premises, as shown below:

**Site Plan**

It is anticipated that noise will be generated from operations, such as truck noise and forklift noise. The acoustic assessment using modelling predicted noise from all aspects of the proposed development. The modelling predicted that truck movements around the perimeter of the premises, and the opening of doors to the warehouse on the northern and/or western elevations, would exceed the acoustic criteria during the night period (7pm-7am) for the closest sensitive premises. However, compliance would be achieved during the day (including Sundays and Public Holidays) and evening periods (7am -7pm).

The acoustic assessment recommended that to achieve compliance at all times, access to the warehouse would need to be via the southern and/or western facades and the movement of trucks around the northern and eastern sides of the facility would need to be limited (ie to less than 10% of the time), which would equate to around 10 truck movements per hour. The acoustic assessment is listed within recommended condition 1. As such, this recommendation would be required to be adhered to achieve compliance.

In assessing the acoustic report, Officers consider that the detail provided is sufficient for the proposal. The acoustic report provided site specific noise contour mapping for combined sound power levels from vehicles, warehouse noise and forklifts under worst case conditions. The calculations were based on sound power levels from similar facilities and are considered representative of noise emissions from the facility. The allowable noise level for existing current sensitive land uses within the West Mundijong Industrial Area is calculated using 'industrial influencing factor', as per the *Environmental Protection (Noise) Regulations 1997*. The noise contour mapping showed that noise received at nearby residences achieved compliance with the assigned noise levels set by the *Regulations*.

A condition is recommended to require a Noise Management Plan to ensure that compliance with the recommendations of the acoustic assessment are achieved. This noise management plan must address the following issues:

1. Describe all noise generating operations in accordance with the Herring Storer Environmental Acoustic Assessment, such as;



- i) Vehicle access and movements inside the development area, including 4 total transport vehicles, 2 semi-trailers, 2 rigid trucks, and 4 company cars;
  - ii) Noise breakouts from equipment used in the warehouse; and
  - iii) Forklifts
2. Provide noise control mechanisms for each noise source;
  3. Contain procedure for noise enquiries/complaint/feedback procedures;
  4. Contain measures for review to capture change to warehouse operation.

Based on the information provided, Officers consider that any amenity impacts can be mitigated and compliance with the noise regulations can be achieved. The amenity afforded to the surrounding landowners is considered consistent with the strategic intent for the area. Supporting the proposal will help to moderate between the intended future character of the area, while protecting the current sensitive land uses in the zone.

### Development Contributions

The subject land is located within development contribution area (DCA) for West Mundijong. This will require fulfilling of the DCA liability prior to the issue of a building permit. The Scheme will trigger the full cost liability for the developable area of the lot, currently calculated at \$12.27 per sqm. The developable area is estimated at 34,400 sqm (total lot area of 44,300 sqm less 9,900 sqm required by the Shire for drainage and widening of Kargotich Road). The contribution value is therefore estimated at circa \$422,088.

The landowner has an option to reduce this contribution amount through ceding the 9,900 sqm of land to the Shire, for which they will receive DCP credits for the value of the land, estimated at circa \$298,282. This would reduce the contribution balance payable to circa \$123,806.

Ceding of the land to gain the DCP credits would require subdivision (and subsequent subdivision clearance) of the land upfront (i.e. prior to application for the building permit) in order to release the creditable portions of land for adoption by the Shire.

The landowner will need to facilitate discussions with the Shire as to their intended approach to either paying their full contribution, or progressing with subdivision to release all (or part) of the creditable land to reduce the overall contribution liability.

### **Options and Implications**

#### Option 1

That Council APPROVES the development application to remove condition 2 in relation to the operating hours of the approved Logistics Facility ('Light Industry'), as contained within **attachment 1**, at Lot 13 Kargotich Road, Mundijong subject to conditions.

#### Option 2

That Council REFUSES the development application to remove condition 2 in relation to the operating hours of the approved Logistics Facility ('Light Industry'), as contained within **attachment 1**, at Lot 13 Kargotich Road, Mundijong stating reasons.

Option 1 is recommended.





## Conclusion

The application seeks approval for the deletion of a condition in relation to hours of operation for a Logistics Warehouse. It is considered that the land use and development is consistent with the strategic intent for the area and that amenity impacts are compliant with the relevant regulations and can be appropriately managed.

## Attachments

- [Attachment 1](#) – Application Details (E19/11138)
- [Attachment 2](#) – Initial Approval (OC18/21475)
- [Attachment 3](#) – Summary of Submission (E19/11771)
- [Attachment 4](#) – Technical Assessment (E19/12389)

## Alignment with our Strategic Community Plan

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

## Financial Implications

The subject land is located within development contribution area (DCA) for West Mundijong. This will require fulfilling of the DCA liability prior to the issue of a building permit. The Scheme will trigger the full cost liability for the developable area of the lot, currently calculated at \$12.27 per sqm. The developable area is estimated at 34,400 sqm (total lot area of 44,300 sqm less 9,900 sqm required by the Shire for drainage and widening of Kargotich Road). The contribution value is therefore estimated at circa \$422,088.

The landowner has an option to reduce this contribution amount through ceding the 9,900 sqm of land to the Shire, for which they will receive DCP credits for the value of the land, estimated at circa \$298,282. This would reduce the contribution balance payable to circa \$123,806.

Ceding of the land to gain the DCP credits would require subdivision (and subsequent subdivision clearance) of the land upfront (i.e. prior to application for the building permit) in order to release the creditable portions of land for adoption by the Shire.

The landowner will need to facilitate discussions with the Shire as to their intended approach to either paying their full contribution, or progressing with subdivision to release all (or part) of the creditable land to reduce the overall contribution liability.



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the development application and the intended industrial land use outcome being delayed.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Council not approving the development application and the application being appealed to the SAT	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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

**Voting Requirements:** Simple Majority



OCM218/10/19

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Byas, seconded Cr Denholm

That Council

1. **APPROVES** the development application to remove condition 2 in relation to the operating hours of the approved Logistics Facility ('Light Industry'), as contained within the attachment 1, at Lot 13 Kargotich Road, Mundijong 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	P1 – P6 received at the Shire Offices on 19 December 2018, Bushfire Management Plan dated 6 April 2018 and Environmental Acoustic Assessment dated 8 May 2019
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b. Prior to commencement of development on site, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing all the specific measures to achieve compliance with the associated *Environmental Protection (Noise) Regulations 1997*. Once approved, the Noise Management Plan shall be implemented and maintained in its entirety thereafter to the satisfaction of the Shire.

c. Prior to commencement of development on site, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Construction Management Plan shall be implemented and maintained in its entirety during the construction of the development.

d. Prior to commencement of development on site, an amended Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented within 60 days of occupation and maintained in its entirety thereafter.

e. Prior to commencement of development on site, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan shall be implemented and maintained in its entirety thereafter.

f. Prior to commencement of works, engineering drawings showing the construction of Scott Road from the eastern most cadastral boundary of the lot to the intersection of Kargotich Road and Scott Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the construction of Scott Road shall be completed prior to occupation of the development to the satisfaction of the Shire of Serpentine Jarrahdale.

g. Prior to commencement of works, engineering drawings showing the upgrade works to the intersection of Scott Road and Kargotich Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the intersection upgrade shall be completed prior to occupation of the development to the satisfaction of the Shire of Serpentine Jarrahdale.





- h. Building floor levels shall be set a minimum of 0.5m about the 1% AEP flood level for the locality.**
- i. Prior to occupation of the development, a Waste Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Waste Management Plan shall be implemented and maintained thereafter.**
- j. Prior to issue of a Building Permit, the landowner satisfying their contribution liability for common infrastructure in accordance with the West Mundijong Development Contribution Plan and the Scheme.**

**CARRIED UNANIMOUSLY 7/0**

**Councillor Atwell returned to the Chambers at 8.10pm.**

**The Shire President advised Councillor Atwell of the Council Resolution for this item.**



<b>10.1.2 - Proposed Extension to Salvado Catholic College – Lot 102, 115 Abernethy Road, Byford (PA19/797)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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.
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Proponent:	Paterson Group
Owner:	The Roman Catholic Archbishop of Perth
Date of Receipt:	1 August 2019
Lot Area:	104,440m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of this report is for Council to endorse a Responsible Authority Report (RAR), as contained within **attachment 1**, relating to proposed extensions to the Salvado Catholic College at Lot 102, 115 Abernethy Road, Byford.

The application was submitted to the Shire on 1 August 2019 as a mandatory Development Assessment Panel (DAP) application. The Metropolitan East Joint Development Assessment Panel (JDAP) will replace Council as the decision making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council as Officers do not have delegated authority to provide a recommendation to the JDAP.

The report recommends that Council endorse the RAR, which recommends that the JDAP approve the proposed extensions to the Salvado Catholic College subject to conditions.



## Relevant Previous Decisions of Council

*Metro East Joint Development Assessment Panel – 17 December 2014 – **extract** - DAP/14/00650*

*With the approval of the mover and seconder, Point 1 resolving that the Metropolitan East Joint Development Assessment Panel accepts the application as a Form 2 was included, as it was accidentally removed by the Shire of Serpentine Jarrahdale.*

*That the Metro East Joint Development Assessment Panel resolves to:*

**Approve** DAP Application reference 14/00559 and accompanying plans as detailed on the Form 1 dated 17 June 2014 in accordance with Clause 6.4.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, subject to the following conditions:

1. **Accept** that the DAP Application reference DAP/14/00559 as detailed on the DAP Form 2 dated 27 October 2014 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
2. **Approve** the DAP Application reference DAP/14/00559 as detailed on the DAP Form 2 date 27 October 2014 and accompanying plans attached in in accordance with Clause 6.4.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, for the proposed minor amendment for the approved Byford Catholic College Stage one at Lot 281 Abernethy Road, Byford subject to:
  1. The provision of the car parking bays to be consistent with that shown on the revised site plan attached to and forming part of this approval.
  2. All other conditions and requirements detailed on the previous approval dated 8 September 2014 shall remain unless altered by this application.

*The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.*

*Metro East Joint Development Assessment Panel – 8 September 2014 – **extract** - DAP/14/00559*

*That the Metro East Joint Development Assessment Panel resolves to:*

**Approve** DAP Application reference 14/00559 and accompanying plans as detailed on the Form 1 dated 17 June 2014 in accordance with Clause 6.4.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, subject to the following conditions:

1. Prior to the commencement of site works, the owner is to provide a geotechnical report certifying that the land is physically capable of development and that any filling or backfilling has been adequately compacted to the satisfaction of the Shire of Serpentine Jarrahdale.
2. Works (including earthworks) are not to commence until detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction are to submitted to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to occupancy, the landowner is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report to the satisfaction of Shire of Serpentine Jarrahdale.



4. *Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Regulation "Guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities" and submitted to the Shire of Serpentine Jarrahdale for approval and thereafter implemented at all times.*
5. *A Construction and Operational Management Plan to be prepared approved by the Shire of Serpentine Jarrahdale and thereafter implemented at all times.*
6. *Prior to the commencement of commencement of site works, an Urban Water Management Plan is to be prepared, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan. The plan is to be approved by the Shire of Serpentine Jarrahdale and shall thereafter be implemented.*
7. *Prior to the commencement of site works, a Traffic Management Plan and Parking Plan incorporating car parking bays, disabled car parking bays in accordance with Australian Standards, Local Planning Policy No.63 - Integrated Transport Landuse Planning Assessment and Western Australian Planning Commission Transport Assessment guidelines for Development being submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented.*
8. *Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Shire of Serpentine Jarrahdale and maintained at all times.*
9. *Bicycle parking facilities and end trip facilities being provided in accordance with the Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the specifications and satisfaction of the Shire of Serpentine Jarrahdale.*
10. *Prior to the commencement of site works a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The approved lighting plan shall thereafter be implemented in its entirety.*
11. *Prior to the commencement of site works a Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Shire of Serpentine Jarrahdale prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.*
12. *Prior to the completion of works, a landscaping and reticulation plan must be submitted to Council for approval by Shire of Serpentine Jarrahdale.*
13. *Prior to occupation of the development landscaping and timed reticulation is to be established in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.*
14. *Public Art or a monetary contribution being paid to the Shire for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to a value of 1 % of the construction value of the development, to the satisfaction of the Shire of Serpentine Jarrahdale.*





15. *The landowner/applicant must contribute towards development infrastructure provisions pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 prior to the commencement of works to the satisfaction of the Shire of Serpentine Jarrahdale.*
16. *Prior to commencement of works a Fire and Emergency Plan being prepared approved and relevant provisions implemented during works, in accordance with the Western Australian Planning Commissions Guideline Planning for Bushfire Protection Edition 2. May 2010 to the specifications of the D Shire of Serpentine Jarrahdale.*
17. *Prior to commencement of works the development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999.*

*The location of the enclosure is to be to the satisfaction of Shire of Serpentine Jarrahdale.*

*The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.*

## Background

### Existing Development

The subject site is bound by Abernethy Road to the north, Warrington Road to the west, and Mead Street to the south. The eastern boundary adjoins the Byford Secondary College site. The land to the north is associated with land use transition for the Byford trotting complex, and to the northeast is currently vacant and planned for future residential development. The land to the south is the Shire's district recreation facility Briggs Park, and the adjoining Bush Forever site. Land to the east are existing residential estates.

The subject site is 10.44ha and currently features the first two stages of the Salvado Catholic College, which accommodates children from kindergarten to year 6.



Aerial Photograph



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### Proposed Development

The proposal seeks to extend the Salvado Catholic College to accommodate senior school age groups from year 7 to year 8 and includes the following:

- A new two storey teaching building, featuring 20 classrooms;
- Two new hard-court playing surfaces;
- A left-in, left-out crossover onto Abernethy Road;
- Additional car parking areas totaling 83 new parking bays;
- A stormwater detention basin to the north-west of the site; and
- Hard and soft landscaping in the development area.

The full details of the proposal are contained within **attachment 2** to this report.

### **Community / Stakeholder Consultation**

The application has been advertised for 21 days from 26 August 2019 – 16 September 2019. Advertising letters were posted to 71 surrounding land owners and a notice was placed on the Shire's website and Facebook page. During the advertising period a total of 2 submissions were received, objecting to the proposed development. The objections relate to parking provision, traffic, and noise.

A summary of the submissions, including Officer comments, can be viewed in **attachment 3**. The main issues are also addressed in this report.

### **Statutory Environment**

#### Legislation

- *Planning and Development (Development Assessment Panels) Regulations 2011*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Metropolitan Region Scheme;
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

#### State Government Policies

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 7.0 – Design of the Built Environment

#### Local Planning Policies

- Local Planning Policy 1.6 – Public Art Policy
- Local Planning Policy 2.4 – Water Sensitive Design
- Local Planning Policy 4.15 – Bicycle Facilities
- Local Planning Policy 4.16 – Landscape and Vegetation





## Planning Assessment

### Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)

Regulation 5(b) of the DAP Regulations requires applications be presented to the JDAP where the application is for development in a district outside of the City of Perth that has an estimated cost of \$10 million or more. The proposed development has an estimated cost of \$10,923,577 and must be determined by the JDAP.

A full assessment has been undertaken as part of the RAR which is contained in **attachment 1** and the Clause 67 checklist contained within **attachment 4**. For the purposes of this report, the key components of the proposal and the objections that were received during the advertising period will be discussed.

### Built Form:

The subject site is a prominent site located at the periphery of the Byford town centre and the built form of development on this site will have an impact on the developing streetscape for Abernethy Road.

The proposal features a two storey building measuring 72.6m in length by 31.03m in width, with an overall height of 9.99m. The building is proposed to be located 97.2m from Abernethy Road, 155.9m from Warrington Road, 162m from Mead Street, and 129.6m from the western lot boundary.

The proposed teaching building has been assessed using the principles of State Planning Policy 7.0 – Design of the Built Environment (SPP7.0). The purpose of this policy is to guide the assessment of built form and promote development that achieves good design. The proposed development is considered to satisfy the 10 elements of SPP7.0 and would result in a good design outcome.

The elevation addressing Abernethy Road will have the greatest exposure to the public realm and will have the most impact on the streetscape. The figures below show the technical drawings and artist impression for this elevation:

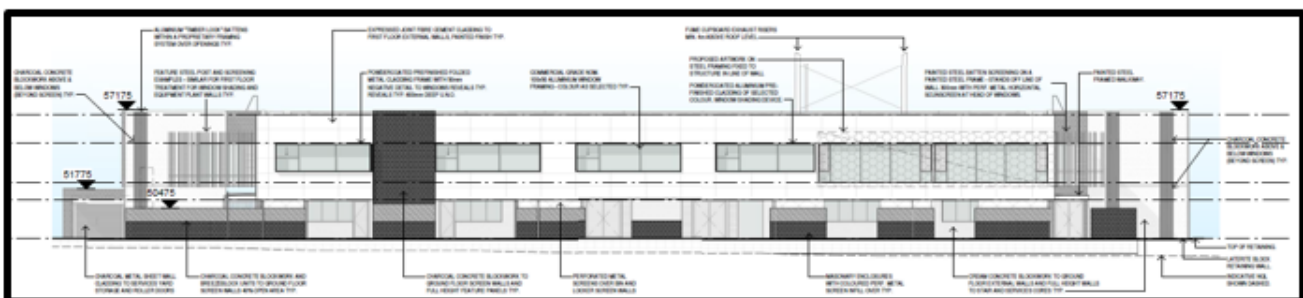


Figure 1: Northern facade (Abernethy Road)



Figure 2: Artist impression of northern facade (Abernethy Road)

The remaining building elevations do not directly address the public realm and will not have a significant impact on the streetscape or the developing character of the Byford locality. The technical drawings for these elevations are shown in the figures below:

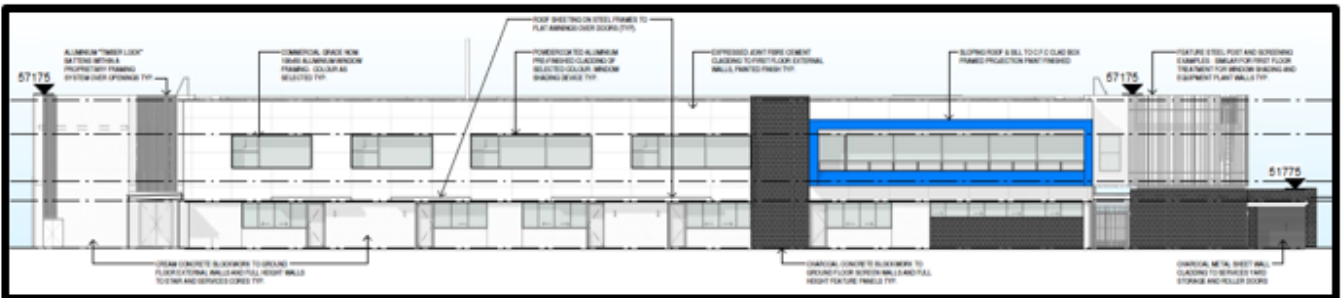


Figure 3: Southern facade

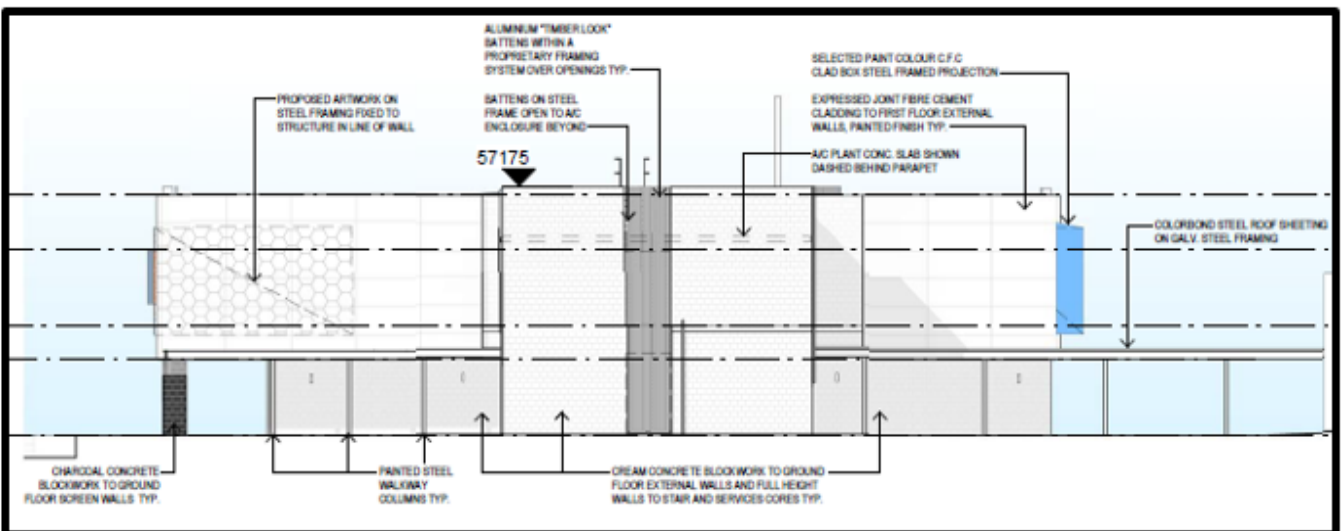


Figure 4: Western facade

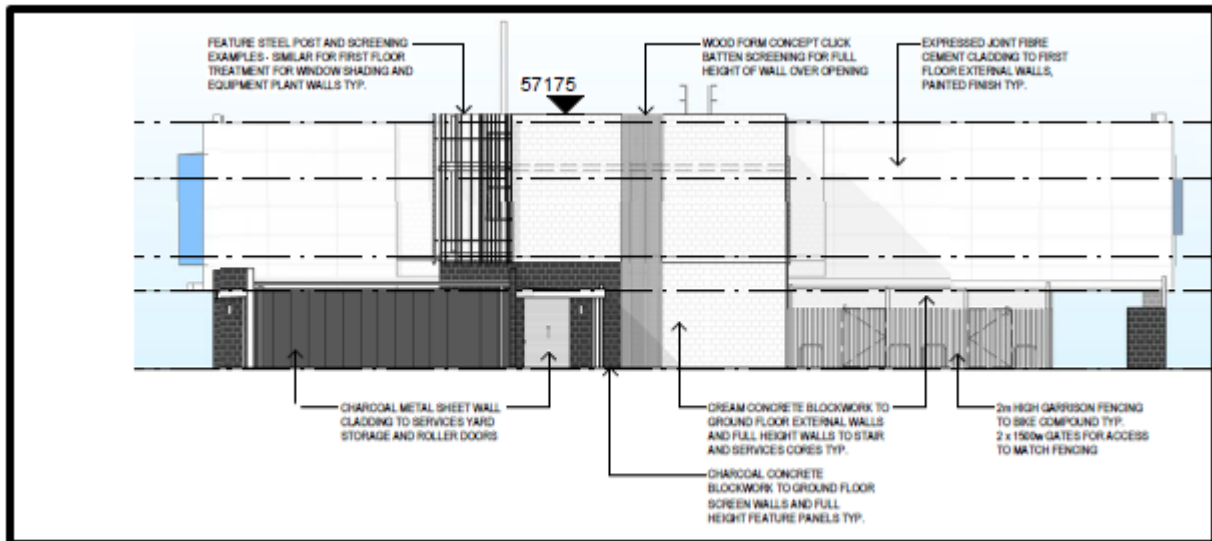


Figure 5: Eastern facade

Officers are satisfied that the built form of the proposed development will be of a high standard and will contribute positively to the streetscape and reflect the developing character of the Byford Locality. It contains acceptable levels of material and colour variation, to help moderate the overall size and extent of the building.

#### Traffic and Access:

The proposed development includes a new access point from Abernethy Road and the increase in capacity of the site will result in an increase in traffic. This was a point of interest from the community, with traffic difficulties on Warrington Road being cited as a major concern.

The proposed access and car park would provide a left in, left out access arrangement onto Abernethy Road and will require the removal of approximately 5 parallel parking bays on Abernethy Road to ensure adequate sight lines and maintained traffic safety at the access point. Officers have analysed the closest position to which replacement on street bays could be safely provided, and these are some 300m further east of the current bays (see image over). Due to this distance, and the fact that the school is yet to develop to this north east corner, it is recommended that the 5 parallel parking bays instead be provided through further addition onsite bays. In this regard, Officers have recommended a condition in the RAR for the additional 83 new bays being increased to 88 bays, to take account for the loss of the 5 on street bays on Abernethy Road.





Figure 6: Abernethy Parking Bays

The access to Abernethy Road is proposed to facilitate bus movements to and from the site. Turning templates provided in the Transport Impact Assessment (TIA) indicate the design of the crossover/driveway would not allow busses to enter the site without crossing into oncoming traffic exiting the site. Similarly, the turning template does not indicate whether or not exiting buses will remain lane compliant when exiting the site. Officers have recommended a condition in the RAR for amended plans and TIA providing a redesign of the access to safely facilitate bus movements.

The TIA has included stage 2 traffic counts as stage two has only recently been completed and the traffic generated from this has not yet been captured in the latest traffic data. Including the capacity of stage two, the TIA takes into account an increased capacity of 426 persons (387 students and 39 staff), which is predicted to translate to 106 additional vehicle movements per peak period. The distribution of these additional movements are predicted to result in 78 additional vehicle movements per peak period at Abernethy Road and 28 additional vehicle movements per peak period at Warrington Road. While this indicates additional traffic onto Warrington Road, it is expected that the Abernethy Road access will deviate existing traffic movements from the east and reduce the overall number of vehicle movements from using Warrington Road. It is important that as the school continues to grow, traffic be distributed across its 3 road frontages of Abernethy Road, Warrington Rd and Mead Street. By helping to break up the large site into more discrete cells of development, the land use will be given the best opportunity for moderating and managing the impacts that come with peak traffic demand associated with the morning drop off and evening pick up. This is consistent with the design objectives of the overall school master plan, which is depicted following:



Figure 7: Salvado Catholic College Master Plan

Officers are satisfied that the proposed development will not unduly impact on the surrounding road network.

The TIA has also recommended a Traffic and Parking Management Plan be put in place to ensure the car parking facilities, which include 12 additional Kiss and Drive bays, operate efficiently during the peak periods. Officers have recommended a condition in the RAR requiring a Traffic and Parking Management Plan.

#### Water Management:

The proposal includes the construction of a basin at the north western corner of the subject site to capture stormwater run-off from the car parking area and raised landscaping areas included in the proposal, prior to controlled release into the Abernethy Road drainage network. The stormwater run-off from the proposed teaching building would connect to the existing drainage infrastructure, which discharges into the Mead Street drainage network.

An Urban Water Management Plan was approved for the entire site as part of the initial development approval for the Salvado Catholic College. The proposed water management measures would be consistent with the Urban Water Management Plan and are considered to be acceptable.

Noise:

During the advertising period, an objection was received in relation to the current noise impacts generated from the School's sirens and the additional impact that would result from this development. Officers have noted the objection raised concerns about sirens currently operating over weekends and will work with Salvado Catholic College to resolve the issue.

Officers have recommended a condition within the RAR requiring a Construction Management Plan to manage amenity impacts during the construction period, including noise. A separate condition has also been recommended, requiring the development to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

Landscaping:

The proposal incorporates a large area of landscaping, around the proposed teaching building and within and around the proposed car parking area. The provisions of TPS2 requires 'Educational Establishment' land uses provide a minimum of 50% landscaping. The proposed area of works covers 20,000m<sup>2</sup>, of which approximately 80% would be hard or soft landscaping.

Officers are satisfied with the proposed extent of landscaping and have recommended a condition in the RAR requiring a Landscaping Plan. This will allow the Shire to ensure the landscaping is provided in accordance with the requirements of Local Planning Policy 4.16 – Landscape and Vegetation.

Developer Contributions Payment

Clause 3.4.5 of the Byford Traditional Infrastructure Development Contribution Plan – Report 4 which has been adopted by Council and the Western Australia Planning Commission requires all non-residential development to contribute towards land for public open space and drainage in the Byford area. The clause states (amongst other things) as follows:

*“For private education establishments and associated development, development contributions will be levied at 0.3 per cent of the total development costs of the site, as agreed with the Shire based on the building license application.”*

*And;*

*“This 0.3 percent calculation method will only be applied where the private education establishment has entered into a joint use agreement with the Shire and/or Department of Education regarding the co-location and use of district open space and school ovals and associated facilities. Based on this approach, the discounted DCP contribution amounts to \$45,000 for the Catholic K-12 school”.*

The total development costs of the site was estimated at \$15,000,000 for the purposes of allocating a value to the DCP, for which the 0.3% contribution would be \$45,000. The actual contribution value of 0.3% will be levied on the actual development costs as per the building licence application(s) received.

The Joint Use Agreement (JUA) will ensure that the school's ovals and associated facilities are made available for use by the public. It will be treated as a District Open Space allocation within the Byford area. As a result, the JUA will reduce the amount of contribution required to be paid by the developer to contribute towards the community infrastructure detailed within the Byford Traditional Infrastructure Development Contribution Plan.





Should no JUA be agreed, the development contribution amount will be calculated based on the dwelling yield potential of the total site area (based on an R20 zoning which gives an average dwelling size of 450 sqm). At a total site area of 130,554 sqm, or 289.12 lots equivalent, the contribution required (without a JUA) would be circa \$4,042,947.

Officers can advise that to date no JUA has been executed between the Shire and the applicant. To this end, as the development triggers a DCP contribution, a condition requiring such has been recommended by Officers as part of the approval. The condition is considered satisfactory as it provides a mechanism for the Shire to leverage the required DCP contribution from the applicant, and still provides the Shire with a level of flexibility to negotiate the requirements of a JUA to finalise the value of the contribution after planning approval has been granted.

## **Options and Implications**

### Option 1

That Council ENDORSES the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application for an extension to the Salvado Catholic College at Lot 102, 115 Abernethy Road, Byford subject to conditions.

### Option 2

That Council DOES NOT ENDORSE the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application for an extension to the Salvado Catholic College at Lot 102, 115 Abernethy Road, Byford subject to conditions.

Option 1 is recommended.

## **Conclusion**

The application seeks approval for the construction of a two storey teaching building and associated car parking and landscaping areas. The application must be presented to the JDAP for determination due to the estimated cost of the proposed development exceeding \$10 million. Officers have prepared a RAR which recommends the proposed development be approved subject to appropriate conditions. The RAR is presented to Council to be endorsed as Officers do not have delegated authority to provide a recommendation to the JDAP.

Officers recommend Council endorse the RAR.

## **Attachments**

- [Attachment 1](#) – Responsible Authority Report (E19/11256)
- [Attachment 2](#) – Development Application (IN19/16250)
- [Attachment 3](#) – Summary of Submissions (E19/11847)
- [Attachment 4](#) – Clause 67 Checklist (E19/11535)



### Alignment with our Strategic Community Plan

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

### Financial Implications

Clause 3.4.5 of the Byford Traditional Infrastructure Development Contribution Plan – Report 4 which has been adopted by Council and the Western Australia Planning Commission requires all non-residential development to contribute towards land for public open space and drainage in the Byford area. The clause states (amongst other things) as follows:

*“For private education establishments and associated development, development contributions will be levied at 0.3 per cent of the total development costs of the site, as agreed with the Shire based on the building license application.”*

And;

*“This 0.3 percent calculation method will only be applied where the private education establishment has entered into a joint use agreement with the Shire and/or Department of Education regarding the co-location and use of district open space and school ovals and associated facilities. Based on this approach, the discounted DCP contribution amounts to \$45,000 for the Catholic K-12 school”.*

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Should no JUA be agreed, the development contribution amount will be calculated based on the dwelling yield potential of the total site area (based on an R20 zoning which gives an average dwelling size of 450 sqm). At a total site area of 130,554 sqm, or 289.12 lots equivalent, the contribution required (without a JUA) would be circa \$4,042,947.

Officers can advise that to date no JUA has been executed between the Shire and the applicant. To this end, as the development triggers a DCP contribution, a condition requiring such has been recommended by Officers as part of the approval. The condition is considered satisfactory as it provides a mechanism for the Shire to leverage the required DCP contribution from the applicant, and still provides the Shire with a level of flexibility to negotiate the requirements of a JUA to finalise the value of the contribution after planning approval has been granted.



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not endorsing the RAR and not having the opportunity to impose conditions on the amended development	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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



**Voting Requirements:** Simple Majority

**OCM219/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Byas**

1. That Council **ENDORSES** the Responsible Authority Report contained within attachment 1, which recommends that the Metropolitan East Joint Development Assessment Panel approve the proposed extension to the Salvado Catholic College at Lot 102, 115 Abernethy Road, Byford, including the following conditions:

- a. Prior to commencement of works, a Construction and Operational Management Plan shall be prepared and approved by the Shire of Serpentine Jarrahdale and thereafter implemented for the duration of construction. The Construction and Operational Management Plan shall be prepared with a view towards managing dust, noise, and traffic impacts that may occur as a result of construction.
- b. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and implemented in its entirety thereafter.
- c. Prior to commencement of works, a Mosquito Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and implemented in its entirety thereafter.
- d. Prior to commencement of works, an amended Transport Impact Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale.
- e. Prior to commencement of works, a revised site plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, taking into account any modifications to the access from Abernethy Road recommended by the amended Transport Impact Assessment.
- f. Prior to occupation, a Traffic Management and Parking Plan shall be prepared in accordance with the recommendation of the Transport Impact Assessment (as amended), submitted to the Shire of Serpentine Jarrahdale for approval and thereafter implemented in its entirety.
- g. Prior to occupation, the landowner/applicant shall pay a contribution to the Shire for the establishment of public art or provide a public art installation in accordance with Local Planning Policy 1.6 – Public Art, to a value of 1% of the construction value of the development.
- h. Prior to the issue of a building permit, the landowner/applicant must contribute towards development infrastructure provisions pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
- i. The proposed development shall provide no less than 79 bicycle parking spaces in accordance with Local Planning Policy 4.15 – Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.
- j. The Bushfire Management Plan attached to and forming part of this approval shall be implemented in its entirety for the duration of the development, unless otherwise amended as part of subsequent approvals.



- k. The Urban Water Management Plan attached to and forming part of this approval shall be implemented in its entirety for the duration of the development, unless otherwise amended as part of subsequent approval.**
- l. The development complying with the Environmental Protection (Noise) Regulations 1997 at all times to the satisfaction of the Shire of Serpentine Jarrahdale and the Department of Water, Environment and Regulation.**
- m. A minimum of 88 additional car parking bays being provided onsite, and thereafter maintained to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The car parking area(s), including associated access ways and driveways, are to be designed, paved, line marked and drained to the satisfaction of the Shire. Details to be submitted to and approved by the Shire prior to the issue of a Building Permit.**

**CARRIED UNANIMOUSLY 8/0**





**Councillor Denholm declared a Financial Interest in item 10.1.3 and left the Chambers at 8.15pm prior to this item being discussed.**

**The Chief Executive Officer advised the Council that the Date of Receipt of this Application was incorrect in the Agenda, and the correct date of 31 May 2019 will be corrected in these Minutes.**

<b>10.1.3 - Proposed Child Play Centre ('Private Recreation') at Lots 41 – 45 Olsen Gardens, Byford (PA19/568)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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.
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Proponent:	Mackay Urban Design
Owner:	Moonjewel Pty Ltd
Date of Receipt:	31 May 2019
Lot Area:	975m <sup>2</sup> (all lots in total)
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of this report is for Council to consider a development application for an Indoor Child Play Centre ('Private Recreation') at Lots 41-45 Olsen Gardens, Byford. Full details of the proposal are contained within **attachment 1**.

The proposal is presented to Council as variations are sought to Local Planning Policy 3.6 – The Glades Village Centre (LPP3.6). The variations relate to car parking, built form and landscaping. Officers do not have delegated authority to determine development applications where variations are sought to Local Planning Policies, in accordance with delegations 11.1.1 and 12.1.1 – Determination of Development Applications.

For the reasons outlined in the report, the proposal is recommended for approval subject to conditions.



## Relevant Previous Decisions of Council

There are no previous relevant decisions of Council.

## Background

### Existing Development:

The subject site lies to the north of the Glades Village Centre. Lot 41 Olsen Gardens is currently developed with a commercial tenancy that is currently vacant. The surrounding area features a shopping centre, restaurant, child minding centre and medium density housing, approved in 2016 under delegated authority. This proposal seeks to extend that facility across the five allotments, amalgamate the lots and create an integrated play centre with a primary orientation to the southeast carpark.



### Proposed Development

The application specifically seeks approval for a child play centre, featuring a main play area containing playground equipment and several side rooms to facilitate birthday parties and events. The building also features a viewing mezzanine, toilet facilities, reception, kitchen and dining area and two car parking spaces. As mentioned, the proposal will make use of the existing commercial building constructed on Lot 41.

## Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 11 June 2019 – 2 July 2019. Letters were sent to 14 surrounding landowners in accordance with LPP1.4 – Public Consultation for Planning Matters. During the consultation period, no submissions were received.



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## Statutory Environment

### Legislation

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

### State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 4.2 – Activity Centres for Perth and Peel

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Activity Centre Strategy
- Byford Structure Plan
- The Glades Byford Local Structure Plan
- Local Planning Policy 3.6 The Glades Village Centre Design Guidelines
- LPP1.4 – Public Consultation for Planning Matters

## Planning Assessment

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the matters which a Local Government is required to consider as part of an assessment of a development application. A comprehensive technical assessment has been undertaken in accordance with section 67 of the Deemed Provisions and is contained within **attachment 2**.

For the purpose of this report, matters relating to the variations to LPP3.6 or where Council is required to exercise discretion will be discussed.

### Land Use:

In determining the land use for the proposal, Officers have classified the proposal as Private Recreation which “*means land or buildings used for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge.*”

The site is zoned ‘Urban Development’, and has its land use and development objectives framed through the associated structure plan. Clause 27(1) of the Deemed Provisions states; “*A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*”

The subject site lies within the Glades (Main Precinct) Local Structure Plan (LSP). In considering land use permissibility, the subject site is designated as ‘Village Centre’ under the LSP. The LSP states that the provisions, standards and requirements for this designation are to be in accordance with a Glades Village Centre Local Planning Policy.

Local Planning Policy 3.6 - The Glades Village Centre Design Guidelines (LPP3.6) sets out preferred land uses for the subject site as ‘Office’ and/or ‘Restaurant’, but states that other land uses can be considered in accordance with the land use requirements and permissibility of the ‘Commercial’ zone in accordance with TPS2.



Under Table 1 – Zoning Table of TPS2 ‘Private Recreation’ land use is an ‘AA’ use in the ‘Commercial’ zone which means “*Council may, at its discretion, permit the use*”. There is discretion to permit the land use.

### Built Form and Amenity

LPP3.6 has been prepared to co-ordinate development within the Village Centre in accordance with the LSP. As with the LSP, the design vision for the subject site is Leisure and Commercial.

The objectives of LPP3.6 are:

- *“To achieve a mixed use environment where people may live, work and recreate within the Village Centre.*
- *Uses such as shops, offices, commercial, health care, community, leisure, residential and entertainment will be developed in an integrated manner.*
- *Village Living will be provided for by a range of medium density and mixed use development opportunities.”*

LPP3.6 designates the subject site as ‘Mixed Use’ with preferred land uses of ‘Office’ and ‘Restaurant’. Although these are preferred uses, the policy does not preclude other land uses with their permissibility as per the ‘commercial’ zone in accordance with TPS2.

It is considered that the proposal would provide a recreation/leisure facility for the community, contributing towards a mixed use environment, in accordance with the objectives of LPP3.6.

LPP3.6 also sets out general built form standards for the Village Centre and standards for specific lots. The requirements are identified and addressed in the table below, with further discussion in the report.

<b>General Policy Provisions</b>		
<b>Policy Requirement</b>	<b>Compliant</b>	<b>Comment</b>
Architectural character will encompass a contemporary interpretation of ‘rural’ village forms.	Yes	The architectural character is similar to that of the existing buildings within the Village Centre. The simple form of the buildings reflects contemporary design.
Structures will feature a composite of exterior finishes, with a primary wall material such as a painted render, stone work or face brickwork. These materials will be complimented by minor elements such as lightweight cladding materials, accent colours or other alternative materials.	Yes	The external walls are painted and the use of artwork in accent colours are proposed.
To ensure buildings are robust enough to accommodate a variety of uses as the centre	Yes, except for parking	The layout of the building is generally open plan which would allow for other uses to





<b>General Policy Provisions</b>		
<b>Policy Requirement</b>	<b>Compliant</b>	<b>Comment</b>
<p>evolves, their design must address:</p> <ul style="list-style-type: none"> <li>• Floor/ceiling heights</li> <li>• Access/egress</li> <li>• Fire requirements</li> <li>• Parking</li> </ul>		<p>take place within the building if a new tenancy were proposed.</p> <p>Access and egress is only required for two vehicles which is sufficiently provided from the laneway.</p> <p>Fire requirements will be required as part of the building permit process.</p> <p>Parking is not compliant with the policy as it is not proposed onsite, this is discussed later under the relevant heading.</p>
Maximum of 3 storeys	Yes	The proposed building would be single storey.
Minimum height 7m	Yes	The proposed height is 7.5m
Provision of on street parking exclusively for own use	No	Two parking bays are provided on site and parking is reliant on reciprocal parking at the main Village Centre car park – Refer to Car Parking section of Report.
<p>Elevations to streets, rear laneways, and rear entrances from car parks and public open spaces are to be articulated to feature clearly defined architectural elements including:</p> <ul style="list-style-type: none"> <li>• Defined front entries that are clearly identifiable from the street through expressed elements such as centre porticos, glazing etc;</li> <li>• Avoidance of blank facades;</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The main entrances are fully glazed and identifiable from the street.</p> <p>Sufficient fenestration and articulation is proposed.</p>





<b>General Policy Provisions</b>		
<b>Policy Requirement</b>	<b>Compliant</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• Application of awnings and other shading devices;</li> <li>• Bold colours or accent material changes; and</li> <li>• A continuous pedestrian cover at street level.</li> </ul>	<p>Yes</p> <p>No</p>	<p>Awnings are proposed over the entrances.</p> <p>Bold, accent colours are proposed in the form of artwork.</p> <p>There is a continuous pedestrian cover to the west elevation only. This is discussed further later in the report.</p>
Secondary Street facades should be appropriately articulated and activated to avoid blank walls and to provide increased passive surveillance to corners.	Yes	The rear elevation fronting Rodgers Close is sufficiently articulated with the use of fenestration and bold colours.
Development or corner lots to address both the primary and secondary streets	Yes	Entrances are located on corners to address all street frontages.
Glazing to the primary street shall be optimised with at least 70% glazing.	Yes	The elevation fronting Olsen Gardens is comprised of significant full height glazing.
Services and associated appliances to be concealed from the street or public view	Yes	Services are proposed to the laneway. A condition is recommended to ensure the bin storage area is appropriately screened, given the lane provided the primary pedestrian entry. Also this needs to be improved to make it an inviting pedestrian space, the be maintained by the proponent.
Car parks to be well lit	Yes	The proposal only provided two parking bays, it is proposed to utilise the existing car park of the Village Centre.
Buildings designed to create a safe environment by avoiding the creation of blind spaces	Yes	No blind spaces proposed. The outdoor areas front onto roads.
<ul style="list-style-type: none"> <li>• Landscaping to allow for surveillance of public areas</li> </ul>	<p>Yes</p> <p>No</p>	<p>Landscaping is proposed to the Olsen Gardens elevation to allow for surveillance.</p>



General Policy Provisions		
Policy Requirement	Compliant	Comment
<ul style="list-style-type: none"> <li>Planting to parking areas</li> <li>A minimum of 10% of the site is to be landscaped</li> </ul>	No	<p>No landscaping is proposed to parking areas however there are only two bays. Any further landscaping in this area would impact the ability to provide these spaces. The land is however needing to be converted to make this a more inviting pedestrian walking space, given it is intended to clearly orientate parking and access from this southern approach.</p> <p>7.5% of landscaping is proposed. This is discussed later in the report.</p>
The implementation of 'Quiet Building Design' principles to minimise impacts of noise	Yes	A noise assessment was submitted as part of the application demonstrating predicted noise levels would be well within the assigned levels under the Noise Regulations.

Site Specific Requirements		
Policy Requirement	Compliant	Comment
Preferred land uses of 'Office' and 'Restaurant'	No	Although these are preferred uses, the policy does not preclude other land uses with their permissibility as per the 'commercial' zone in accordance with TPS2. The proposed land use is one that can be considered in the 'commercial' zone in accordance with TPS2.
Development is to capitalise on the strategic location of this site. Development of this site is likely to precede any other development elsewhere in the Village Centre and, as such, attention should be given to ensuring a high standard of	Yes	<p>The proposed development does not precede any development elsewhere in the Village Centre, however this is not considered a requirement.</p> <p>The built form is considered to achieve a high standard of</p>



Site Specific Requirements		
Policy Requirement	Compliant	Comment
development is achieved from the outset.		development - Refer to built form assessment.
The primary building entry should provide activation to Gallant Way corner. A secondary entry may be used to activate Olsen Gardens.	Yes	The main entrances are located on Gallant Way and Rodgers Close. A staff entrance is located on the north west corner.
Pedestrian awnings/canopies are required for the Gallant Way and Olsen Gardens (minimum 50%) frontages.	Gallant Way – Yes Olsen Gardens –No	The pedestrian awning/canopy is a variation to the policy and is discussed further below.
The ground floor is to be generally open planned, with a possible Sales Office use fronting Gallant Way and a possible Interim Community Facility fronting Olsen Gardens. The first floor should accommodate office/commercial space.	Yes	The layout is generally open plan. There is no sales office use or first floor applicable.
A courtyard area may be provided on the eastern portion of the site. This would have access to the adjacent building and would facilitate outdoor activities to provide a buffer to nearby residential uses.	Yes	No courtyard is not provided, however the policy states 'may' be provided and as such it is considered there is no variation in this regard. It is worth noting that the setbacks of the proposal are compliant.
Parking areas are to be located at the rear of development with access via the laneway. Vehicular access is not permitted via Gallant Way. Parking areas are not to be visible from Gallant Way and are to be screened from the streets and laneway by buildings or screen walls to moderate negative effects on visual amenity	No	Only two parking spaces are provided from Rodgers Close, access to these are from the laneway.  No vehicular access is proposed from Gallant Way and the parking would not be visible from this road.  Refer to Car Parking section of report for a full assessment.
Service areas are to be located at the rear of building. These areas are to be screened from the streets and laneway by buildings or screen walls to moderate negative effects on visual	Yes	There is a store and bin store located to the rear of the building. A condition is recommended to ensure that this is screened.



<b>Site Specific Requirements</b>		
<b>Policy Requirement</b>	<b>Compliant</b>	<b>Comment</b>
amenity and conform with CPTED principles where practical		
<b>Required Setbacks</b>	<b>Proposal</b>	<b>Compliant</b>
Gallant Way – Nil	Nil	Y
Olsen Gardens - Nil	Nil	Y
Eastern Boundary – Nil	Nil	Y
Laneway – Nil	Nil	Y

The proposed building would be single storey, covering five lots (Lots 41-45), and incorporating the existing building located on Lot 41 into the design. Public entrances to the building are proposed to be located on the Rodgers Close elevation (south) and east elevation. This has been designed to encourage parking within the main parking area of the Village Centre which will be discussed later in the report.

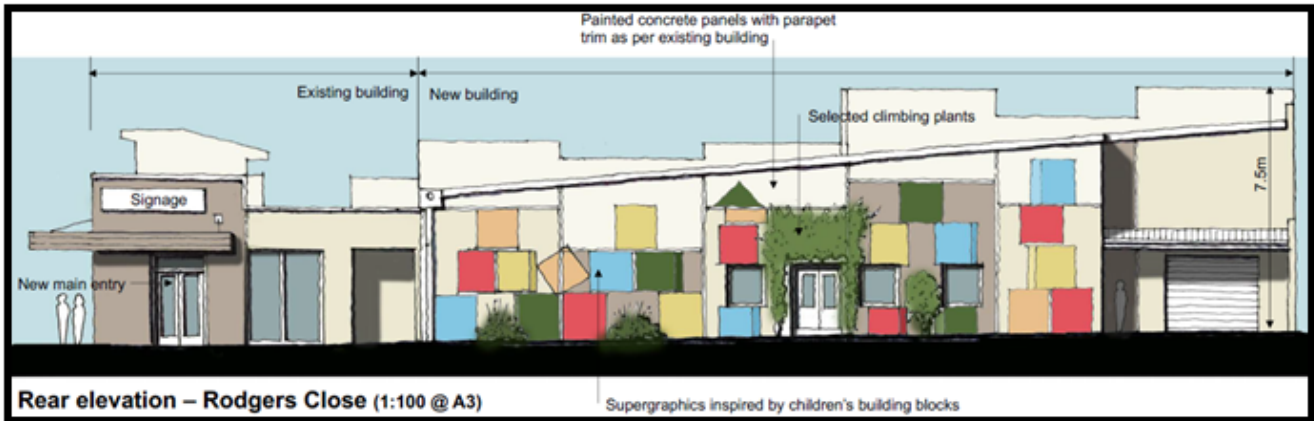
The north elevation of the building includes six large windows that are designed to the height of the individual wall panels. It is considered that this use of fenestration results in a design consistent with other commercial buildings in the Village Centre and adequately addresses the street frontage of Olsen Gardens. The painted concrete panels and the roof form varying in height also breaks up the appearance of the building and results in an attractive façade that does not appear as one large tenancy.

LPP3.6 requires a continuous pedestrian cover at street level for all commercial activities, however this provision is considered to be capable of being varied to the north elevation of the proposal due to the location of the landscaped buffer which covers two thirds of the length of the building. A pedestrian cover would be considered to have an impact on the use of the landscaped area as a means to soften the building bulk and façade.

The elevation of the proposal fronting onto Rodgers Close laneway (south) consists of a wall constructed of painted concrete panels, designed with varying heights and colours. Fenestration to this elevation is considered limited and is not present around the centre of the elevation. LPP3.6 requires elevations to streets and laneways to feature well defined architectural elements, which in the instance of this site the LPP states:

*“Development is to capitalise on the strategic location of this site. Development of this site is likely to precede any other development elsewhere in the Village Centre and, as such, attention should be given to ensuring a high standard of development is achieved from the outset.”*

Officers initially raised concerns in relation to this elevation and considered the design did not meet the policy requirements. Amendments have been received and this elevation now includes artwork providing further articulation. The artwork consists of coloured cubes adding interest and resulting in a more attractive façade. The design of the artwork is considered appropriate by way of design and links to the land use proposed. Refer to image for view of the laneway elevation.



### Laneway Elevation with Art

This southern elevation thus depicts an artistic treatment in order to help create some visual interest. It should be noted that the development will also include a per cent for art contribution, so whereas the current concept plans depict an intent for artwork on this southern facade, it is too early to specify the actual design itself. The process of engaging a public artist to come up with a design for the facility, and indeed where such will be placed on the facility, may change and may not necessarily reflect in absolute terms the current concept plan as shown. This will also be informed by the themes under the Shire's adopted Public Art Master Plan, which includes emphasis on the three key themes of Natural Environment, Belong and Playfulness. To this end, a condition is imposed to deal with the provision of per cent for art, which officers will assess in accordance with the adopted local planning policy.

The west elevation of the proposal is located on Lot 41 and has already been developed consistently with the design requirements of the LPP. The elevation includes an awning across the full width of the elevation, with a focal entry point to the north-west corner of the building. The west elevation contains full height glazing allowing for passive surveillance to and of the street, meeting the design principles of the LPP.

The east elevation abuts onto lots designated for residential development. The wall height would be 7.5m high in accordance with the height requirement under LPP3.6. Although in accordance with the policy, Officers raised concerns that the construction of a blank wall of this height located on the boundary would adversely impact on the residential amenity of the future occupants of this lot. Furthermore, the provision of a blank wall in this location is considered to adversely impact on the visual amenity of the area and contrary to the design requirements of LPP3.6.

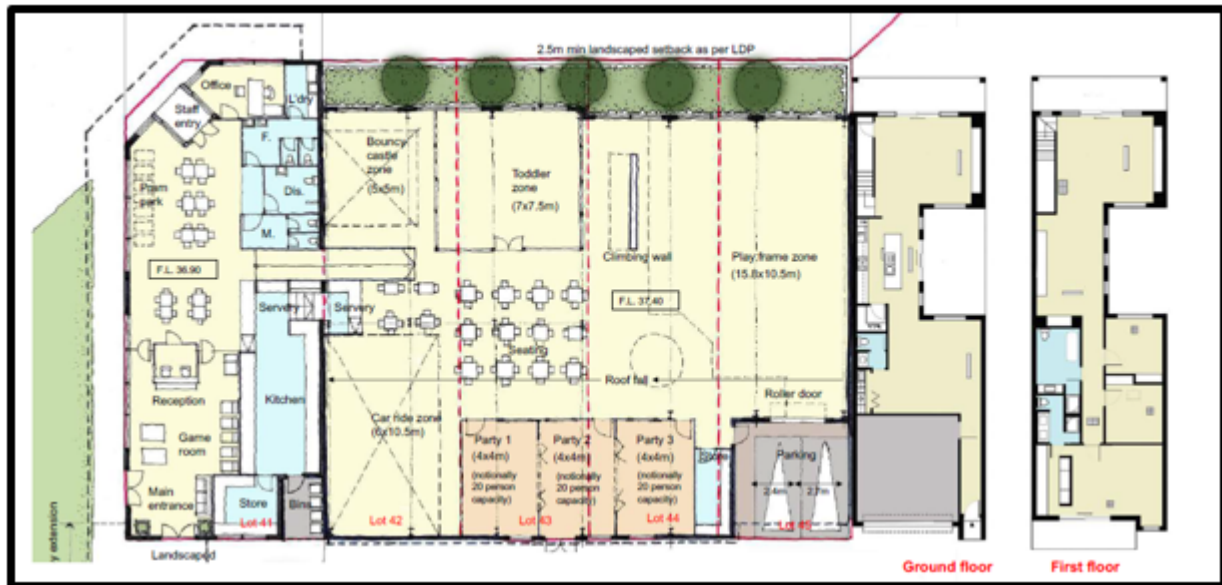
The indicative plan (figure 11 of LPP3.6) for this site shows the provision of public open space and car parking in this location, understood to reduce the impacts of building bulk on the future residential development by creating a building setback softened with landscaping. The figure from the policy is shown below.



**Figure 11 from LPP3.6**

These concerns were raised with the applicant who facilitated discussions with the developer for the adjacent site (LWP). An amended elevation has been provided to address these concerns together with an indicative house design for the adjacent lot.





**Indicative housing design for adjacent lot**



**Indicative elevation to include housing design for adjacent lot**

The floor plans and elevations above detail how the residential lot could be developed adjacent to the 7.5m high wall proposed to abut the site. It demonstrates that a two-storey dwelling could be constructed with a nil setback, whilst still providing an area of outdoor living that would not be adversely impacted upon by the proposal. It is also worth noting that the adjacent residential lot is located to the east of the subject site and therefore the proposal would not have an adverse impact by way of overshadowing.

Notwithstanding the building height requirements under LPP3.6, Officers raised concerns in relation to the impact a wall of this height would have on a potential single storey dwelling. The developer has advised that the intent of these residential lots would be for two-storey dwellings. The above elevation shows how two-storey dwellings would appear adjacent to the subject proposal.

The adjacent lot has yet to be subdivided and therefore there is currently no requirement for a Local Development Plan (LDP). Officers consider, however as part of an LDP, it would be required for the residential lots to be two-storey as per the developers intent. It is considered that these amended details have satisfied the concerns of Officers and it is considered that two-storey dwellings in this location would both result in a desired built form outcome and also address residential amenity. Officers are also satisfied that the adjoining land owner (LWP) support the

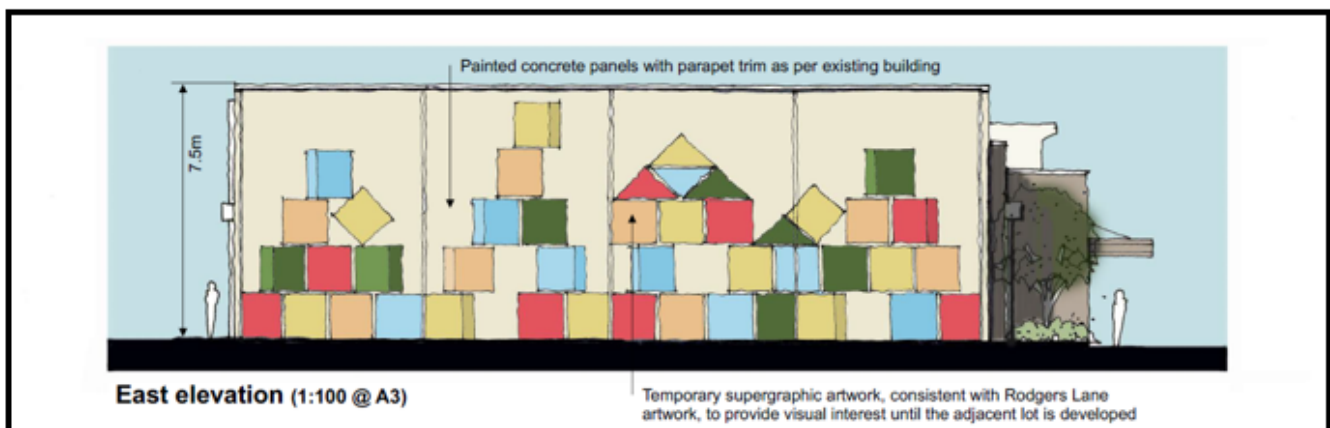


proposal and understand that their intent is to develop the site for the purposes of two-storey residential developments.

In the interim, Officers also raised concerns that until such a time when the residential lots have been developed, the proposal would result in a blank wall that has a stark appearance and adversely impact the character and amenity of the area.

An amended elevation has been provided detailing similar artwork that is proposed to the south elevation. Consistent with the comment already made specific to that artwork, the process of engaging a public artist to come up with a design for the facility, and indeed where such will be placed on the facility, may change how this western face is ultimately treated. Any treatment to this face will be ephemeral, and effectively lost once the development of the adjoining residential lot takes place. To this end, a condition is imposed to deal with the provision of per cent for art, which officers will assess in accordance with the adopted local planning policy.

Refer to below image for art proposed on east elevation.



**Art Proposed on East Elevation**

The current elevation plans provided do not detail the types of materials, colours and finishes that are proposed to be used. Sections 7.9 and 7.11 of LPP3.6 set out detailed requirements for these elements. The details provided are considered to be consistent with the overall requirements, however a condition requiring a schedule of colours, materials and finishes is recommended to ensure full compliance with LPP3.6 and ensure a desired built form is achieved.

Landscaping is a key consideration when assessing built form and amenity. LPP3.6 states that a minimum of 10% of the site area should be provided for landscaping. Currently, 7.5% of the site, pertaining only to the north elevation, is designated for landscaping. In this instance, the building has a nil setback to three lot boundaries and therefore does not result in the outdoor space for landscaping.

Landscaping is generally a requirement to provide for an attractive setting. It is considered that the landscaping fronting Olsen Gardens is sufficient to provide an attractive frontage. There is existing landscaping on Rodgers Close, adjacent to Lot 41, this taken with the artwork proposed to the elevation, is considered to result in an attractive unique setting for local residents and visitors. There is an existing grassed area in front of the Gallant Way elevation that is considered to provide in sufficient landscaping and provide an attractive setting for this frontage.

The intention under LPP3.6 was for a car park to be provided which would incorporate landscaping. As the proposal does not include a car park it is considered that additional landscaping to soften what would be a large area of hardstand would not be required in this



instance. For these reasons, it is considered that the modest reduction in landscaping can be supported. It is recommended that a detailed landscaping plan be provided prior to commencement of works. The landscaping plan would detail the amount and species of landscaping to be provided and a commitment to replant should the landscaping fail.

### Parking

Section 8.2.2 of LPP3.6 requires for car parking for the subject site to be provided within the lot. The proposal only provides two parking bays which falls short of the parking requirement.

Table V – Car Parking of TPS2 does not set out parking requirements for ‘Private Recreation’ land uses. However, Clause 67 (s) of the Deemed Provisions requires for a Local Government to consider the adequacy of the arrangements for the parking of vehicles.

As the site forms part of the overall Village Centre, it is worth noting that under TPS2 a ‘Shopping Centre’ requires 1 car bay per 12.5m<sup>2</sup> of leasable floor space. The approved leasable floor area for the site was 4447m<sup>2</sup>, which results in a minimum requirement of 355 car parking bays. However, at that time, the Shire, by way of a condition on the approval, required 220 bays to be provided for the overall site, with justification considering the high street design and expected performance of the centre.

To date the Village Centre has been developed with 237 bays, 17 more than the condition of approval required. Shire Officers raised concerns in relation to the provision of parking proposed being inconsistent with LPP3.6 by way of location and TPS2 by way of numbers. Especially considering the future development potential within the area as well as population increase resulting in further use of the Village Centre. The applicant considered that the additional 17 bays surplus to what was required under the condition should be able to be included in the provision for the proposal as reciprocal parking.

The previous approval for the Village Centre varied section 7.4 of the LPP3.6, specifically design requirement b) as the commercial development on Lot 41 Olsen Gardens was calculated into the shared public parking allocation for the site. Notwithstanding this variation, the proposal would add an additional estimated 650m<sup>2</sup> of leasable floor space, which if assessed under the TPS2 car parking requirements for a ‘Shopping Centre’ would result in the proposal requiring an additional 52 bays.

Officers have also considered the parking requirements under the ‘Public Amusement’ land use as this parking provision could be seen as relevant. A ‘Public Amusement’ land use requires 2 car parking bays per 40m<sup>2</sup> of gross leasable area. The building currently on Lot 41 has already been accounted for in the parking requirements for the entire Village Centre site so the assessment for future parking will be calculated using the proposed extended floor area which is 590m<sup>2</sup>. Based on this, the proposal would require the addition of 29 car parking bays which is currently not provided as part of the reciprocal (17 bays) parking rights proposed by the applicant.

Following consultation with the applicant, a parking report was submitted to justify the parking provision for the site based on the availability of reciprocal parking and the demand generated by the proposal. The report also provides a review of similar facilities around the Perth area. The report is contained within the **attachment 3**.

As part of this report, a survey was undertaken during the proposed hours of operation. The results of this survey are contained within the following tables:



Location: Byford Glades local centre  
Date: Saturday 10<sup>th</sup> August

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Total bays		
	East CP	West CP	Olsen Gdns	Doley Rd	Mead St	Woolandra Dr			
<b>Bays provided</b>	<b>166</b>	<b>72</b>	<b>52</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>309</b>		
Time							Total used	Total empty	%/ge utilisation
9.00	20	10	16	0	1	4	51	258	16.50
9.30	26	15	21	0	0	4	66	243	21.36
10.00	28	18	16	0	2	4	68	241	22.01
10.30	26	14	17	0	1	3	61	248	19.74
11.00	32	15	14	0	1	3	65	244	21.04
11.30	32	16	13	0	1	4	66	243	21.36
12.00	33	16	16	0	1	4	70	239	22.65
12.30	28	14	20	0	0	4	66	243	21.36
13.00	29	20	21	0	1	4	75	234	24.27
13.30	30	18	15	0	0	4	67	242	21.68
14.00	28	20	20	0	0	4	72	237	23.30
14.30	26	19	15	0	0	4	64	245	20.71
15.00	27	13	14	0	0	4	58	251	18.77
15.30	26	11	15	0	0	4	56	253	18.12
16.00	23	22	7	0	0	4	56	253	18.12
16.30	29	20	3	0	0	4	56	253	18.12
17.00	31	25	7	0	0	3	66	243	21.36
<b>Average utilisation</b>	<b>27.88</b>	<b>16.82</b>	<b>14.71</b>	<b>0.00</b>	<b>0.47</b>	<b>3.82</b>	<b>63.71</b>	<b>245.29</b>	<b>20.62</b>

**Table 1: Saturday utilisation**

Location: Byford Glades local centre  
Date: Tuesday 13<sup>th</sup> August

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Total bays		
	East CP	West CP	Olsen Gdns	Doley Rd	Mead St	Woolandra Dr			
<b>Bays provided</b>	<b>166</b>	<b>72</b>	<b>52</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>309</b>		
Time							Total used	Total empty	%/ge utilisation
9.00	16	42	3	2	3	4	70	239	22.65
9.30	22	49	3	1	2	4	81	228	26.21
10.00	20	41	3	1	2	5	72	237	23.30
10.30	22	47	4	0	2	3	78	231	25.24
11.00	19	40	8	1	3	3	74	235	23.95
11.30	28	45	9	1	3	3	89	220	28.80
12.00	21	46	6	1	3	2	79	230	25.57
12.30	23	47	5	1	2	3	81	228	26.21
13.00	18	50	7	3	2	2	82	227	26.54
13.30	19	48	7	3	2	2	81	228	26.21
14.00	21	50	3	3	4	4	85	224	27.51
14.30	32	51	3	1	4	4	95	214	30.74
15.00	33	43	4	2	2	4	88	221	28.48
15.30	29	51	5	3	4	3	95	214	30.74
16.00	27	52	7	0	2	3	91	218	29.45
16.30	36	45	8	0	2	3	94	215	30.42
17.00	45	37	6	1	1	3	93	216	30.10
<b>Average utilisation</b>	<b>25.35</b>	<b>46.12</b>	<b>5.35</b>	<b>1.41</b>	<b>2.53</b>	<b>3.24</b>	<b>84.00</b>	<b>225.00</b>	<b>27.18</b>

**Table 2: Weekday utilisation**

The report summarises the findings as follows:

- The levels of parking utilisation are very low – generally between 20% and 30%, which suggests that the centre is either significantly over provided with parking bays or it is under-trading, or a combination of the above. As a benchmark, the globally accepted optimal parking utilisation is 85% of bays.
- At no point during the week were there fewer than 214 vacant car bays in or immediately adjacent to the centre.
- At no point during the weekend were there fewer than 234 vacant car bays in or immediately adjacent to the centre.





- The parking demand for the centre as a whole was marginally greater on a weekday than a weekend, with peak utilisation on a weekday recorded at 30.74% compared to peak utilisation on the Saturday of 24.7%. This can be explained by the relatively high proportion of non-retail uses in the centre that act to smooth out the weekend retail peak associated with retail-only centres.
- The child-care centre contributes in the main to the difference in parking demand between a weekday and the weekend. This is evident in the parking utilisation of the western car park, which had an average occupancy of 42 cars on a weekday compared to an average occupancy of 17 cars at the weekend.
- From on-site observations, approximately 50% of the cars were parked for a longer-term, and this may be attributed to staff, residents and tradespeople working on adjacent construction sites.

The findings from other similar centres concludes that parking provision is in the region of 1 bay per 37-39m<sup>2</sup>. Based on this conclusion, the subject site would require access to 22 car bays (1 bay per 38m<sup>2</sup>).

The parking report demonstrates a minimum vacancy of 214 bays at present with a future anticipated increase of 20% resulting in minimum vacancy of 171 bays.

Based on the information provided in relation to the survey, other similar developments and the foreseen parking demand at the subject site, Officers are satisfied that sufficient parking is available at the Village Centre for the proposal. A condition of approval will be required for the landowner to prepare and register a Deed of Agreement (no expense to the Shire) against the affected properties to provide the Shire certainty that the reciprocal parking arrangements between Lot 40 Covenant Lane and Lots 41-45 Covenant Lane are in place.

Officers will also be requesting a condition which requires a Car Parking Management Strategy to be submitted to encourage patrons of the facility to park within the existing shopping centre, as opposed to utilising on street parking on Olsen Gardens. Officers are conscious that these bays must be kept available for patrons of the entire Village Centre and also importantly for patrons of the Strand. Strategies such adequate signage, timed parking bays on Olsen Gardens can be considered in order to direct patrons to the appropriate parking areas.

To help encourage this, it is also appropriate that the western portion of the laneway that extends beyond the proposed parking bays and the existing loading dock have some modifications undertaken by the applicant to ensure it reads as a welcoming space to safely walk. This is especially important noting children and parents are the target market. A condition is recommended to require a treatment of this space, as generally depicted below:





Proposed Laneway Upgrade

## Options and Implications

### Option 1

That Council APPROVES the development application for the Child Play Centre, as contained within attachment 1, at Lots 41 – 45 Olsen Gardens, Byford subject to conditions.

### Option 2

That Council REFUSES the development application for the Child Play Centre, as contained within attachment 1, at Lots 41 – 45 Olsen Gardens, Byford subject to reasons.

Option 1 is recommended.

## Conclusion

The proposal seeks approval for a Child Play Centre within an existing developed Neighbourhood Centre. Notwithstanding the variations to LPP3.6 by way of car parking, built form and landscaping, it is considered that the proposal is consistent with the objectives of the policy and is therefore recommended for approval.

## Attachments

- [Attachment 1](#) – Development Application Details (E19/11713)
- [Attachment 2](#) – Technical Assessment (E19/9548)
- [Attachment 3](#) – Parking Report (E19/11712)



### Alignment with our Strategic Community Plan

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

### Financial Implications

Nil.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the development application and the Shire facing a SAT appeal	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

C

### Risk Matrix

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

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



**Voting Requirements:** Simple Majority

**OCM220/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Gossage**

**That Council**

1. **APPROVES** the development application for the Child Play Centre, as contained within attachment 1, at Lots 41 – 45 Olsen Gardens, Byford subject to 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	P1 – P5 received at the Shire Offices on 19 August 2019
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- b. Prior to operation, a Signage Strategy shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating compliance with LPP3.6 – The Glades Village Centre Local Planning Policy. Once approved, signage shall be displayed in accordance with the approved Signage Strategy.
- c. Prior to operation, a Parking Management and Laneway Upgrade Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating how it will be ensured that the proposal would not dominate on street parking on Olsen Gardens. As a minimum, this must deal with signage, education and the repurposing of the western end of the existing laneway that will enable this to function as a safe walking environment, while still providing for loading / unloading functionality. Once approved, the Parking Management and Laneway Upgrade Plan shall be implemented and maintained in its entirety.
- d. A stormwater management plan being submitted and approved prior to the issue of a Building Permit. This is to demonstrate the management of stormwater, consistent with the overall Urban Water Management Plan that exists, to the satisfaction of the Shire.
- e. Prior to commencement of works on site, a detailed Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved the Landscaping Plan shall be implemented and maintained in its entirety. This is to also include the area designed as part of the Parking Management and Laneway Upgrade Plan
- f. Prior to commencement of works on site, a schedule of colours, materials and finishes shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be constructed in accordance with this approved schedule.
- g. Prior to commencement of works on site, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be constructed in accordance with the approved Construction Management Plan.
- h. Hours of operation shall be between 11:00am – 5:00pm Monday to Friday and 11:00am to 7:00pm on Weekends and Public Holidays.



- i. The bin shall be appropriately screened from the laneway to the satisfaction of the Shire of Serpentine Jarrahdale.**
- j. Prior to operation, the landowner shall enter into a Deed of Agreement to the (prepared and executed at the cost of the applicant /landowner) satisfaction of the Shire of Serpentine Jarrahdale, to guarantee reciprocal parking arrangements between Lot 40 Covenant Lane, Byford and Lots 41-45 Olsen Gardens, Byford. Such Deed of Agreement is to be registered on the relevant Certificate of Title as an encumbrance.**
- k. The provision of artwork for the proposed development in accordance with Local Planning Policy 1.6 (Public Art), and reflecting the themes of the Shire's Public Art Strategy. Details to be submitted to and approved by the Shire prior to the issue of a Building Permit.**
- l. Prior to occupation of this development, satisfactory arrangements being made for the amalgamation of Lots 41-45 Olsen Gardens, Byford.**

**CARRIED UNANIMOUSLY 7/0**

**Councillor Denholm returned to the Chambers at 8.16pm.**

**The Shire President advised Councillor Denholm of the Council Resolution for this item.**



**Councillor Atwell declared an Impartiality Interest in item 10.1.4.**

<b>10.1.4 - Local Structure Plan – Mundijong - Whitby Precinct G2 – Keirnan Street Mundijong (PA19/606)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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Proponent:	Peter Webb and Associates
Owner:	DJM Mundijong Pty Ltd
Date of Receipt:	12 June 2019
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

**Report Purpose**

The purpose of this report is for Council to consider a request to modify the Local Structure Plan boundary area identified as Mundijong Sub-Precinct G2 in the Mundijong Whitby District Structure Plan (DSP). The landowners of lots 11, 12, 13 and 14 Keirnan Street, Mundijong, are seeking to prepare a local structure plan over a smaller area of land than the whole area identified in the DSP. This would create Mundijong sub-precinct G2 and Mundijong sub-precinct G3.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting – 27 September 2016 – <b>extract</b> Council Decision No. 1</i></p> <p><i>OCM172/09/16      COUNCIL DECISION / Officer Recommendation:</i></p> <p><i>That Council:</i></p> <p><i>3. Support the request to prepare a Local Structure Plan over a sub-precinct of Precinct G, in accordance with section 3.6 of Local Planning Policy 29 – Mundijong-Whitby Planning Framework.</i></p>
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Ordinary Council Meeting – 22 August 2011 – **extract** Council Decision No. A

SD017/08/11 COUNCIL DECISION / Officer Recommendation:

*That Council:*

- A. Pursuant to clause 5.18.3.15 of Town Planning Scheme No 2 adopts the final Mundijong Whitby District Structure Plan as per attachment SD017.2/08/11.

Ordinary Council Meeting – 17 December 2018

OCM148/12/18 COUNCIL RESOLUTION / Officer Recommendation:

*That Council:*

1. Pursuant to Schedule 2, Part 4, Clause 17 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems the Mundijong District Structure Plan 2018 to be compliant with clause 16(1) and deems it satisfactory for advertising in terms of clause 18 of the Regulations.
2. Pursuant to Part 5, Division 2, Clause 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 deems Scheme Amendment 209 to be a Complex scheme amendment in terms of clause 35(1) and deems it satisfactory for advertising.
3. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to proceed to advertise Scheme Amendment 209 Mundijong Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
4. Requests that the Western Australian Planning Commission allow the Mundijong District Structure Plan 2018 to be advertised for a period exceeding the maximum prescribed, to allow it to be advertised alongside Scheme Amendment 209.

## **Background**

The District Structure Plan comprises of seven precincts. Each precinct includes specific requirements applicable to individual precincts, which need to be addressed in a subsequent Local Structure Plan for the precinct. Generally, subdivision is not to be supported prior to the adoption of a local structure plan over a precinct area.

The Shire received a proposed Local Structure Plan for Keirnan Street, Mundijong, Sub-Precinct G2 (LSP) on 12 June 2019 (**attachment 1**). Under Schedule 2 Part 4 Clause 17 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the local government on receipt of a local structure plan application, must consider the application and advise if further information is required within 28 days. Shire officers reviewed the information and advised the applicant that insufficient information had been provided. The Shire, among other items, requested that all technical reports supporting the LSP address the entire LSP area, not just a portion of the area coinciding with the ownership of one of the landholdings.

The purpose of this report is for Council to consider a request of a landowner to only prepare a structure plan for a smaller portion of the Precinct G2, than is required under the Shire's District Structure Plan and policy framework. This report does not include a technical assessment of the proposed Local Structure Plan as the proposed modification to the Local Structure Plan boundary area first needs to be considered by Council.



## **Community / Stakeholder Consultation**

Not applicable at this procedural stage.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Mundijong Whitby District Structure Plan
- Draft Mundijong District Structure Plan

Under the Regulations, local governments do not have authority to determine an LSP. Once the LSP has been accepted, advertised and assessed, a report will be presented to Council to make a recommendation to the WAPC. This will then be forwarded to the WAPC for determination on the application.

## **Planning Assessment**

### Existing Development

The LSP area of sub-precinct G2 is used for residential purposes as well as rural uses with equine uses still present in the western portion. The eastern portion is vacant land which was historically used for rural purposes. The western portion is vegetated with trees present along most access ways and fence lines. The eastern portion has some mature vegetation, generally along fence lines.

### Proposed Development

The proponent is proposing to modify sub-precinct G2 into two further sub-precincts being sub-precinct G2 and sub-precinct G3. The proposed LSP seeks to classify the land as Residential with low to medium density and includes a future high school site with co-located district playing fields as well as public open space.

### Orderly and Proper Planning

#### *Strategic Framework*

The Mundijong Whitby District Structure Plan (DSP) was adopted by Council in August 2011. The DSP guides the future zoning and development of the Mundijong Whitby area. The DSP was originally split into seven LSP precincts, where LSPs would be required to deliver the vision and objectives for Mundijong and Whitby.



The vision of the DSP is: "A contemporary, connected place reflecting the community's rural character, green values and vibrant village feel."



**Mundijong Whitby District Structure Plan Map**

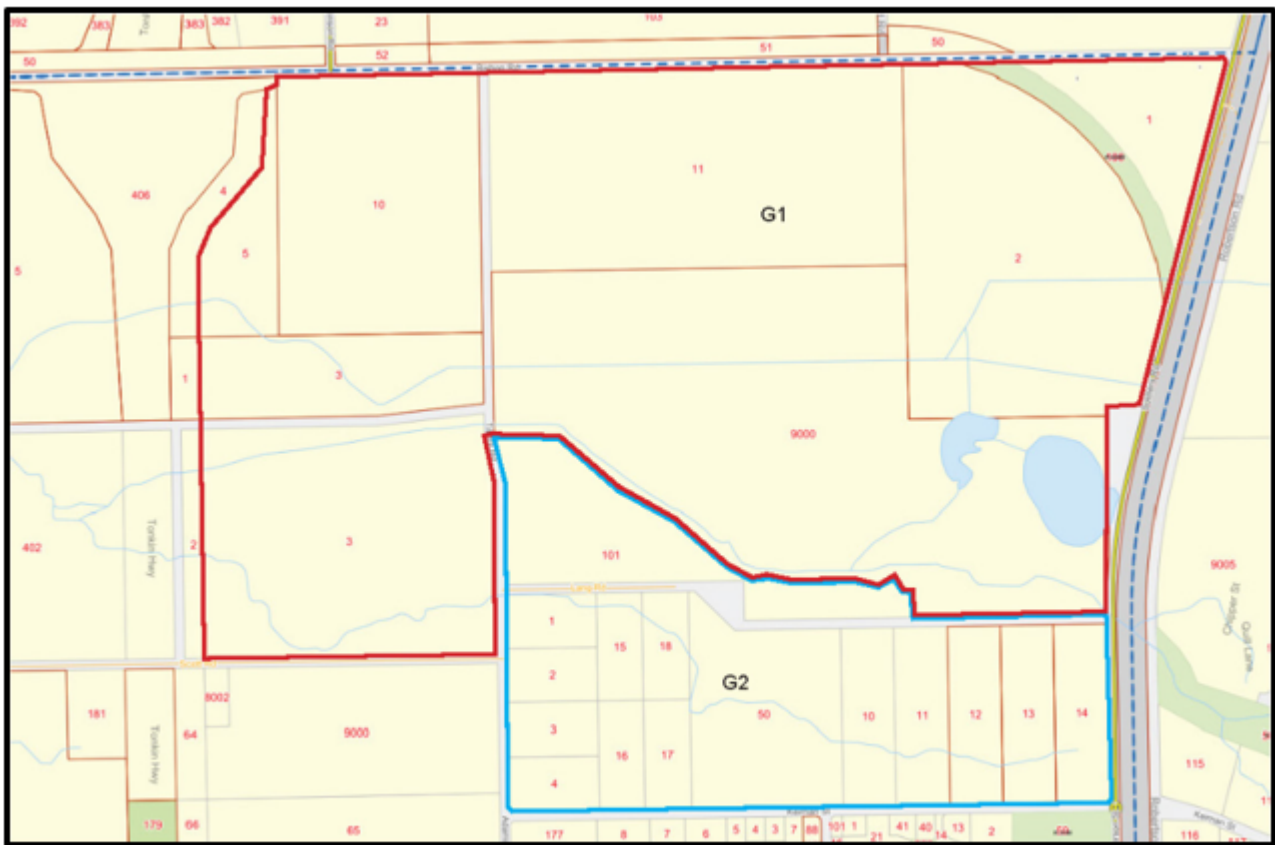


Precinct Area G is bounded by Soldiers Road to the east, Bishop Road to the north, the western boundary of the DSP area to the west and Keiran Street and Scott Road to the south. A LSP is required for all or a portion of the precinct with the extent of the LSP to be confirmed in liaison with the Shire of Serpentine Jarrahdale in accordance with Part 1, Clause 7.7.2 of the DSP.



**Precinct G**

Precinct G has previously been broken into two Sub-Precincts G1 and G2 as a result of the Council decision made on 27 September 2016.



**Existing Sub-Precincts G1 and G2**



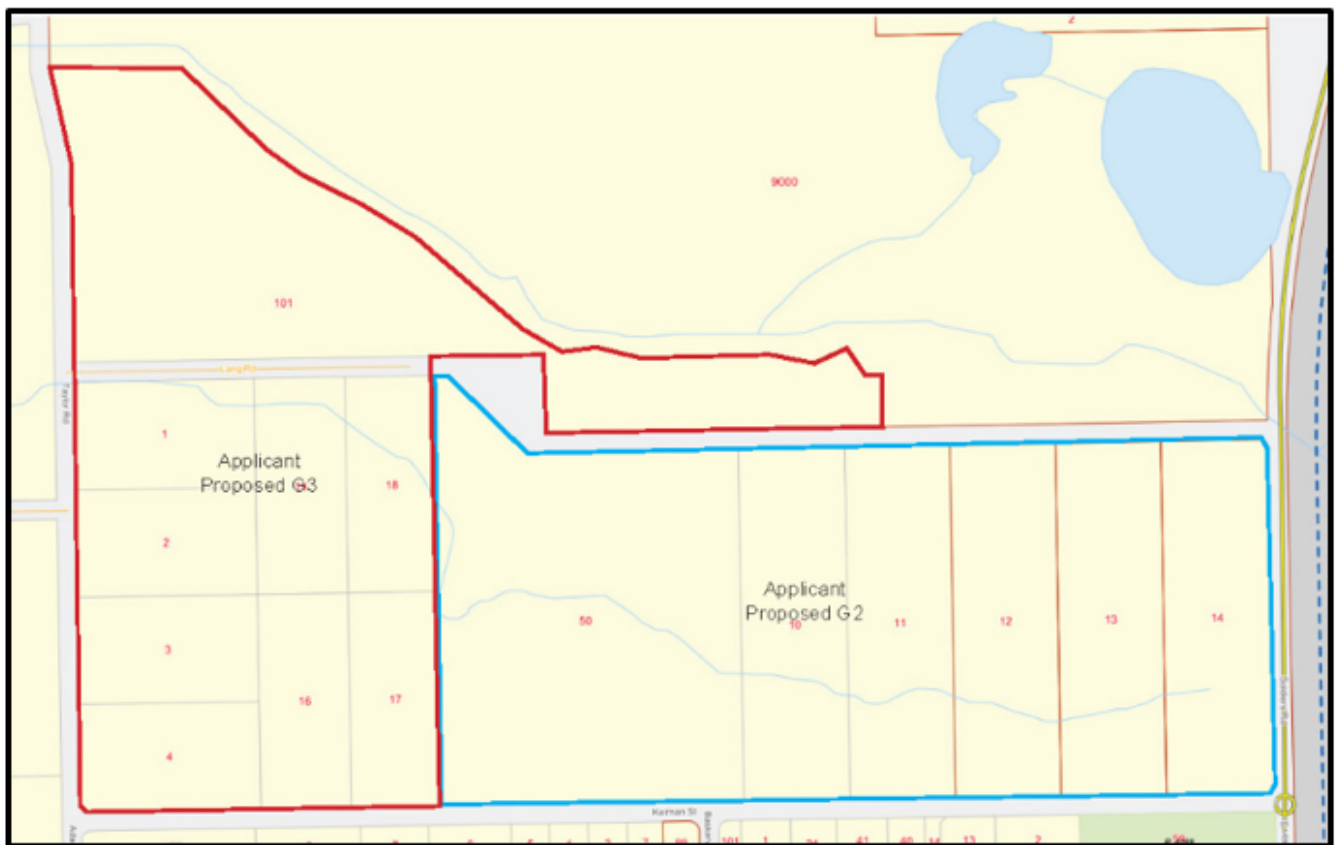
The DSP allows for Council to consider an LSP to be prepared over only a portion of precinct G.

### Planning Considerations

The purpose of a structure plan is to provide a basis for zoning and subdivision of land. A district structure plan addresses key considerations of a potential development area and provides for the major structural elements, including major roads, open space network, commercial and industrial areas, and environmental conditions.

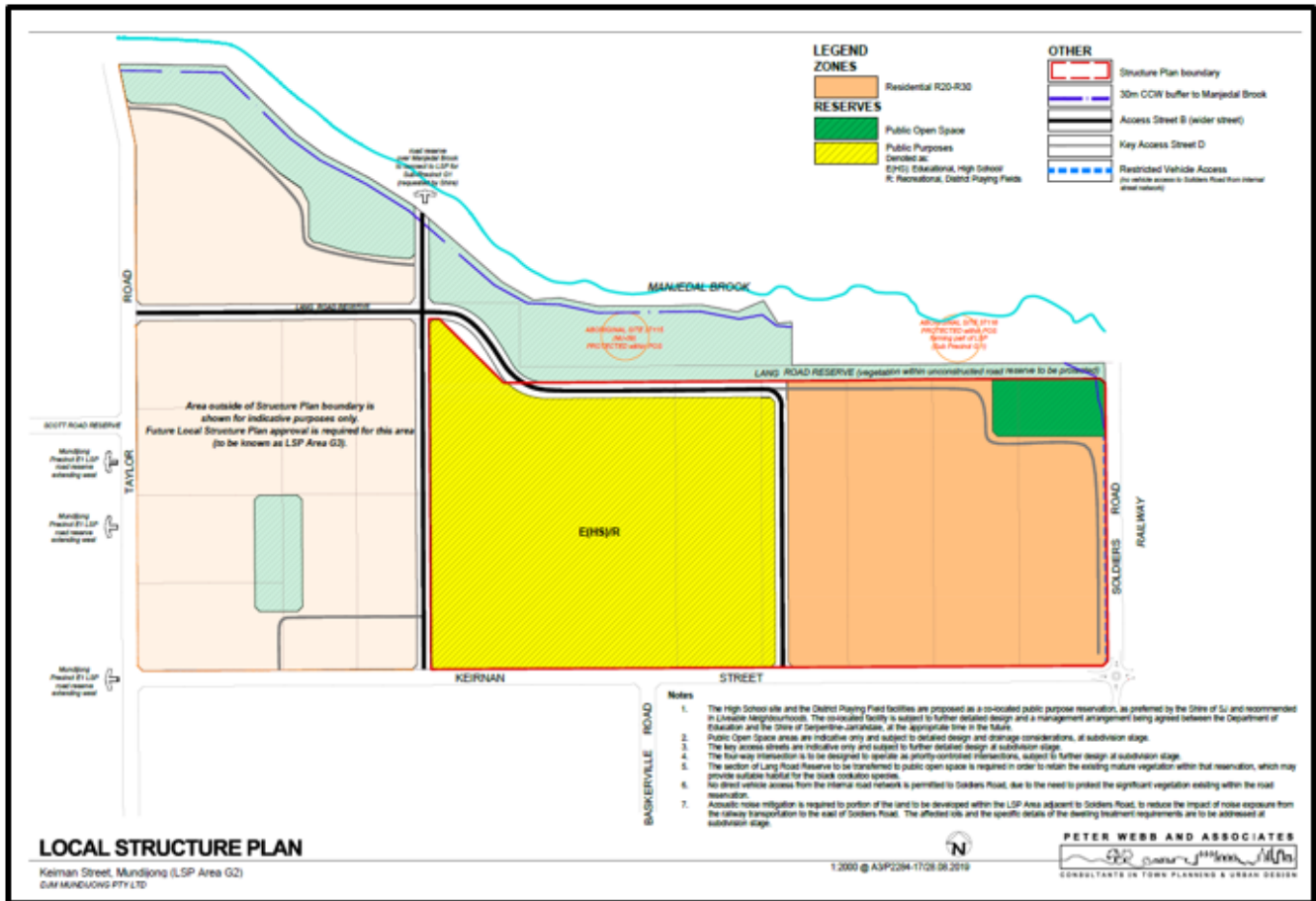
A local structure plan generally deals with residential density, subdivision, and the coordination of infrastructure on a neighbourhood scale.

The DSP identifies the Manjedal Brook and the future high school site as the main features that impact Sub-Precinct G2.



**Proposed Sub-Precincts G2 and G3**





**Proposed sub-precinct G2 LSP and future sub-precinct G3.**

The proposed Sub-Precinct G2 is bounded by the Lang Road reserve to the north, Soldiers Road to the east, Keirnan Street to the south and the lot boundary of Lot 50 Keirnan Street to the west. The main features of the proposed modified sub-precinct G2 are the high school site. The proponent has also included future district playing fields at the request of the Shire as identified in the Draft Mundijong District Structure Plan.

The proposed Sub-Precinct G3 is bounded by the Manjedal Brook to the north, sub-precinct G2 to the east, Lang Road reserve and Keirnan Street to the south and Taylor Road to the west. The main features of proposed sub-precinct G3 are the buffer to the Manjedal Brook and possible open space as well as the neighbourhood connector road that would provide a north south link between local structure plan areas as well as service the high school site and district playing fields.

The proponent has provided the following justification for the proposed LSP area boundary modifications:

- The eastern section is physically separated from the wider LSP Area G2 as it is bound by the future high school and co-located district playing fields to the west, and existing road reservations being Lang Road reserve to the north, Soldiers Road to the east and Keirnan Street to the south.
- The proposal creates two distinct precincts being the west precinct proposed G3 and the proposed precinct G2, separated by a high school and district playing fields allowing these



precincts to be designed and developed independently in accordance with the principles of orderly and proper planning.

- The LSP Map includes the requirements of both the endorsed Mundijong Whitby DSP as well as the draft Mundijong DSP and takes into consideration the wider planning context within which it is to be developed. This is demonstrated through the indicative design over proposed sub-precinct G3.

#### *Facilitate Development and Growth*

The support of the modified LSP area will encourage growth and development in the area. The landowner has indicated that they are ready and willing to develop the land.

#### *Integration of Planning and Development*

Integration between the proposed sub-precincts is of concern with each LSP concentrating on the individual precincts without considering the impact of smaller precincts on future development. This could lead to potential conflicts of timing of development and planning for neighbourhood connector infrastructure.

Protection of the Manjedal Brook is uncertain at this stage as is the protection of the Aboriginal site located in lot 101 Taylor Road, just south of the Manjedal Brook. While this can be addressed as part of Sub-Precinct G3, it is important for integration across the precincts to occur. It is also important to ensure that any development occurring in Sub-Precinct G2 does not impact on the environmental values of the Manjedal Brook and the cultural heritage values of the Aboriginal Site, and as such, should be considered as part of Sub-Precinct G2.

The portion of the land north of proposed modified Sub-Precinct G2 is not included in the modified LSP area. This creates challenging LSP boundaries as well as increases the risk of poor integration between the sub-precincts. The narrow focus and fragmented approach is contrary to the intent of an LSP and orderly and proper planning.

A modification to the proposed Sub-Precinct boundaries is recommended.

#### *Lang Road reserve*

The Lang Road reserve is not considered in the proposed Sub-Precinct G2. The Shire during a pre-consultation meeting requested the protection of vegetation in the road reserve and to create a new access road within the boundaries of the LSP. While the internal access road has been proposed, the lack of consideration of the road reserve in the proposed Sub-Precinct G2 boundaries may result in a risk to the Shire that vegetation may not be appropriately protected. The intent is for the reserve to form part of the public open space and be appropriately developed.

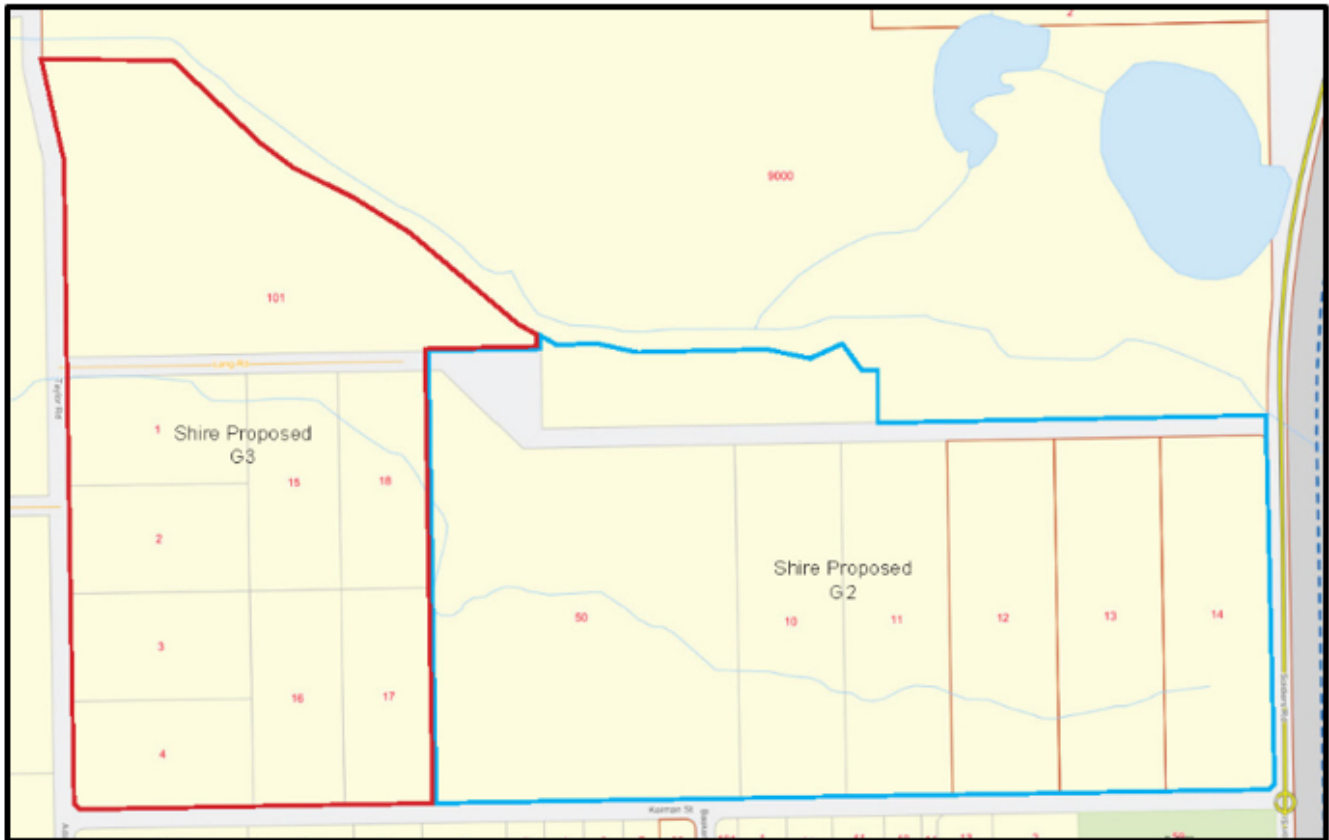
It should also be noted that the proposed road network of Sub-Precinct G2 will utilise a portion of the Lang Road reserve. It is appropriate for orderly and proper planning, that the Lang Road reserve is considered as part of the LSP area that it utilising the road reserve.

A modification to the proposed Sub-Precinct boundaries is recommended.

#### *Bushfire Management*

The proposed modified Sub-Precinct G2 may not be able to achieve the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) whereby two access ways are required. The Bushfire Management Plan provided with the application requires the LSP area to be able to access Taylor Road, via Lang Road. The existing proposal does not allow for this two-way access to occur as it does not consider Lang Road reserve.

A modification to the proposed Sub-Precinct boundaries is recommended.

*Recommended modifications to the proposed LSP area***Officer recommended modifications to proposed Sub-Precinct G2 and G3 (attachment 3)**

Shire officers propose modifications to the proposed Sub-Precinct G2 and G3 boundaries. The proposed modifications seek to achieve a more holistic approach to the LSP area that encourages clear sub-precinct boundaries. This in turn will reduce the number of potential conflicts when planning for the precincts and will allow for increased integration of the sub-precincts. The officer recommended modifications also includes the un-made portion of Lang Road reserve in the LSP Sub-Precinct G2 boundaries which will ensure that its development and use is effectively planned for. This in turn will easily allow Lang Road to be upgraded where necessary and integrated into the proposed development to allow for two-way access in accordance with SPP3.7.

The recommended modifications will also lead to greater certainty in regards to the protection of Manjedal Brook, the Aboriginal Heritage site and remnant vegetation in the eastern portion of Lang Road reserve by ensuring that the proposed development in Sub-Precinct G2 does not impact on the sensitive environmental factors to the north.



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## Options and Implications

### Option 1

That Council SUPPORTS the proposed amendment to the Local Structure Plan boundaries identified in the Mundijong Whitby District Structure Plan to create revised Sub-Precincts G2 and G3, SUBJECT TO MODIFICATIONS as per attachment 3.

The officer recommended modifications to the proposed Sub-Precincts leads to a more holistic approach and considers the wider planning context. There is a risk that the proponent will not support the officer recommended modifications and will choose not to develop the land or seek to change the information requirements with the Western Australian Planning Commission.

### Option 2

That Council SUPPORTS the proposed amendment to the Local Structure Plan boundaries identified in the Mundijong Whitby District Structure Plan to create revised Sub-Precincts G2 and G3, WITHOUT MODIFICATION.

This will support development within the Shire as the proponent is ready to develop. It does however leave the Shire open to risk relating to the integration of planning and development, consideration of the Lang Road reserve and Bushfire Management Issues.

### Option 3

That Council DOES NOT SUPPORT the proposed amendment to the Local Structure Plan boundaries identified in the Mundijong Whitby District Structure Plan to create revised Sub-Precincts G2 and G3.

This may lead to less fragmentation in the planning framework. There is however a risk that the proponent will not continue with the LSP application as they are unable to provide the required information and development within the Shire will not occur.

Option 1 is recommended.

## Conclusion

The proponent is seeking to modify the boundaries of the Mundijong Sub-Precinct G2 Local Structure Plan area. The modification will result in the creation of Sub-Precinct G2 and Sub-Precinct G3. The proponent has noted that this is in accordance with the requirements of the Mundijong Whitby District Structure Plan and orderly and proper planning. Shire officers have undertaken an assessment of the proposed modification, and have suggested a refined modified Sub-Precinct layout to encourage a more integrated approach to planning the Sub-Precincts.

## Attachments

- [Attachment 1](#) – Proposed Local Structure Plan Keirnan Street Mundijong Sub-precinct G2 (IN19/12566)
- [Attachment 2](#) – Request to modify the Local Structure Plan Area (IN19/20803)
- [Attachment 3](#) – Officer recommended modifications to Sub-Precinct G2 and G3 (E19/12056)



### Alignment with our Strategic Community Plan

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework

### Financial Implications

There are no financial implications to Council.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council choose to support Option 2	Possible (3)	Moderate (3)	Moderate (5-9)	Environment - 2 Minor - Contained, reversible impact managed by internal response	Accept Officer Recommendation
That Council choose to support Option 3	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation

### Risk Matrix

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

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





Continued

**Ordinary Council Meeting Minutes**  
Monday 14 October 2019

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**Voting Requirements:** Simple Majority

**OCM221/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr See**

**That Council SUPPORTS the proposed amendment to the Local Structure Plan boundaries identified in the Mundijong Whitby District Structure Plan to create revised Sub-Precincts G2 and G3, subject to modifications as per attachment 3.**

**CARRIED UNANIMOUSLY 8/0**



**Councillor Atwell declared a Financial Interest in item 10.1.5 and left the Chambers at 8.17pm prior to this item being discussed.**

<b>10.1.5 - Section 31 Reconsideration - Proposed Service Station, Fast Food / Takeaway Shop and Rural Supplies – Lot 801, 11 Shanley Road, Mundijong (PA18/693)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**This matter was deferred by Procedural Motion at the 16 September 2019 Ordinary Council Meeting. Supplementary information has been included in this report.**

### 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.
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Proponent:	Urbis
Owner:	Paul Gangemi
Date of Receipt:	24 August 2018
Lot Area:	2.7ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

### Report Purpose

The purpose of this report is for Council to consider an application for a Service Station, Fast Food / Take Away Shop and Rural Supplies at Lot 801, 11 Shanley Road, Mundijong.

While the applicant has proposed that the Fast Food / Take Away Shop should be classified as a Restaurant, Shire Officers are of the view that it is more appropriately classified as the former. This issue is discussed in the report.

The application was deemed refused by the applicant on 15 May 2019 as no decision had been made and the timeframe for a determination was exceeded. This was due to Main Roads WA not consenting to the design for access.



An appeal was subsequently lodged with the State Administrative Tribunal on 22 May 2019. It is noted that the Shire had not been provided with all required information to be able to make an informed assessment and decision.

The report is presented to Council as Officers do not have delegated authority to determine applications where objections have been received during consultation that cannot be addressed by amendments to the proposal or conditions of approval in accordance with delegation 12.1.1.

Officers have considered the objections and recommend the proposed development be approved subject to a number of conditions and modifications.

### **Relevant Previous Decisions of Council**

*Ordinary Council Meeting - 16 September 2019 – OCM200/09/19 - COUNCIL RESOLUTION*

*Procedural Motion*

*That Council proceed to the next business.*

### **Background**

An application was received on 24 August 2018. The applicant lodged an appeal to the State Administrative Tribunal (SAT) on 15 May 2019 on the grounds of the Shire not making a determination within the 90 day timeframe. The Shire was unable to reach a decision or present an item to Council within the timeframe due to objection to the proposed development from Main Roads WA and ongoing negotiation between the applicant and Main Roads to satisfy the objection. The details around Main Roads WA objections and subsequent SAT outcomes have been discussed in further detail in the community / stakeholder consultation section of this report.

### Existing Development

The subject site currently features an existing weigh bridge, three outbuildings located towards the centre of the site and two water tanks.



Figure 1: Aerial photograph

### Proposed Development

The proposed development includes three key components: a Service Station, Fast Food/Take Away Shop and a Rural Supplies. The proposed Service Station comprises of a main canopy with four bowlers (standard vehicles) and a secondary canopy with two bowlers (trucks), a weigh bridge, a convenience store and associated car parking. The Fast Food/Take Away Shop is attached to the Service Station, sharing toilet facilities and features an outdoor eating area and drive-through. The Service Station and Fast Food/Take Away Shop are proposed to operate 24/7. The proposed Rural Supplies comprises of a primary building and associated car parking. **Attachment 1** to this report provides the full details of the proposed development.

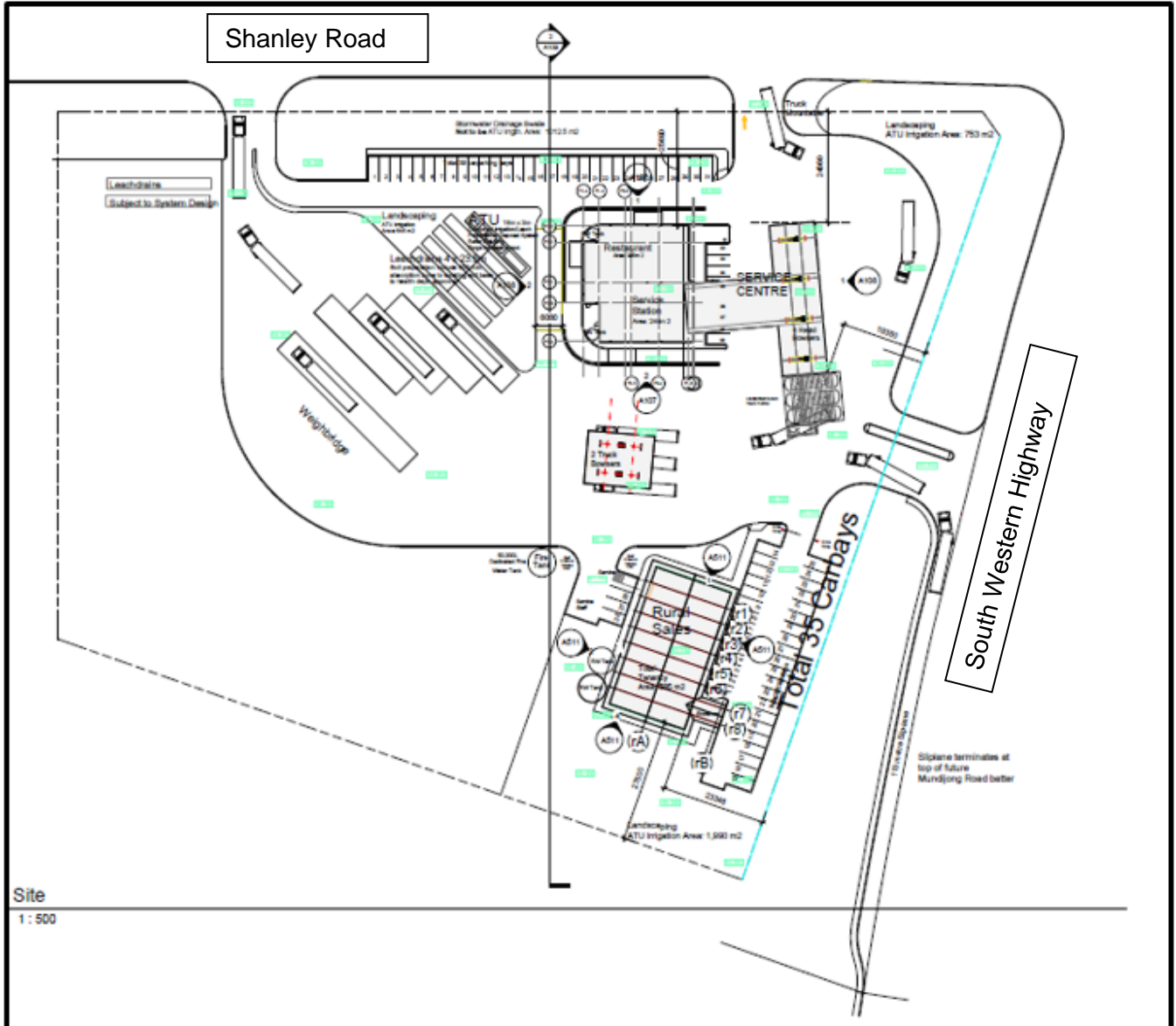


Figure 2: Site Plan





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## Community / Stakeholder Consultation

The application was advertised to landowners within 250m of the proposed development for a period of 21 days from 14 September 2018 to 5 October 2018, whereby 2 submissions were received. The submissions objected to the proposed development, the full details of the submissions can be found in **attachment 2** to this report.

The application was also referred to Main Roads as the proposed development abuts South Western Highway. Two submissions were received from Main Roads during the assessment, which have been included as **attachment 3** and **attachment 4** to this report. These objections eventually lead to the application being appealed to the SAT whereby discussions were held to come to a resolution. Main Roads WA primary objection related to the design of the intersection of Shanley Road and South Western Highway, which raised concerns in relation to the safety of vehicle movements within this intersection.

Following mediation, the applicant prepared revised intersection designs to address Main Roads WA concerns and Main Roads WA provided a further submission in support of the proposed development subject to two conditions being imposed. This submission can be viewed in **attachment 5** to this report.

The conditions relate to the intersection being generally in accordance with the design prepared through mediation and require the applicant to enter into a legal agreement with Main Roads WA relating to the final design of the intersection and contribution arrangements for the intersection construction. Officers are satisfied that the conditions are reasonable and will result in a benefit to traffic safety at the intersection of Shanley Road and South Western Highway. The concept design for the intersection can be viewed in **attachment 6** to this report.

## Statutory Environment

### Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Administrative Tribunal Act 2004*

### State Government Policies

- South Metropolitan Peel Sub-Regional Framework
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- 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
- Rural Strategy Review 2013
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy (LPP1.4)
- Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 – Water Sensitive Urban Design Guidelines (LPP2.4)
- Local Planning Policy 4.11 – Advertising Policy (LPP4.11)
- Local Planning Policy 4.13 – Revegetation Policy (LPP4.13)
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP4.14)



## Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in **attachment 7**. For the purpose of this report, issues raised through objections and the areas where discretion is required are the focus of the report.

### Land Use

The proposed development features three distinct operations, which are discussed following.

The proposed Service Station includes the sale of petrol, retail sale of convenience goods and an ancillary café. The proposal could fall under the definition of either a 'Convenience Store' or a 'Service Station', both land uses involve the sale of petrol and incidental retail sale of other goods.

The definition for a 'Convenience Store' under Town Planning Scheme 2 (TPS2) is as follows:

***"Convenience Store*** – Means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking, The buildings associated with a convenience store shall not exceed 300 square meters gross leasable area."

This definition does not include operation of an ancillary café and caps the gross leasable area for any building associated with the use at 300m<sup>2</sup>. The Service Station and canopy area total 974m<sup>2</sup> in area and exceeds the scale required to be considered a 'Convenience Store'.

The definition for a 'Service Station' under TPS2 is as follows:

***"Service Station*** – means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking."

This definition is considered to be more applicable as it involves incidental uses such as a shop and cafeteria, without a cap on floor area. A 'Service Station' may also include the carrying out of greasing, tyre repairs and minor mechanical repairs, which are not proposed as part of the development and should be appropriately conditioned to be restricted if approval is to be granted. This will ensure the amenity impacts of the development remain as per the assessment and further consideration can be given to any greasing or repairs at a later stage if proposed. Given the proposed development meets the land use definition of 'Service Station' most closely, it cannot be considered as any other use class under Clause 3.2.4 of TPS2.

The proposal features what Officers deem to be a Fast Food/Take Away Shop due to a drive-through component, integrated with the Service Station building. While the 'Service Station' definition includes an ancillary 'Restaurant' under the definition, the proposed component which Officers consider to be a Fast Food/Take Away Shop is designed to be capable of operating independently of the Service Station and therefore should be considered as a separate land use.

The definition for a 'Restaurant' under TPS2 is as follows:

***"Restaurant*** – means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business."



Given the proposal includes a drive-through, it is considered that consumption within the building is unlikely to be the principle part of the business. The site is:

- isolated from existing residential communities that would be necessary to sustain a viable restaurant function, especially 24/7;
- on a major highway with passing traffic undertaking mostly regional level trips whereby stopping is usually limited in time. A restaurant meal is usually consumed over an extended period of time, vs that of a Fast Food/Take Away Shop meal which is about timely convenience. Given the likely customers visiting the development, it is likely convenience and timeliness will see the predominant consumption off site.

The inclusion of a drive-through indicates an orientation towards providing takeaway, both financially and in terms of menu management to allow the drive-through to operate efficiently.

The definition of 'Fast Food/Take Away Shop' under the TPS2 is as follows:

***"Fast Food/Take Away Shop – means a shop wherein food is prepared and offered for sale for consumption principally off the premises."***

A 'Fast Food/Take Away Shop' is a prohibited land use in the Rural zone and cannot be considered for approval.

The applicant was invited to amend the plans to meet the Shire's concerns about land use, however, elected not to amend the plans, arguing that the drive-through component does not alter the intent of the development to be primarily for dine-in. This is not considered to reflect the operation of the development, and would place the Shire in a position of unlawfully approving development. This would be a decision beyond power of the Shire, and would represent a serious breach of the Shire's legislative responsibilities.

Officers must, in accordance with the Scheme, appropriately classify land use. Clause 3.2.4 of the Scheme states:

*3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.*

As the current proposal is, in the opinion of the Shire, a Fast Food / Take Away Shop, it is prohibited.

The Shire requires the Fast Food / Take Away Shop be deleted from the application. The applicant has the ability to seek the SAT to determine whether the Shires classification of land use is appropriate. This is under Section 252(2)(a) of the *Planning and Development Act 2005*.

The applicant has provided additional information in relation to the operation of the proposed Rural Supplies stating the development will be used for the sale of fodders, fertilisers and grains consistent with the definition of a 'Produce Store' under TPS2:

***"Produce Store – means land and buildings wherein fodders, fertilisers and grain are displayed and offered for sale."***

The subject site is zoned Rural under TPS2. In ignoring the component which is considered to be a Fast Food / Take Away Shop (and thus prohibited in the zone), a Service Station is an 'SA' land use, and 'Produce Store' is an 'AA' use. These remaining proposed land uses are discretionary, with the 'Service Station' requiring advertising prior to determination.



In exercising discretion for such uses, consideration must be given to the consistency of the proposal with the objectives of the zone. The objective of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted within the Scheme area. The proposed developments are considered to be associated activities, providing services to allow and encourage the full range of rural pursuits to occur within the Scheme area.

### Rural Strategy

The subject site is located within the Rural Policy Area under the Rural Strategy. There is also an overlay indicating the area is part of a Framework Investigation Area. A notation on the Strategy map indicates that the Framework Investigation area has been applied as the land is depicted as Rural Residential in the draft South Metropolitan Sub-regional Planning Framework. The South Metropolitan Peel sub-regional planning framework has since been endorsed and now depicts the subject site as being Urban Expansion.

The objectives of the Rural Policy Area focus on the agricultural and environmental values of rural land, however, the Rural Strategy acknowledges the importance of retaining rural land for future urban and industrial development, which is reflected for the subject site under the South Metropolitan Peel sub-regional planning framework. As such, it is considered that the proposed development is considered to be consistent with the Rural Strategy and capable of approval.

### State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

The subject property is within a Bushfire Prone Area as designated by an order made under the *Fire and Emergency Services Act 1998* and therefore subject to the provisions of SPP3.7. Officers have recommended a condition requiring a Fire Management Plan to address the provisions under SPP3.7.

### Local Planning Policy 2.4 – Water Sensitive Urban Design Guidelines (LPP2.4)

The proposed development involves a large amount of impermeable surfaces. These areas will result in additional stormwater generation which will need to be managed onsite. Given the large area of the subject lot, the management of stormwater onsite is not a concern. A condition has been recommended for a stormwater management plan to ensure compliance with LPP2.4 in the design of the drainage system.

### Local Planning Policy 4.11 – Advertising Policy (LPP4.11)

The proposal includes three signs, including one sign on the front wall of the Service Station and two signs on the canopy of the Service Station. The signage on the wall of the Service Station would be considered a Wall Sign and the signage on the canopy would be considered a Verandah Sign under the signage types within LPP4.11.

Wall signs and Verandah signs are not signage types envisioned for the 'Rural' zone under LPP4.11. As a variation, assessment under the objectives of LPP4.11 would be required. The proposed signage is considered to be in-line with the objectives of the policy and the signage types are considered to be acceptable.

The proposed Wall Sign measures 0.6m in height and 2.65m in length, with a signage area of 1.59m<sup>2</sup>. The Wall Sign is proposed above the main entrance to the Service Station and would be



located 3.6m above ground level. The proposed Verandah Signs measure 0.5m in height and 3.5m in length, with an individual signage area of 1.8m<sup>2</sup> and aggregate signage area of 3.6m<sup>2</sup>. The Verandah Signs are proposed on the eastern and northern faces of the canopy and would be 5.7m above ground level.

The tables below shows the proposal and the requirements of LPP4.11 for Wall Signs and Verandah Signs.

Wall Sign			
	Policy	Proposal	Compliance
<b>Content</b>	Name, logo or slogan of business premises only.	Proposed signage includes the name of the business premises only.	Yes
<b>Signage area</b>	10m <sup>2</sup>	1.59m <sup>2</sup>	Yes
<b>Height</b>	No greater than 12m above ground level	No greater than 4.2m	Yes
<b>Projection</b>	Not more than 300mm from a wall and not beyond the edges of a wall.	Less than 300mm projection and not beyond the edges of the wall.	Yes

Verandah Sign			
	Policy	Proposal	Compliance
<b>Signage area</b>	1.2m <sup>2</sup>	1.8m <sup>2</sup>	No
<b>Height</b>	No less than 2.75m from ground level	5.7m from ground level	Yes
<b>Projection</b>	No more than 300mm if located on the outer fascia	Less than 300mm projection	Yes

The proposed Wall Sign is compliant with LPP4.11; however, the Verandah Signs seek to vary the maximum signage area permitted for Verandah Signs. Where there are any variations to LPP4.11 an assessment under the performance criteria of the policy is required. The objectives require consideration of size, colour and shape, number, location, design and safety.

The proposed signage is considered to be low scale, by means of the size and number of signs, in context of the proposed built form. The Verandah Signs exceed the acceptable signage area under LPP4.11 by 0.6m<sup>2</sup> and are considered to be consistent with the scale of the development proposed. The signage largely complies with the standards set out for the relevant signage types in the policy and therefore is considered to be acceptable in terms of the colour and shape, location, design and safety.

#### Local Planning Policy 4.13 – Revegetation Policy (LPP4.13)

The proposed development would see the removal of remnant vegetation across the site. LPP4.13 requires a revegetation plan be prepared where proposed development seeks the removal of vegetation. The application was lodged with a landscaping concept plan, designed to screen the proposed development from view from South Western Highway and Shanley Road. Officers consider the requirement for revegetation could be addressed through a Landscaping Plan, which has been recommended as a condition of approval.





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### Noise

The submissions have raised concerns in relation to noise generated from the proposed Service Station. The Environmental Protection Authority's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land uses, recommends a buffer distance of between 100m and 200m between Service Stations operating 24/7 and sensitive receptors (i.e. dwellings).

A 100m buffer is recommended for freeway Service Stations and a 200m buffer is recommended for all other Service Stations. There are two dwellings that are located between 150m and 200m from the proposed Service Station. Officers consider the proposed Service Station is more in line with a freeway Service Station given the land abuts South Western Highway, which is a Primary Regional Road. It is noted that the two dwellings are on the opposite side of South Western Highway and outside of the recommended 100m buffer area. The noise generated by the proposed development is considered to be unlikely to impact on those dwellings in the context of the site. Nevertheless, a condition for a noise management plan is recommended to ensure the operational aspects of the proposed development do not result in an impact to the amenity of the area.

### Traffic

Neighbour submissions received on the application have raised concerns in relation to traffic impacts generated by the proposed development. The applicant has submitted a Traffic Impact Assessment which indicates the traffic generated by the proposed development will not impact on the broader area. Main Roads WA, in their submission, have identified a need to upgrade Shanley Road and South Western Highway as a result of the proposal and remove any access to the site from South Western Highway. All access to the site would be from Shanley Road, with turning lanes provided at the intersection of South Western Highway and Shanley Road to ensure safe right turn vehicle movements to and from South Western Highway.

The neighbour submissions have raised concerns about increased traffic along Jarrahdale Road as a result of the proposed development, which would in turn impact on the Jarrahdale township. The development is not located on Jarrahdale Road and would primarily service passing traffic from South Western Highway or Shanley Road.

Officers consider the position of Main Roads WA to be the determinative factor in respect of traffic safety and intersection design. Main Road WA have agreed to the design concept as shown following.



Figure 4: Concept Intersection Design

Shire Officers are particularly cognisant of traffic safety for our community. The Officers assessment is based upon Main Roads WA formerly supporting the proposed access arrangements for the Development. As per Main Roads WA submission, it states support for the proposal subject to a set of conditions and advice notes. These form part of the Officer recommendation. Officers have also required the Fast Food / Take Away Shop to be deleted on the basis that it is a prohibited use. This will also assist in limiting traffic generated by the development.

#### **Supplementary Information following the Ordinary Council Meeting – 16 September 2019**

Council considered this matter at its Ordinary Meeting on 16 September 2019. Council resolved to proceed to the next business item, as a procedural motion, and accordingly Council has not determined the Section 31 Request for Reconsideration. The State Administrative Tribunal (“SAT”) had provided the Shire the opportunity to reconsider its deemed refusal, provided such was done by 16 September. As this did not occur, the applicant had to seek further agreement of the SAT to enable the Shire to reconsider its deemed refusal at the October Council meeting. The SAT have agreed to this and invited the Shire to reconsider its decision accordingly.

The report dealt with the proposed development, comprising elements of Service Station, Fast Food / Take Away Shop and Rural Supplies at Lot 801, 11 Shanley Road, Mundijong. The applicant made a deputation to Council, explaining that they believe the use is not best classified as a Fast Food / Take Away Shop, but rather as a Restaurant.

This is a primary issue for consideration, as a Fast Food / Take Away Shop is a prohibited use in the Rural zone, where Council has no discretion to consider allowing it. In contrast, a Restaurant is a use which Council can consider exercising discretion to allow.



In its deputation to Council, the applicant addressed Council as to their justification regarding why the use class best fits (in their opinion) the definition of Restaurant. In this regard, the applicant has provided the following written submission (**attachment 8**), with a request for Council's reconsideration:

- "1. The proposed use does not currently have an operator. Given the timeframes associated with the development, noting the Main Roads WA requirements in relation to the access and intersection, the project is still a number of years from completion. As such, it is too far in advance for a commercial agreement to be in place with an operator.*
- 2. It is and has always been the intention for the primary function of the food component to be that of a place to primarily dine; with a specific focus on providing for a place for resting truck drivers to have a meal. This point is reinforced by the fact that the proposal provides for 83 restaurant seats. This level of investment in infrastructure and fit out is not in line with a fast food offering, which could fit 2-3 tenancies within the current building rather than the single restaurant proposed.*
- 3. The provision of a resting space is a key component of the operation of the site as a service centre, encouraging drivers to stop for fatigue management purposes rather than just providing a grab and go, fast food offering. In particular, the site is set up to cater for truck drivers, creating a stopping location with supporting amenities. The provision of the high flow fuel, weigh bridge and ample truck parking all work together with the restaurant to make this a rest stop location. The agreement with Main Roads WA to upgrade the intersection of South Western Highway, Shanley Road and Jarrahdale Road to allow for safe and efficient truck access to the site (along with improving general safety in this location) highlights the key focus toward truck users and the necessity to have a restaurant combined with the service centre.*
- 4. It is noted that the application as submitted for the food component of the project defined this as a 'restaurant' use class which is defined as a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside of the building is sold where the sale of food for consumption outside the building is not the principle part of the business. We maintain that the proposed food component of the proposal is best defined as a restaurant, which is a permissible use in the Rural zone. We understand the definition and the requirements for the ultimate operator of this tenancy to comply with the definition as part of their operations.*
- 5. It is acknowledged that the definition of Restaurant allows for "the sale of food for consumption outside the building is not the principle part of the business". As discussed at length by the Director of Development Services within the Ordinary Council Meeting (OCM) of 16 September, the inclusion of a drive through lane does not determine whether the use is classified as a Restaurant or a Fast Food/Takeaway. As such, it is considered the drive through component is incidental to the primary Restaurant use, providing only for a small percentage of food purchases, undertaken by small/personal vehicles only, and in considering this, the drive through component categorically fits within the definition of Restaurant as noted above.*

*It is considered the above provides sufficient information to allow for the reconsideration of the proposal at the OCM on the 14th of October 2019. We request the application is considered in the form in which it was lodged as a Restaurant use, inclusive of the incidental drive through component."*



This supplementary information addresses the position of the applicant in respect of their argument as to land use categorisation. It is noted that the applicant also seeks to retain the drive-through component of the proposed development. The existence of a drive-through component, as discussed at the September Council meeting by the Director Development Services, is not a determining factor in respect of whether a proposal is best classified as a Fast Food / Take Away Shop or as a Restaurant. The Scheme provides land use definitions for this purpose, and these are re-stated following:

***“Fast Food/Take Away Shop*** – means a shop wherein food is prepared and offered for sale for consumption principally off the premises.”

***Restaurant*** - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

The applicant directly addresses their understanding of the land use definitions, and that they intend for the “primary function of the food component to be that of a place to primarily dine...”

In terms of assisting Council to make the correct planning decision, there is some useful guidance provided in relevant State Administrative Tribunal cases.

In *Yum Restaurants International and City of Rockingham* [2008] WASAT 235 at [35], it was stated by the SAT that *“It is a matter of fact and degree when a use might pass from being a fast food outlet with a drive-through facility and some dining capacity to being a restaurant with a drive-through facility and a takeaway service”*

It is difficult to establish fact and degree when, according to the applicant, *“is too far in advance for a commercial agreement to be in place with an operator.”* Understanding the nature of the operator could enable the Shire a further level of fact and degree.

The applicant has placed their position in writing that the primary function will be that of a place to dine, and that they *“understand the definition and the requirements for the ultimate operator of this tenancy to comply with the definition as part of their operations.”*

The SAT in the case of *Yum Restaurants International and City of Rockingham* at [35] further stated that a use is a Restaurant because *“86 dining spaces are provided and because of the potential contribution the use will make to the local character by diner parking, outdoor seating, a glass front and interchange between diners inside and outside and the street.”*

*The notion of considering potential contribution to local character is raised as a relevant consideration to classifying land use in this regard.*

*In this respect, the local character of the rural zone, would not be furthered through diner parking, outdoor seating, a glass front and interchange between diners inside and outside and the street. It could however be argued that the local character of the rural zone is one typified by reduced vehicle movements (compared to urban areas). A restaurant land use would generate lower traffic amounts (compared to a fast food takeaway outlet), and thus provide a potential contribution to intended character as a result of this. Of course, the land use would have to ensure it complied with that of a Restaurant, and as mentioned the applicant states “they understand the definition and the requirements for the ultimate operator of this tenancy to comply with the definition as part of their operations.”*

Officers still have concern with classification as a Restaurant, as mentioned in the report itself. The officer recommendation remains unchanged.





## Options and Implications

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

### Option 1

That Council APPROVES the application subject to appropriate conditions.

### Option 2

That Council REFUSES the application subject to reasons.

Option 1 is recommended.

## Conclusion

The most significant issues pertains to:

- the proposed component of development represented as a Restaurant; and
- Traffic access and design.

As explained in the report, in respect of the first point, the proposed land use best represents a “Fast Food/Take Away Shop” – which means a shop wherein food is prepared and offered for sale for consumption principally off the premises. This is due to the presence of the drive through component. This use is prohibited in the zone, and cannot be lawfully considered for approval. To address this, the applicant must delete this component. This is a recommended condition of approval.

In terms of the second dot point, Main Roads WA have formed a position of support for the intersection design. Officers have raised their concerns with Main Roads WA to ensure they are aware of the Shire’s concern for safety at this intersection given the volume of traffic expected.

The proposed development is considered to be consistent with the relevant planning framework and capable of approval under TPS2 subject to conditions. Officers support the proposed development and recommend approval.

## Attachments

- [Attachment 1](#) – Development Plans (E19/730)
- [Attachment 2](#) – Summary of Submissions with Applicants Response (E19/2070)
- [Attachment 3](#) – Main Roads Initial Submission (E19/2068)
- [Attachment 4](#) – Main Roads Second Submission (E19/2069)
- [Attachment 5](#) – Main Roads Final Submission (E19/10128)
- [Attachment 6](#) – Intersection Concept Design (E19/10132)
- [Attachment 7](#) – Technical Assessment (E19/3056)
- [Attachment 8](#) – Letter from Urbis to Director Development Services dated 2 October 2019 - (E19/12443)





### Alignment with our Strategic Community Plan

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

### Financial Implications

Nil.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse the development and the application is presented to a full hearing of SAT.	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

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

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



**Voting Requirements:** Simple Majority

Officer Recommendation

1. That Council APPROVES the application for a Service Station and Produce Store only as contained within attachment 1 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	P1 (Development Plans) received at the Shire's Offices on 24 August 2019;
--------------------------	---

- b. The component of the development marked in red on the Development Plans (attachment 1) which is defined as a Fast Food/Take Away Shop being deleted from the application. Revised plans showing the deletion of this component being submitted to and approved by the Shire prior to the submission of a Building Permit application.
- c. The undertaking of greasing, tyre repairs, or minor mechanical repairs is not permitted.
- d. A Dust Management Plan must be prepared in accordance with the DWER's guideline for the development and implementation of a dust management program, to the satisfaction of the Shire, prior to commencement of works. All works must be carried out in accordance with the Dust Management Plan, for the duration of the construction period.
- e. A Stormwater Management Plan being prepared in accordance with Local Planning Policy 2.4 – Water Sensitive Design and approved prior to commencement of site works to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan is to be implemented in its entirety.
- f. Prior to the issue of a Building Permit, the applicant providing to the Shire a monetary contribution equal to 1% of the total development cost for the establishment of public art in the surrounding locality. Alternatively, the applicant providing a component of artwork in to their development, equal to 1% of the total development cost, in accordance with Local Planning Policy 1.6 – Public Art for Major Development, to the satisfaction of the Shire. Any component of public art provided as part of development should be consistent with the Shire's Public Art Master Plan.
- g. The car park must: -
  - i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
  - ii) include a minimum of two (2) car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
  - iv) have lighting installed, as required, prior to the occupation of the development.
- h. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and shall include the following detail:



- i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- ii) Any lawns to be established;
- iii) Any natural landscape areas to be retained;
- iv) Those areas to be reticulated or irrigated; and
- v) Verge treatments.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

- i. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
- j. Prior to commencement of works a Noise Management Plan shall be prepared and submitted by the proponent for approval by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail noise management measures during both the construction phase and operations and shall be implemented in full.
- k. Access is to be achieved as is generally detailed within the interim design plan ref: Drawing No. t18.060-sk09e and dated 7 August 2019 to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads WA. This must include the full upgrade of the Shanley Road frontage in order to achieve the interim design of the intersection.
- l. Prior to the commencement of construction of the development, the applicant is to enter into a legal agreement with Main Roads WA, prepared by the State Solicitors Office at the expense of the applicant in relation to the construction of the intersection of Shanley Road, South Western Highway, and Jarrahdale Road in a form as generally detailed within the interim design plan ref: Drawing No. t18.060-sk09e and dated 7 August 2019.

The agreement shall relate to either:

- i) The requirement to construct that part of the intersection as required by Main Roads WA to facilitate the development; or
  - ii) Make a contribution to the construction cost of the intersection works required to facilitate the development.
- m. A schedule of colours, materials and finishes being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit.



OCM222/10/19

**COUNCIL RESOLUTION / Alternative Councillor Motion****Moved Cr Rich, seconded Cr Byas**

1. That Council **APPROVES** the application for a Service Station, Restaurant and Produce Store only as contained within attachment 1 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	P1 (Development Plans) received at the Shire's Offices on 24 August 2019;
--------------------------------	--

b. The drive-through component of the Restaurant being deleted from the application. Revised plans showing the deletion of this component being submitted to and approved by the Shire prior to the submission of a Building Permit application.

c. The undertaking of greasing, tyre repairs, or minor mechanical repairs is not permitted.

d. A Dust Management Plan must be prepared in accordance with the DWER's guideline for the development and implementation of a dust management program, to the satisfaction of the Shire, prior to commencement of works. All works must be carried out in accordance with the Dust Management Plan, for the duration of the construction period.

e. A Stormwater Management Plan being prepared in accordance with Local Planning Policy 2.4 – Water Sensitive Design and approved prior to commencement of site works to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Stormwater Management Plan is to be implemented in its entirety.

f. Prior to the issue of a Building Permit, the applicant providing to the Shire a monetary contribution equal to 1% of the total development cost for the establishment of public art in the surrounding locality. Alternatively, the applicant providing a component of artwork in to their development, equal to 1% of the total development cost, in accordance with Local Planning Policy 1.6 – Public Art for Major Development, to the satisfaction of the Shire. Any component of public art provided as part of development should be consistent with the Shire's Public Art Master Plan.

g. The car park must: -

i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;

ii) include a minimum of two (2) car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;



- iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
  - iv) have lighting installed, as required, prior to the occupation of the development.
- h. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and shall include the following detail:**
- i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - ii) Any lawns to be established;
  - iii) Any natural landscape areas to be retained;
  - iv) Those areas to be reticulated or irrigated; and
  - v) Verge treatments.
- The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
- i. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.**
  - j. Prior to commencement of works a Noise Management Plan shall be prepared and submitted by the proponent for approval by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail noise management measures during both the construction phase and operations and shall be implemented in full.**
  - k. Access is to be achieved as is generally detailed within the interim design plan ref: Drawing No. t18.060-sk09e and dated 7 August 2019 to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads WA. This must include the full upgrade of the Shanley Road frontage in order to achieve the interim design of the intersection.**
  - l. Prior to the commencement of construction of the development, the applicant is to enter into a legal agreement with Main Roads WA, prepared by the State Solicitors Office at the expense of the applicant in relation to the construction of the intersection of Shanley Road, South Western Highway, and Jarrahdale Road in a form as generally detailed within the interim design plan ref: Drawing No. t18.060-sk09e and dated 7 August 2019.**  
**The agreement shall relate to either:**
    - i) The requirement to construct that part of the intersection as required by Main Roads WA to facilitate the development; or
    - ii) Make a contribution to the construction cost of the intersection works required to facilitate the development.
  - m. A schedule of colours, materials and finishes being submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Permit.**





**n. The elevations of the building being modified to the satisfaction of the Shire to include:**

- A colour and material scheme that better reflects the natural tones and subtleties of the rural landscape;
- The specific addition of vertical articulation treatments on the north, east and west building faces which utilise natural timbers and stone work to blend with the character of the rural landscape;

**Revised plans being submitted to and approved by the Shire prior to the submission of a Building Permit application.**

**CARRIED 6/1**

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

*Councillors Rich, Byas, Denholm, Gossage, McConkey and See voted FOR the motion.  
Councillors Coales voted AGAINST the motion*

*Reason for difference to Officer Recommendation*

*The word 'Restaurant' was added to condition for 1, and condition b. was modified to delete the drive-through component of the application and request that revised plans are submitted to and approved by the Shire. Condition n. was added as a development such as this needs to blend into surrounding area.*

**Councillor Atwell returned to the Chambers at 8.38pm.**

**The Shire President advised Councillor Atwell of the Council Resolution for this item.**



## 10.2 Infrastructure Services reports

<b>10.2.1 – Shire of Serpentine Jarrahdale Draft Walking and Cycling Plan (SJ263)</b>	
<b>Responsible Officer:</b>	Acting Manager Infrastructure and Assets
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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.
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### Report Purpose

The purpose of this report is to seek Council's support to release the Shire of Serpentine Jarrahdale draft Walking and Cycling Plan (the Plan) for public comment for a period of 28 days. The predicted walking and cycling needs of the Shire have been detailed in the Plan and will become the future platform for applications for funding and budget planning.

### Background

Walking and cycling are critical for the future and economic vitality of cities and regions. The Shire of Serpentine Jarrahdale draft Walking and Cycling Plan sets out an interim and long-term aspirational walking and cycling network for the Shire and includes an implementation program for individual projects that will support the realisation of the Plan's vision and objectives. The entire strategy and path alignment generally follows the Department of Transport's Perth and Peel Long Term Cycle Network Plan and is aligned with the Shire's SJ 2050 Vision Aspirations.

In the past, cycling has played a limited role in the transport concept within the Shire, mainly focusing on local paths to schools, road cycling events and mountain biking. However, due to the fast urbanisation of the Byford area, the interest for walking and cycling as a means of transport is growing.

In 2009, the Shire endorsed a Local Area Bicycle Plan, which was revised in 2012. With ending of a five-year term this version of the bicycle plan was due for review and an external consultant was engaged to compile a revised strategic document, the draft Walking and Cycling Plan, in 2019.



## Community / Stakeholder Consultation

### Policy Concept Forum

<b>Meeting Date</b>	27 May 2019
<b>Councillors Attendance</b>	in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See

### Community Consultation

The Shire conducted a survey of the Serpentine Jarrahdale community between November 2018 and January 2019. The survey included a number of questions aimed at obtaining feedback from the community that could be used to inform the development of this draft Walking and Cycling Plan. The survey closed with a total number of 211 valid responses received.

The survey revealed that almost two-thirds of respondents (63%) had walked for transport in the past week and 53% had ridden a bicycle for transport in the past week of the survey period. Around half of the respondents (52%) had jogged, run, hiked or walked for leisure in the past week of the survey, with cycling for leisure being the next most popular activity (42%).

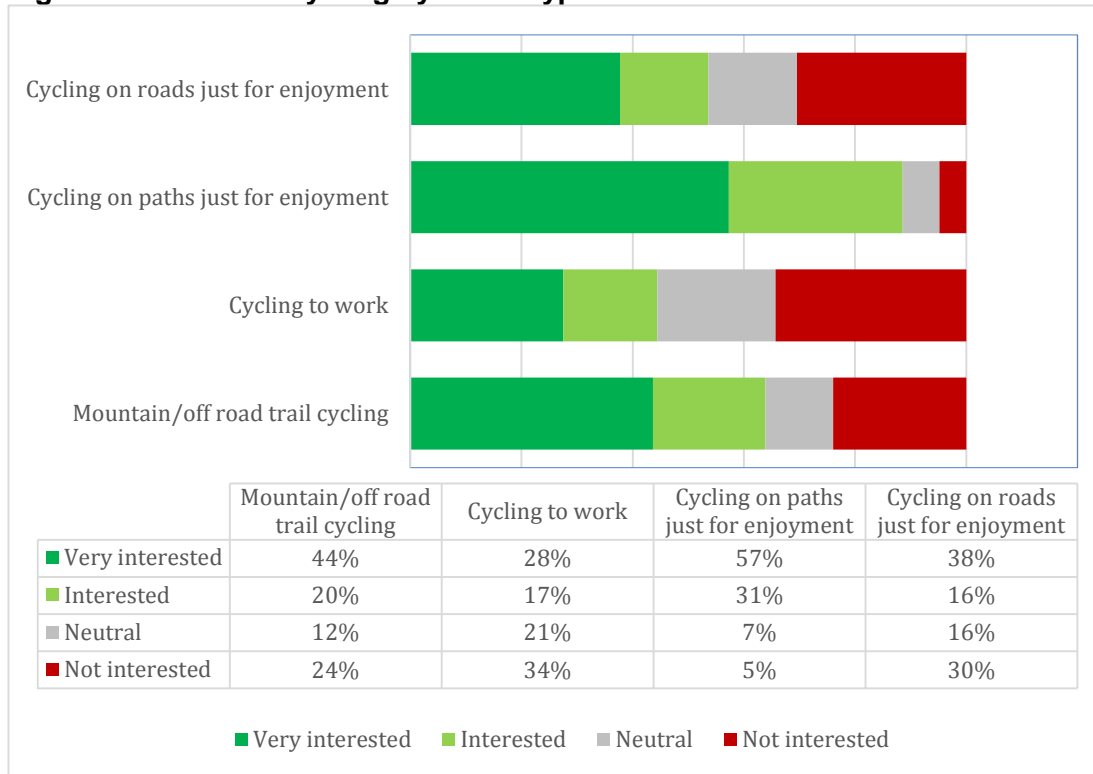
**Table 1: Transport Preferences - Travel activity in the Shire**

In the last 7 days, have you undertaken any of the following activities? (choose all that apply to you)	Responses	Percentage of Respondents
Walked to work or study	29	13.74%
Cycled to work or study	29	13.74%
Walked for shopping or other services	79	37.44%
Cycled to shopping or other services	48	22.75%
Walked to social events/recreation	73	34.6%
Cycled to social events/recreation	52	24.64%
Jogged/ran/hiked/walked for leisure	109	51.66%
Cycled for leisure (on street)	89	42.18%
Cycled for leisure (mountain/trail biking)	74	35.07%
Ridden a horse	9	4.27%

Participants were also asked about their preferred opportunity for participating in cycling. Responses exposed that 'cycling for enjoyment' was the type of cycling that they (89%) were most interested in. Mountain biking and off road trail cycling was the next most popular form of cycling with 64%. Only 54 % of respondents were interested in cycling on roads for enjoyment (refer Figure 1).

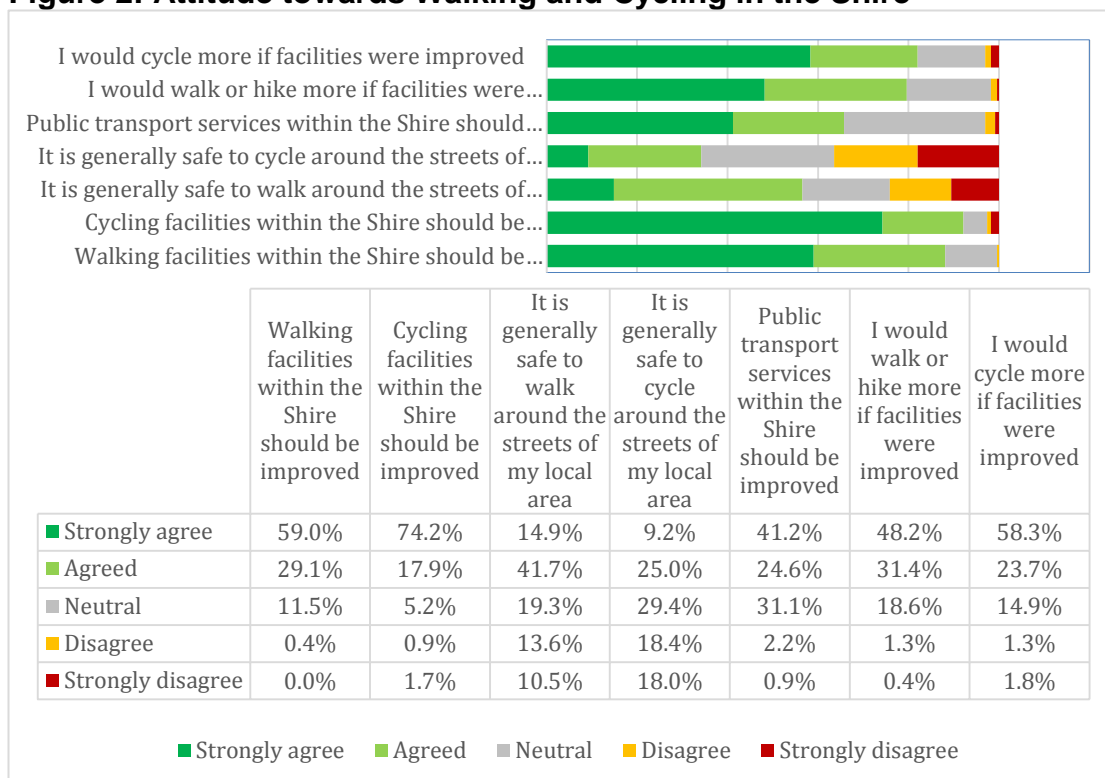


**Figure 1: Interest in cycling by active type**



Finally, respondents were asked about their attitudes to cycling and walking and a vast majority (90%) who responded felt that active transport infrastructure within the Shire needed to be improved. Importantly, 80% of respondents stated that they would walk or hike more if facilities were improved and 82% said they would cycle more if facilities were improved (refer Figure 2).

**Figure 2: Attitude towards Walking and Cycling in the Shire**





In addition, the Shire hosted a draft Walking and Cycling Plan public information session on 10 May, 2019 whereby the Shire’s consultant preparing the Plan presented it in electronic form, to the attendees for discussion. The event was advertised on the Shire’s website.

**Statutory Environment**

The draft Cycling and Walking Plan does not fall within a statutory framework and is intended to be an informing strategy in the Shire’s Integrated Planning and Reporting Framework, aligned to the Shire’s SJ 2050 Vision Aspirations and the Strategic Community Plan 2017-27.

Guidelines for the development of informing strategies are outlined in the Integrated Planning and Reporting Framework and Guideline September 2016 issued by the Department of Local Government and Communities. The Guidelines state:

*“supporting strategies are a way of providing more specific and detailed guidance on strategic direction and in some cases actions” and “New expenditure should be incorporated into the Corporate Business Plan and four-year budget forecasts/LTFP projections to determine where the line gets drawn in the list of priorities, relative to business as usual.”*

An implementation program for the draft Walking and Cycling Plan has been developed that lists each individual path link contained within the plan by locality. Each link is identified by location, category, timing, responsible agency, path distance and conservative cost estimate. The full program including preliminary estimated costs is contained within the spreadsheet provided in **attachment 2**.

**Comment**

The public consultation survey reveals the growing interest for walking and cycling as a means of transport. In contrast, the survey revealed that none of the SJ Shire’s town centres are within walking distance of each other, with the closest distance of 4.5 kilometres between Mundijong and Whitby and only a few other centres are within a reasonable cycling distance. The following table (Table 2), shows the approximate time to cycle between the Shire’s town centres, based on the shortest existing route (mostly on road).

**Table 2: Estimated cycling time between locations (in minutes and 15km/h cycle speed)**

	Armadale	Byford	Mundijong	Whitby	Serpentine	Jarrardale	Keysbrook
Byford	33						
Mundijong	67	34					
Whitby	58	32	18				
Serpentine	99	64	30	38			
Jarrardale	100	68	40	36	60		
Keysbrook	140	106	72	71	42	93	
Wellard	122	87	80	102	101	117	140

*Distance determined in Google Earth*





The squares highlighted in green (Table 2) are considered to be within a feasible commuting time. However, it is well known that people generally aim to spend no more than one hour per day commuting (refer Marchetti Constant). Nonetheless, new cycling infrastructure does have the potential to shorten time for these journeys by providing more consistent, safer and direct cycling routes.

Although people are aware that incorporating walking and cycling into daily travel will provide regular exercise and help improve long term health, few people actively cycle or walk as an everyday transport option.

### Strategic Alignment

The Shire of Serpentine Jarrahdale SJ 2050 strategic planning emphasizes the development of economic opportunity, the enhancement of local amenity and local character, and the development of places that contribute positively to the health and wellbeing of the community. The following table (refer Table 3) indicates how this plan is aligned with the community expectations as determined through the community survey and with key aspirations of the Shire's SJ2050 document and Strategic Community Plan and Corporate Business Plan.

**Table 3: SJ 2050 Vision Aspirations vs Draft Walking and Cycling Plan Objectives**

SJ 2050 Vision Aspirations	Cycle and Walking Plan Objectives
<ul style="list-style-type: none"> <li>Expanding and enhancing transportation choices to connect with both Perth and Peel</li> </ul>	<ul style="list-style-type: none"> <li>Develop walking and cycling links that support regular activity and travel patterns (especially to jobs, retail and community service facilities)</li> </ul>
<ul style="list-style-type: none"> <li>A built environment designed to encourage healthy and active living within a 30 minute neighbourhood catchment</li> </ul>	<ul style="list-style-type: none"> <li>Prioritise dedicated walking and cycling links to schools and town centres</li> </ul>
<ul style="list-style-type: none"> <li>Communities that are well connected by safe walking and cycling routes</li> </ul>	<ul style="list-style-type: none"> <li>Link the Shire's largest town sites (Byford, Serpentine, Mundijong and Jarrahdale) with safe and legible walking and cycling routes</li> </ul>
<ul style="list-style-type: none"> <li>A balance of mobility options and lower impact transport usage, with a continued shift to walking, cycling and public transport</li> </ul>	<ul style="list-style-type: none"> <li>Provide walking and cycling infrastructure and facilities that support access to jobs, education, retail and public transport</li> </ul>
<ul style="list-style-type: none"> <li>Programs that promote and encourage active travel to reduce travel time and traffic congestion</li> </ul>	<ul style="list-style-type: none"> <li>Integrate travel behaviour change activities and events with improved links to enable the development of routine walking and cycling, particularly for local trips</li> </ul>
<ul style="list-style-type: none"> <li>Improved public health and reduced healthcare costs with good access to health and wellbeing facilities, sport and recreation activities</li> </ul>	<ul style="list-style-type: none"> <li>Provide walking and cycling links to tourism, recreational and community facilities, and regional transport links. Link the network with key regional trails and to major tourism nodes</li> </ul>
<ul style="list-style-type: none"> <li>Young and mature age cohorts have greater propensity and opportunity to travel, experience and embrace healthier lifestyles</li> </ul>	<ul style="list-style-type: none"> <li>Provide walking and cycling facilities that can safely and easily be used by everyone in the community, including younger and older age groups</li> </ul>



Implementation program

In order to implement the draft Walking and Cycling Plan two basic plans are proposed, the priority network plan and ultimate network plan. Both plans are based on continued future investments in the cycling and walking infrastructure. The proposed priority network plan is targeted to be implemented within the next ten years and is shown in Figure 3 below. The ultimate network plan for the Shire would be implemented beyond a ten-year period and is shown in **attachment 1**, (Figure 4 below).

The cycling network hierarchy as shown in both figures is arranged by route function. Primary routes are highlighted in red, indicating regional routes that are separated from road traffic and cater for medium and long-distance cycling between major destinations. Secondary routes are highlighted in blue, displaying links between primary routes and major trip generators, such as shopping centres, schools and recreation facilities. Local routes, highlighted in green, provide a lower speed, finer grain network that typically runs through local communities, providing a route from residential areas to the higher order primary and secondary paths.

**Figure3: Proposed Priority Network**

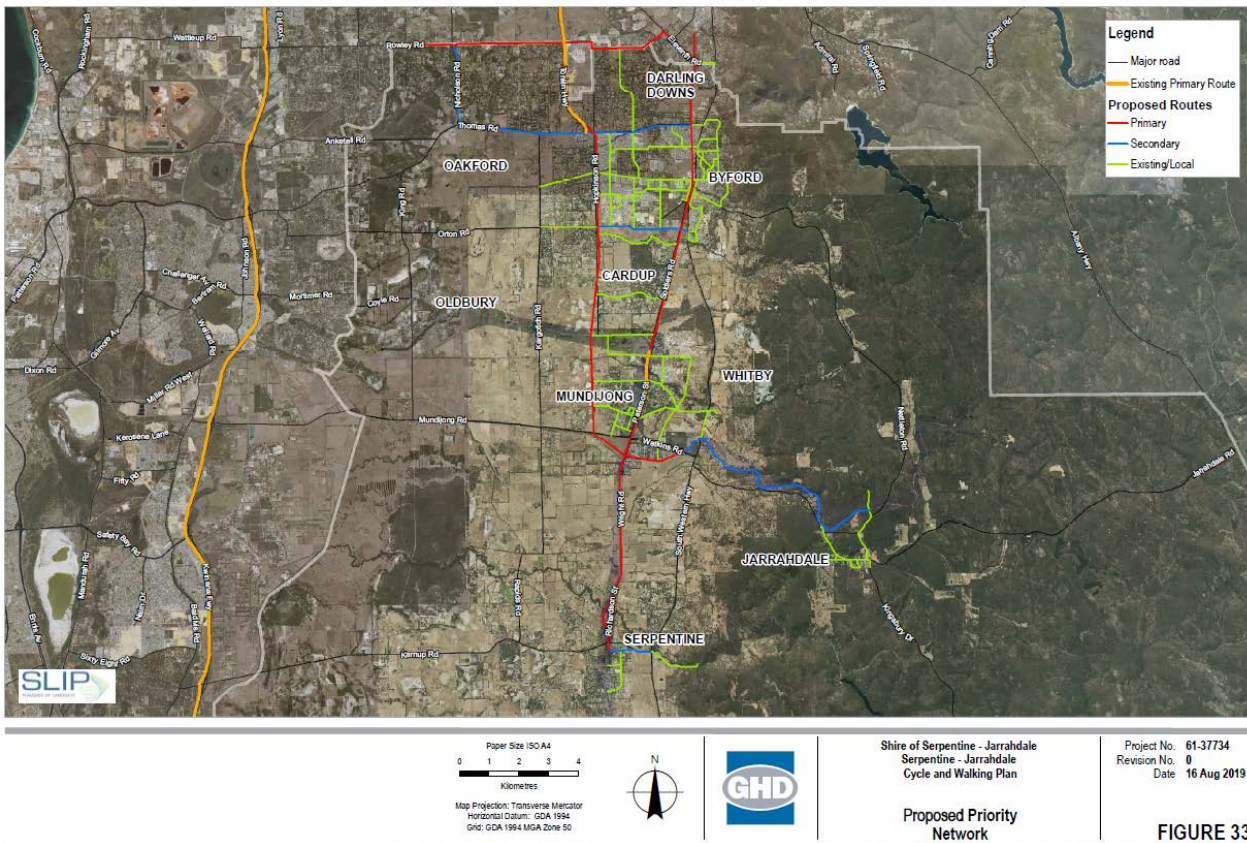
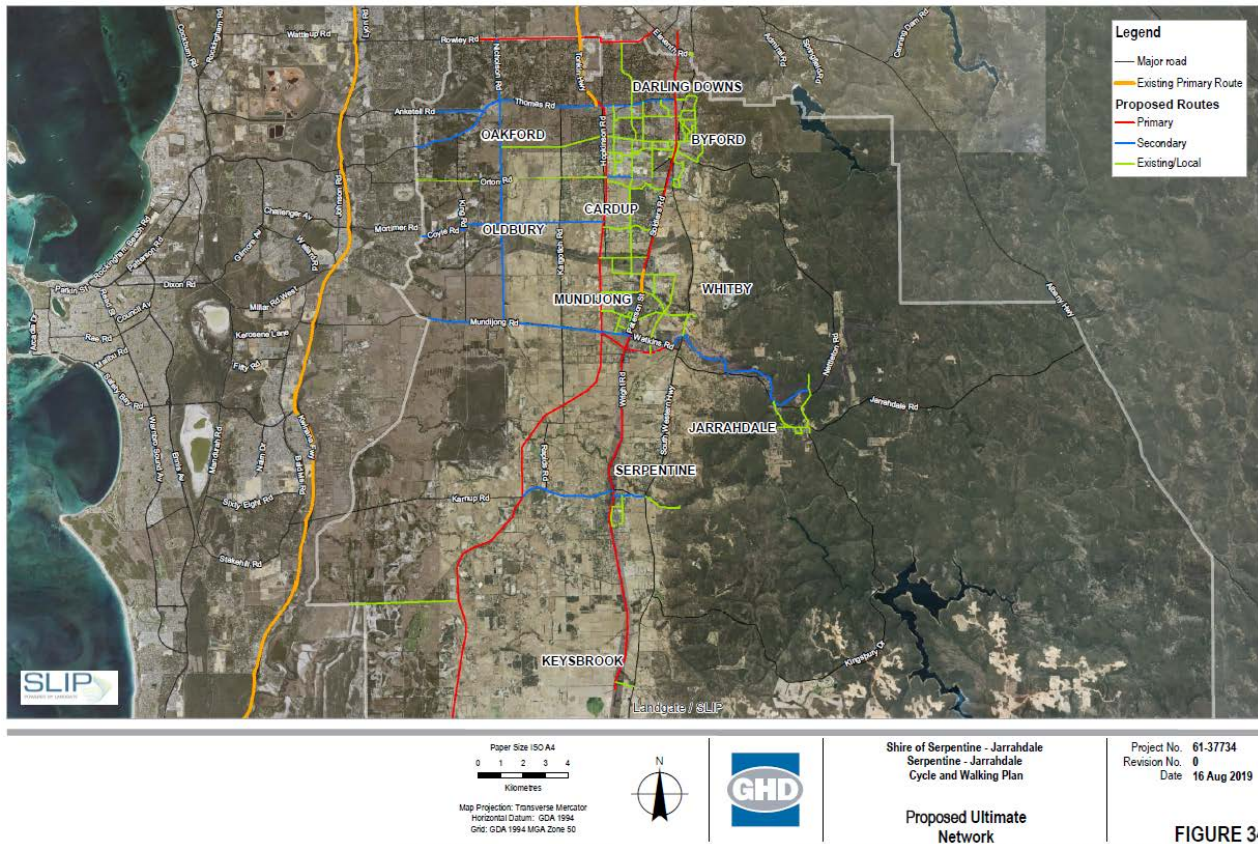






Figure 4: Proposed Ultimate Network



## Options and Implications

### Option 1

That Council RESOLVES to release the draft Walking and Cycling Plan for public comment for a period of 28 days .

### Option 2

That Council DOES NOT RESOLVE to release the draft Walking and Cycling Plan for public comment.

Option 1 is recommended.

## Conclusion

Following public consultation, the endorsement of this draft Walking and Cycling Plan will demonstrate Council’s support for enhancing and expanding transportation choices. This Plan will promote lower impact transport usage, with a sustained shift to walking and cycling in the long-term. The endorsement of the draft Walking and Cycling Plan will also assist in the forward planning and prioritisation of pathway projects and provide a platform for funding opportunities and budget planning.

Funding is available to Local Government Authorities in Western Australia, for up to 50 percent of the total project cost, for the design and implementation of walking and bicycling network



infrastructure and programs in accordance with the State Government priorities set out in the Western Australian Bicycle Network (WABN) Grant Program.

The Department of Transport has been directly involved through the development of this Plan to ensure the proposed infrastructure network is in line with adjacent councils and the broader Perth Metropolitan Network Plan. This is to ensure the Shire's proposed network will be eligible for WBNA funding in the coming years.

### Attachments

- [Attachment 1](#) – The Shire of Serpentine Jarrahdale draft Walking and Cycling Plan Final (E19/11751)
- [Attachment 2](#) – Draft Walking and Cycling Implementation Program (E19/11747)

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide well-planned and maintained public open space and community infrastructure.
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalize the Shire's transport network in accordance with affordable sound Asset Management Plans.

### Financial Implications

The implementation of the draft Walking and Cycling Plan will have financial implications which have been determined in the Implementation Program for the draft Walking and Cycling Plan (**attachment 2**).

### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
The Shire's inability to meet the outcomes in the SJ 2050 Vision statements.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation



Impact on the Shire's reputation for expanding and enhancing transport choices.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
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**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM223/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Denholm, seconded Cr Gossage**

That Council **RESOLVES** to release the Shire of Serpentine Jarrahdale draft Walking and Cycling Plan as per attachment 1 for public comment for a period of 28 days and that, at the conclusion of the consultation period, the Plan and any public submissions received be presented to Council.

**CARRIED UNANIMOUSLY 8/0**



**10.2.2 - State of the Environment Report 2019 – Release for Public Comment (SJ2809)**

<b>Responsible Officer:</b>	Manager Subdivisions
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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**Report Purpose**

The purpose of this report is to request Council to release the State of the Environment Report 2019 for public comment for a period of 28 days.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this item.

**Background**

A State of the Environment Report is an analysis of the trends in the environment of a particular place. State of the Environment Reports are designed to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community.

The Shire of Serpentine Jarrahdale is the fastest growing local government in Western Australia. The Shire has embraced a strategic framework that aims to accommodate rapid growth while shaping the district in a manner that aligns with community values and aspirations. To ensure that the established vision, aspirations and expectations are met, and the Shire of tomorrow is achieved in a way that recognises local character and identity, it is important to plan effectively for the future.

The community vision developed by the Shire highlights the importance of protecting the environment in the context of expected growth. To enable the Shire to adapt to the expected growth, it is producing a State of the Environment Report. Development of the Report was initiated by Council, as a Key Performance Indicator for the Chief Executive Officer for the year 2019.

The Shire of Serpentine Jarrahdale's State of the Environment Report 2019 uses the framework of "Condition-Pressure-Response-Implications" and applies it across the themes of Atmosphere, Land, Inland Waters, Biodiversity, Human Settlements and Heritage. These themed chapters are preceded by a discussion of Fundamental Pressures, and followed by an overall summary Outlook and an Action Plan.



A State of the Environment Report is an analysis of the condition and trends in the environment presented in report format. The State of the Environment Report covers six themes, one of which is biodiversity, and finalisation and implementation of the Local Biodiversity Strategy Update will complete one of the actions set forward in the State of the Environment Report. The Local Biodiversity Strategy sets targets and actions to protect biodiversity.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	23 September 2019
<b>Councillors Attendance</b>	<b>in</b> Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr See

The State of the Environment Report 2019 was circulated internally to the Management Group for consideration and distribution. No comments were received.

## **Statutory Environment**

Not Applicable.

## **Comment**

A State of the Environment Report is an analysis of the trends in the environment of a particular place. This analysis can encompass aspects such as water quality, air quality, land use, ecosystem health and function, along with social and cultural matters.

State of the Environment Reports are designed to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community. While State of the Environment Reports endeavour to be comprehensive, they focus on major environmental issues, so as to draw attention to them and to help set the policy and management agenda. The major pressures that affect all of the themes discussed include climate change, population growth, urbanisation and invasive species and pathogens. The action plan presented in this report addresses these pressures as well as seeking to improve the condition of the themes.

A commonly used, internationally accepted (OECD) framework for State of the Environment Reports is the "Pressure-State-Response" framework. Modified versions of this framework have been used for the Australian (Pressures-State and trends-Effectiveness of management-Resilience-Risks-Outlook) and Western Australian (Condition-Pressure-Response-Implication) Reports. The framework is the underlying structure used across all themes to assess the environment.

- "Pressure" (or threat) refers to human activities that affect the environment.
- "State" (or condition) refers to the quality of the environment and the functioning of important environmental processes.
- "Response" (or actions) refers to initiatives that have / or will be undertaken to address pressures on the environment or to improve or maintain its condition.

The Shire of Serpentine Jarrahdale is the fastest growing local government in Western Australia. Through the extensive consultation and community consultation process associated with SJ2050, the Shire has embraced a strategic framework that aims to accommodate rapid growth while shaping the district in a manner that aligns with community values and aspirations. The Strategic



Community Plan 2017-2027 incorporates these values and sets out the objectives and outcomes for the community over time.

To ensure that the vision, aspirations and expectations established by SJ2050 are met, and the Shire of tomorrow is achieved in a way that recognises local character and identity, it is important to plan effectively for the future.

The community vision developed by the Shire highlights the importance of protecting the environment in the context of expected growth. To enable the Shire to adapt to the expected growth, it is producing a State of the Environment Report to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community.

The Shire of Serpentine Jarrahdale's State of the Environment Report uses the Western Australian framework of "Condition-Pressure-Response-Implications". This structure is applied across the six themes of Atmosphere, Land, Inland Waters, Biodiversity, Human Settlements and Heritage, as adapted from the Australian State of the Environment Report. These themed chapters are preceded by a discussion of Fundamental Pressures, and followed by an overall summary Outlook and an Action Plan.

Six themed Condition-Pressure-Response reports were produced for the Shire by GHD. These reports form an attachment to the overall State of the Environment Report, which is based upon the data presented in the six themed reports. The overall Report presents a summary of the State of the Environment; the six themed reports can be viewed in **attachment 2** for additional information.

Implementation of the State of the Environment Report could take the form of a series of strategies or policies, each addressing one of the themes:

<b>State of the Environment Theme</b>	<b>Potential Reports</b>
Atmosphere	<b><i>Climate Change Strategy and Local Action Plan (existing)</i></b> Ambient Air Quality Strategy
Land	Land Management Strategy
Inland Waters	<b><i>Integrated Water Management Strategy (draft – out for public comment)</i></b> Water Quality Environmental Management Plan
Biodiversity	<b><i>Local Biodiversity Strategy (existing, update report to be released for public comment)</i></b> <b><i>Urban and Rural Forest Strategy (existing)</i></b>
Human Settlements	<b><i>Local Planning Strategy (draft – out for public comment)</i></b> <b><i>Local Planning Scheme No. 3 (draft – out for public comment)</i></b>
Heritage	<b><i>Municipal Heritage Inventory (existing, update proposed)</i></b> Aboriginal Heritage Management Plan (preliminary draft)

Five of the six themes are fully or partially addressed by existing or draft documents, including the Local Biodiversity Strategy Update Report.



## Options and Implications

### Option 1

Council RESOLVES to release the State of the Environment Report 2019 for public comment for a period of 28 days.

### Option 2

Council RESOLVES to request amendments to the State of the Environment Report 2019 prior to release for public comment.

### Option 3

Council RESOLVES that the State of the Environment Report 2019 shall not be released for public comment. While Council may still adopt the Report in the future, it will not have been through a process of thorough consultation.

Option 1 is recommended.

## Conclusion

The community vision developed by the Shire highlights the importance of protecting the environment in the context of expected growth. A State of the Environment Report will enable the Shire to adapt to the expected growth by communicating credible, timely and accessible information about the condition of the environment to decision makers and the community.

## Attachments

- [Attachment 1](#) – Draft State of the Environment Report 2019 (E19/11772)
- [Attachment 2](#) – State of the Environment – Condition / Pressure / Response Reports / Appendices to Report (E19/11520)

## Alignment with our Strategic Community Plan

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

## Financial Implications

Release of the State of the Environment Report 2019 to the public for submissions will cost approximately \$250 for advertising.

It can be noted that the report was undertaken in-house with the *condition / pressure / response* appendices prepared by external consultants to collect and present the background information and data on which the report is based. The cost so far was as budgeted \$64,800 + GST for the consultant and staff time to write the report.



**Risk Implications**

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council does not release the Report for public comment	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
That Council does not release the Report for public comment	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Manage by accepting any negative feedback and addressing it as it arises.

**Risk Matrix**

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

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





**Voting Requirements:** Simple Majority

Officer Recommendation

That Council **RESOLVES** to release the State of the Environment Report 2019 as per attachment 1 for public comment for a period of 28 days and that, at the conclusion of the public comment period, the State of the Environment Report 2019 and any public submissions received be presented to Council.

**Voting Requirements:** Simple Majority

**OCM224/10/169**

**COUNCIL RESOLUTION / Alternative Officer Recommendation**

**Moved Cr See, seconded Cr Coales**

**That Council RESOLVES to release the State of the Environment Report 2019 as per attachment 1 and the Appendices to the Report as per attachment 2 for public comment for a period of 28 days and that, at the conclusion of the public comment period, the State of the Environment Report 2019 and any public submissions received be presented to Council.**

**CARRIED UNANIMOUSLY 8/0**

*Reason for alternative Officer Recommendation:*

*To enable both the report and appendices to be released for public comment.*



**10.2.3 - Local Biodiversity Strategy – Update Report 2019 – Release for Public Comment (SJ510)**

<b>Responsible Officer:</b>	Manager Subdivisions
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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**Report Purpose**

The purpose of this report is to request Council to release the Local Biodiversity Strategy – Update Report 2019 to the public for a submission period of 28 days. Council adopted the original Local Biodiversity Strategy in 2008, and it is therefore timely that a ten-year update be carried out.

**Relevant Previous Decisions of Council**

*OCM 27/10/08 SD037/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:*

*That Council adopts the final Stage 1 Local Biodiversity Strategy, its retention protection targets and identified management actions as per the Attachments marked SD037.1/10/08, SD037.2/10/08 & SD037.3/10/08.*

**Background**

The purpose of the Local Biodiversity Strategy – Update Report 2019 is to review the implementation of the Shire’s Local Biodiversity Strategy over the last ten years, and to propose a revised set of goals, targets and actions for the next ten years.

The update is provided as a report rather than a revision of the entire Strategy, as the information provided in the Strategy is still current, with the exception of the remnant vegetation statistics. To continue implementation of the Strategy, it is only necessary to report on and update the remnant vegetation statistics, and the goals, targets and actions. The 2008 Strategy should be consulted for additional information to supplement the brief contents of the Update Report.

In 2006, the Shire committed to preparing a Local Biodiversity Strategy to protect local areas of bushland, wetlands and vegetated waterways, especially where they have significant ecological features. The Strategy was developed in accordance with guidelines produced by the WA Local Government Association (WALGA) and the associated Perth Biodiversity Project (PBP).

The major driver for the preparation of the Strategy was community concern that existing environmental laws were often not being enforced and natural areas were being cleared and



damaged as a result. Many of these laws are enforced by the State government according to state and regional priorities, and often do not address local concerns. Another factor was the lack of resources to enforce local laws and planning conditions. The intent of the Strategy was to set local priorities and laws that could be enforced through the Local Planning Scheme.

A State of the Environment Report has been produced which is an analysis of the condition and trends in the environment presented in report format, while a Local Biodiversity Strategy sets targets and actions to protect biodiversity. The State of the Environment Report covers six themes, one of which is biodiversity, and finalisation and implementation of the Local Biodiversity Strategy Update will complete one of the actions set forward in the State of the Environment Report.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	23 September 2019
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr See

The Local Biodiversity Strategy – Update Report 2019 was circulated internally to the Management Group for consideration and distribution. No comments were received.

## **Statutory Environment**

Not Applicable.

## **Comment**

A Local Biodiversity Strategy is a non-statutory document that sets long-term targets and short-term actions to protect significant natural areas across public and private lands. It is complementary to existing environmental and planning laws, but does not replace them.

A Local Biodiversity Strategy applies to Local Natural Areas (LNAs), Bush Forever sites in private ownership, and Bush Forever sites under Council management. Local Natural Areas are the areas of native vegetation outside of the public conservation estate or Bush Forever sites, and are generally found on private land and local reserves.

The Local Biodiversity Strategy (the 2008 Strategy) presented a number of proposals for greater protection and management of natural areas throughout the Shire. The Strategy focused on 6333ha of natural areas in the Shire – areas of bushland and vegetated wetlands and waterways on private lands and local reserves. 5986ha of these natural areas were on private lands, making the support of landowners critical to the implementation of the Strategy.

The 2008 Strategy emphasized that action was urgent in order to prevent the further loss of natural areas and protect a variety of nature for the long-term.



To protect against further loss of natural areas and conserve biodiversity, the Strategy proposed four goals to retain, protect and manage Local Natural Areas:

**Retention**

Goal 1: Prevent the further loss of Local Natural Areas. This goal aims to retain at least 4000 hectares of Local Natural Areas in the Shire.

**Protection**

Goal 2: Protect and manage a portion of each basic type of vegetation and ecosystem typical of the Shire. Approximately 1690 hectares of Local Natural Area would be protected to meet this goal.

Goal 3: Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.

**Management and restoration**

Goal 4: Manage and restore Local Natural Areas and revegetate new areas to increase native fauna habitat.

A number of targets were proposed under each goal, and an action plan was established to achieve the goals and targets. The goals refer to ongoing processes which are relevant to long-term action, and are ongoing. Some targets have been completed (2 of 26) or partially completed and ongoing (6 of 26), while experience has shown some to be impractical (9 of 26) and therefore only partially completed. The remaining targets (9 of 26) cannot be evaluated, due to two changes in the mapping methodology for remnant vegetation which mean that currently mapped remnant vegetation cannot be directly compared to the areas mapped in 2008.

The action plan to achieve the goals and targets contained 28 actions. Of these, five have been completed and a further four completed and ongoing (as the actions have been achieved but have elements that have become business as usual). Six actions have been partially completed, while the final 13 are ongoing actions which have been achieved but implementation of which are long-term processes.

As a review of the original Strategy, new targets and actions for the next ten years are proposed. These retain the original goals and take into account the targets of the 2008 Strategy, but reorganize them into Focus Areas with targets to retain, protect and enhance the values of the specific focus area. A new action plan is proposed, to achieve the new goals and targets.

Given that the Shire is undergoing rapid and increasing developments, the Shire's remnant vegetation and biodiversity is under significant threat as this development proceeds. It is therefore essential that the Shire have an updated and relevant Local Biodiversity Strategy to guide the retention, protection and enhancement of its remnant vegetation and biodiversity into the future.

**Options and Implications**Option 1

Council RESOLVES to release the Local Biodiversity Strategy – Update Report 2019 for public comment for a period of 28 days.

Option 2

Council RESOLVES to request amendments to the Local Biodiversity Strategy – Update Report 2019 prior to release for public comment.



### Option 3

Council RESOLVES that the Local Biodiversity Strategy – Update Report 2019 shall not be released for public comment. While Council may still adopt the Update Report in the future, it will not have been through a process of thorough consultation.

Option 1 is recommended.

### **Conclusion**

The Local Biodiversity Strategy – Update Report 2019 reviews the implementation of the Shire's Local Biodiversity Strategy over the last ten years, and proposes a revised set of goals, targets and actions for the next ten years. Given that the Shire is undergoing rapid and increasing development, the Shire's remnant vegetation and biodiversity is under significant threat. It is therefore essential that the Shire have an updated and relevant Local Biodiversity Strategy to guide the retention, protection and enhancement of its remnant vegetation and biodiversity into the future.

### **Attachments**

- [Attachment 1](#) – Local Biodiversity Strategy – Update Report 2019 (E19/9620)
- [Attachment 2](#) – Local Biodiversity Strategy (E10/3418)

### **Alignment with our Strategic Community Plan**

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

### **Financial Implications**

Release of the Local Biodiversity Strategy – Update Report 2019 to the public for submissions will cost approximately \$250 for advertising. The report has been prepared internally, and will be completed and implemented internally with most actions a part of business as usual.





### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not release the Update Report for public comment	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
That Council does not release the Report for public comment	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Manage by accepting any negative feedback and addressing it as it arises.

### Risk Matrix

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

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



Continued

**Ordinary Council Meeting Minutes**  
Monday 14 October 2019

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**Voting Requirements:** Simple Majority

**OCM225/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Gossage, seconded Cr Denholm**

**That Council RESOLVES to release the Local Biodiversity Strategy – Update Report 2019 as per attachment 1 for public comment for a period of 28 days and that, at the conclusion of the public comment period, the Local Biodiversity Strategy – Update Report 2019 and any public submissions received be presented to Council.**

**CARRIED UNANIMOUSLY 8/0**



Shire President, Councillor Rich declared a Financial Interest in items 10.2.4 and 10.2.5 and left the Chambers at 8.41pm prior to these items being discussed.

The Presiding Member, Councillor Rich vacated the chair, and the Deputy Shire President, Councillor Atwell assumed the Chair as Presiding Member at 8.41pm.

<b>10.2.4 – Award Request for Tender– RFT 05/2019 – Mundijong Road Rehabilitation (SJ3060)</b>	
<b>Responsible Officer:</b>	Acting Manager Infrastructure and Assets
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### **Authority / Discretion**

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.
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#### **Report Purpose**

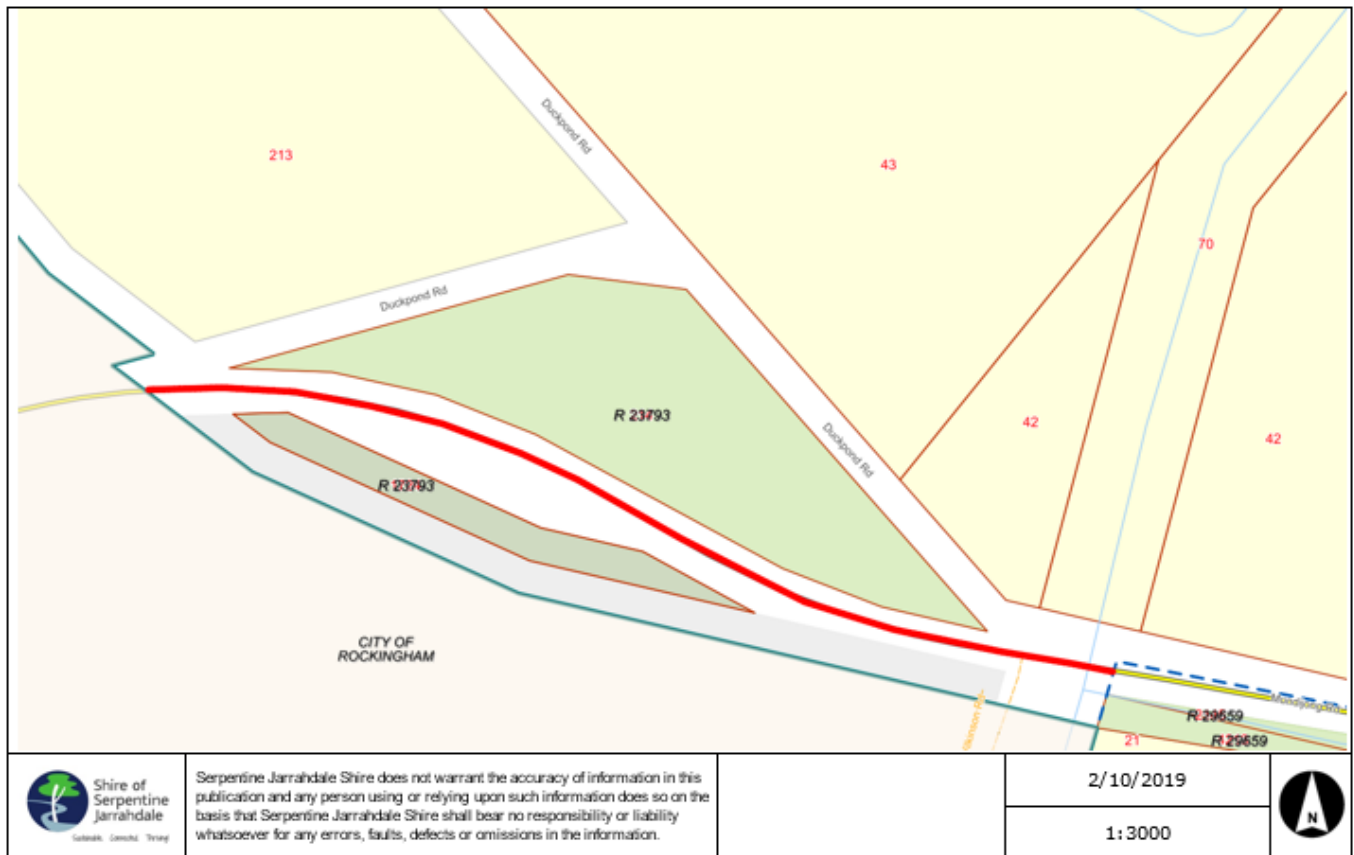
To advise Council of submissions received in relation to Tender RFT 05/2019 – Mundijong Road Rehabilitation and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

#### **Relevant Previous Decisions of Council**

The project was approved by Council as part of the 2019/20 Annual Budget.

#### **Background**

Through a successful application to the Metropolitan Regional Road Group, the Shire received grant funding to rehabilitate the Mundijong Road pavement between SLK 8.99 – 9.575. The pavement rehabilitation works will involve resurfacing the road.

**Figure 1. Mundijong Road, Oldbury - Pavement Rehabilitation Works**

The total project budget of \$539,000 is made up of:

- State Government (via the Metropolitan Regional Road Group) contribution to a value of \$360,000.
- Shire contribution to a value of \$179,000.

### Community / Stakeholder Consultation

Nil

### Submissions

The Request for Tender RFT 05/2019 - Mundijong Road Rehabilitation was advertised on 4 September 2019 and closed at 2.00pm on 19 September 2019. The Tender was advertised in the following papers:

- West Australian Newspaper
- Examiner (Serpentine Jarrahdale & Armadale)
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times)
- Sound Telegraph (Rockingham & Kwinana)

Seven (7) submissions were received, and the submissions are summarised in **confidential attachment 1**.



Tender submissions were received from the following companies:

#	Company Name
1	Civcon Civil Project Management Pty Ltd
2	Comiskey's Contracting Pty Ltd
3	HAS Earthmoving
4	Industrial Roadpavers WA Pty Ltd
5	Remote Civils Australia Pty Ltd
6	Tracc Civil Pty Ltd
7	Wormall Civil Pty Ltd

### Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Coordinator Projects
- Acting Manager Infrastructure and Assets
- Technical Officer

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 tenders. Each member of the panel assessed the quotes separately.

### Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"><li>• 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.</li></ul>	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"><li>• Capacity to deliver the services including:</li><li>• Key personnel / Professional skills;</li><li>• Describe the key personnel who will be involved in the work, including past work of a similar nature.</li></ul>	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"><li>• Tenderers should detail the process they intend to use to achieve the Requirements of the Specification.</li><li>• Use dot points to explain the process.</li><li>• The process should include a timetable for delivering the services</li></ul>	15%





### Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment are documented in the **confidential attachment 1** - RFT 05/2019 – Mundijong Road Rehabilitation – OCM - Evaluation report.

The prices submitted for the recommended Tenderer are also documented in the **confidential attachment 1**.

### Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders 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 attachment 1** to *HAS Earthmoving*.

#### Option 2

Not award the contract and retender.

#### Option 3

Not award the contract and not retender i.e. – nil action.

#### Option 4

That Council appoints an alternative tenderer.

Option 1 is recommended.

### Conclusion

*HAS Earthmoving* has been assessed as being able to meet the requirements of the contract. The Tenderer 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 **HAS Earthmoving**.

**Attachments**

- **CONFIDENTIAL Attachment 1** - RFT 05/2019 – Mundijong Road Rehabilitation – OCM - Confidential - Evaluation Report (E19/11903)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live.
<b>Strategy 1.3.3</b>	Enhance community safety.
<b>Outcome 3.3</b>	An innovative, connected transport network.
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Footpath and Bicycle Plans.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

**Financial Implications**

The funding for this tender is included in the 2019/2020 Annual Budget to undertake the works and the recommended tenderer is within the budgeted allocation.

<b>TOTAL Project Cost</b>	<b>\$539,000</b>
State Government (via the Metropolitan Regional Road Group) contribution.	\$360,000
Shire contribution.	\$179,000



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not awarding the contract to the successful Tenderer and road works do not occur.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

### Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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



Continued

**Ordinary Council Meeting Minutes**  
Monday 14 October 2019

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**Voting Requirements:** Simple Majority

**OCM226/10/19**

**COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr McConkey, seconded Cr Byas**

**That Council AWARDS Tender RFT 05/2019 – Mundijong Road Rehabilitation to *HAS Earthmoving* for the value of \$465,767.43 excluding GST, as per confidential attachment 1.**

**CARRIED UNANIMOUSLY 7/0**



Shire President, Councillor Rich declared a Financial Interest in items 10.2.4 and 10.2.5 and left the Chambers at 8.41pm prior to these items being discussed.

<b>10.2.5 – Award Request for Tender – RFT 06/2019 – Rowley Road Rehabilitation (SJ3084)</b>	
<b>Responsible Officer:</b>	Acting Manager Infrastructure and Assets
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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**Report Purpose**

To advise Council of submissions received in relation to Tender RFT 06/2019 – Rowley Road Rehabilitation and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

**Relevant Previous Decisions of Council**

The project was approved by Council as part of the 2019/20 Annual Budget.

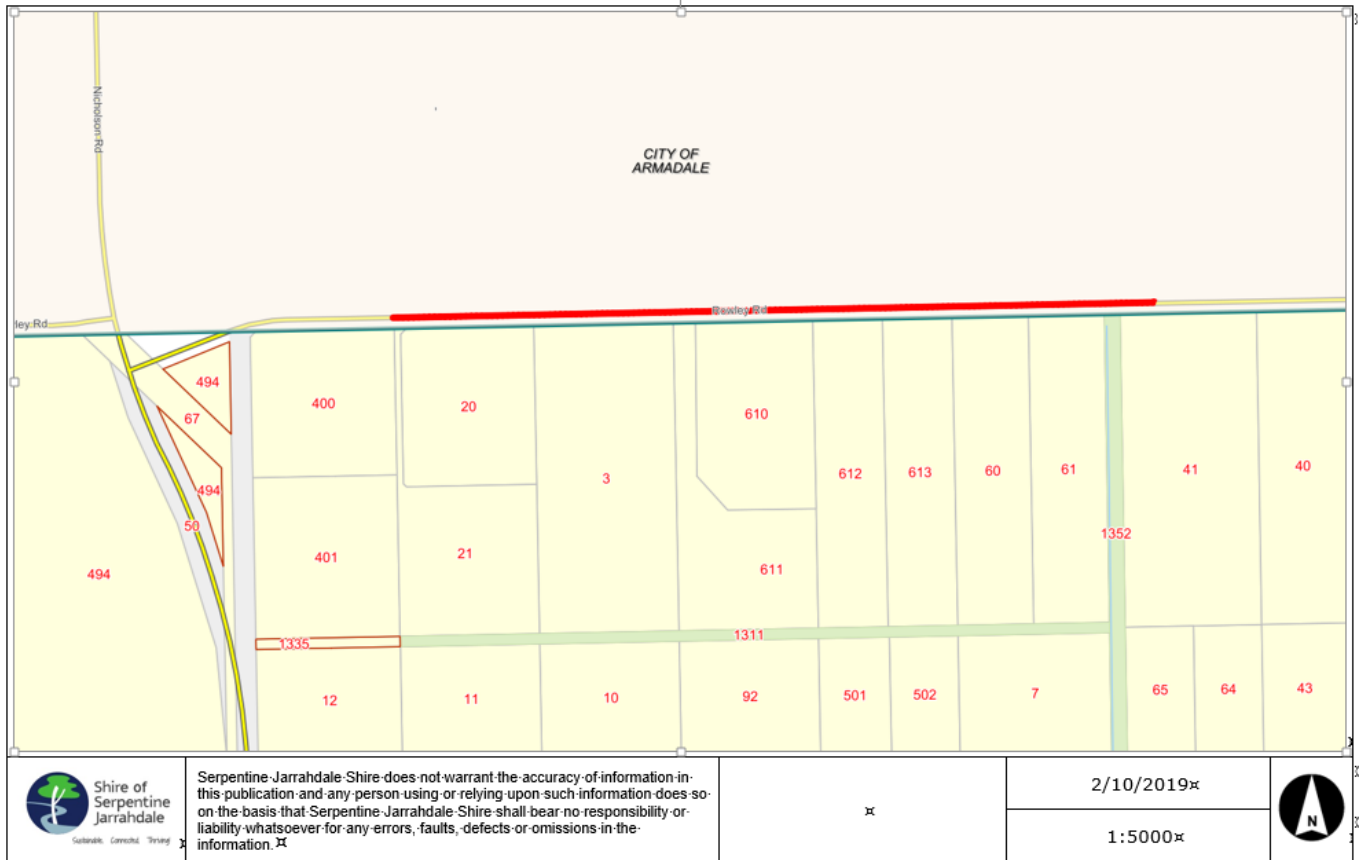
**Background**

Through a successful application to the Metropolitan Regional Road Group, the Shire received a grant-funding allocation of \$280,000 to rehabilitate the Rowley Road pavement between SLK 0.23 to SLK 1.005. The pavement rehabilitation works will involve resurfacing the road.





Figure 1. Rowley Road, Darling Downs - Pavement Rehabilitation Works



The total project budget of \$421,000 is made up of:

- State Government (via the Metropolitan Regional Road Group) contribution to a value of \$280,000
- Shire contribution to a value of \$141,000

### Community / Stakeholder Consultation

Nil

### Submissions

The Request for Tender RFT 06/2019 - Rowley Road Rehabilitation was advertised on 4 September 2019 and closed at 2.00pm on 19 September 2019. The Tender was advertised in the following papers:

- West Australian Newspaper
- Examiner (Serpentine Jarrahdale & Armadale)
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times)
- Sound Telegraph (Rockingham & Kwinana)

Seven (7) submissions were received, and the submissions are summarised in **confidential attachment 1**.



Tender submissions were received from the following companies:

#	Company Name
1	Civcon Civil Project Management Pty Ltd
2	Comiskey's Contracting Pty Ltd
3	HAS Earthmoving
4	Industrial Roadpavers WA Pty Ltd
5	Remote Civils Australia Pty Ltd
6	Tracc Civil Pty Ltd
7	Wormall Civil Pty Ltd

### Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Coordinator Projects
- Acting Manager Infrastructure and Assets
- Technical Officer

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 tenders. Each member of the panel assessed the quotes separately.

### Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"> <li>• 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.</li> </ul>	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> <li>• Capacity to deliver the services including:</li> <li>• Key personnel / Professional skills;</li> <li>• Describe the key personnel who will be involved in the work, including past work of a similar nature.</li> </ul>	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> <li>• Project schedule;</li> <li>• Process for delivery of goods/services;</li> <li>• Project Management Plan;</li> <li>• Critical assumptions; and</li> <li>• Any additional information.</li> </ul>	15%



### Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment are documented in the **confidential attachment 1**.

The prices submitted for the recommended Tenderer are documented in the **confidential attachment 1**.

### Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders 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

That Council AWARDS the contract as recommended in the confidential attachment to *Remote Civils Australia Pty Ltd*.

#### Option 2

Not award the contract and retender.

#### Option 3

Not award the contract and not retender i.e. – nil action.

#### Option 4

That Council appoints an alternative tenderer.

Option 1 is recommended.

### Conclusion

*Remote Civils Australia Pty Ltd* has been assessed as being able to meet the requirements of the contract. The Tenderer 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 ***Remote Civils Australia Pty Ltd***.



### Attachments

- **CONFIDENTIAL Attachment 1** - RFT 06/2019 - Rowley Road Rehabilitation - Evaluation Report. (E19/11904)

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live.
<b>Strategy 1.3.3</b>	Enhance community safety.
<b>Outcome 3.3</b>	An innovative, connected transport network.
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Footpath and Bicycle Plans.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### Financial Implications

The funding for this tender is included in the 2019/2020 Annual Budget to undertake the works and the recommended tenderer is within the budgeted allocation.

<b>TOTAL Project Cost</b>	<b>\$421,000</b>
State Government (via the Metropolitan Regional Road Group) contribution.	\$280,000
Shire contribution.	\$141,000

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not awarding the contract to the successful Tenderer and road works do not occur..	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM227/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr McConkey, seconded Cr Denholm**

**That Council AWARDS Tender RFT 06/2019 – Rowley Road Rehabilitation to Remote Civils Australia Pty Ltd for the value of \$408,995.08 excluding GST, as per confidential attachment 1.**

**CARRIED UNANIMOUSLY 7/0**

**Councillor Rich returned to the Chambers at 8.43pm and resumed the Chair as Presiding Member.**

**Council Atwell advised the Shire President of the Council Resolutions for items 10.2.4 and 10.2.5.**





**10.2.6 - George Street Extension - Road and Drainage Works between 801/803 and 821 South Western Highway, Byford (SJ954)**

<b>Responsible Officer:</b>	Manager Subdivisions and Environment
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

<b>Information</b>	<b>For the Council / Committee to note.</b>
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**Report Purpose**

The purpose of this report is to seek Council's approval of proposed works by Metrowest, and authorisation for the Shire President and Chief Executive Officer (CEO) to enter into a Development Deed to construct the extension of road access on George Street (depicted in yellow in Figure 1 between properties 801/803 and 821 South Western Highway) at no cost to the Shire. The extension works mean George Street will be trafficable between Pitman Way and Evans Way.

It must be noted that Metrowest is the developer of 801/803 South Western Highway, Byford and benefits from investment in this infrastructure through improved access to their property. There is also a broader community benefit, associated with increasing connectivity and permeability within the town centre. This report explains the context of the offer, and why it is recommended that Council accept the offer on a without prejudice basis.

If approved, the Development Deed will allow construction in the Shire's road reserve to the required design and standard specifications. The asset will then be managed and maintained by the Shire, like all other local road reserves.

**Relevant Previous Decisions of Council**

**27 August 2018 - OCM081/08/18 COUNCIL RESOLUTION / Officer Recommendation - extract**

1. That Council endorses the Responsible Authority Report contained in attachment OCM081.2/08/18, subject to the following conditions:
  - a. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
  - b. A monetary contribution being paid to Council, prior to occupation, for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy 1.6 – Public Art for Major Developments to the satisfaction of the Shire.



*c. Detailed engineering drawings are to be submitted and approved by the Shire of Serpentine Jarrahdale for the construction of Evans Way and George Street, prior to commencement of works.*

*d. Prior to the operation of development, the proponent shall construct George Street from the access way of the development to the intersection with Evans Way and construct Evans Way from the intersection with George Street to the intersection with South Western Highway to the satisfaction of the Shire of Serpentine Jarrahdale.*

*(conditions e.-j.in the original resolution are not cited here)*

## Background

Development of George Street is an important part of connecting and integrating the Byford Town Centre. The developer of 801 and 803 South Western Highway, Byford has offered to construct, to a sealed and kerbed standard, George Street south of Evans Way to Pitman Way.

The offer by the developer Metrowest, is to construct the road and drainage to extend vehicular access in George Street south from their current development at Evans Way, to 821 South Western Highway. George Street will, as a result, be continuous from Evans Way to Abernethy Road for vehicular access, benefitting the developer's own investment, but also helping to further connect and integrate the town centre. The estimated cost of works is \$250,000.

There is an urgency on behalf of the developer to achieve the road works while they have their equipment on site to undertake works required for their development on South Western Highway. Their development approval requires the normal abuttal road upgrade works, and this offer from the developer extends beyond abutting area to 821 South Western Highway.

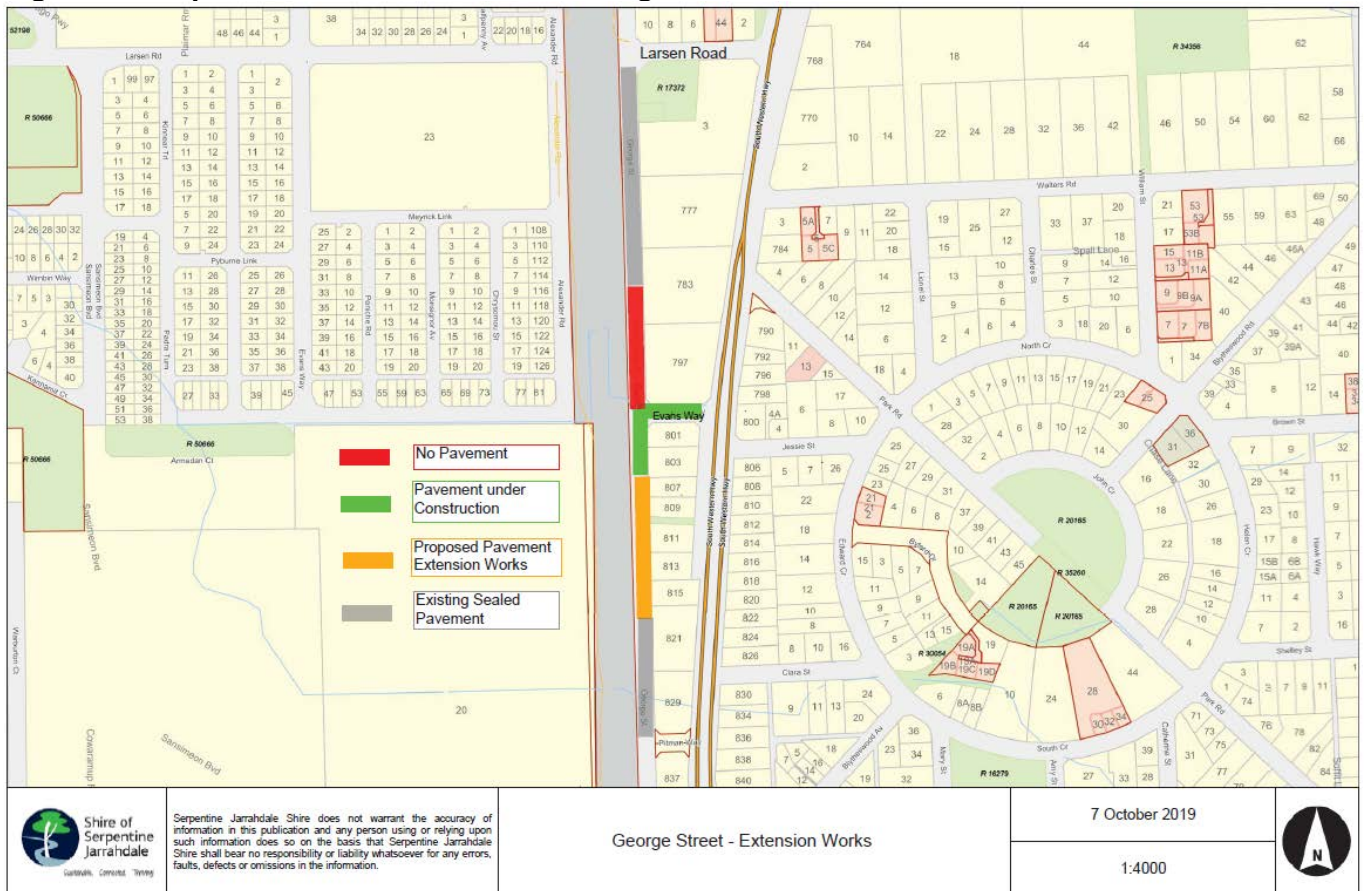
Scheduling it at the same time means no additional mobilisation costs are incurred making it viable for Metrowest to carry out these other works.

The Shire has undertaken the detailed design and as such has ensured that it meets the needs of George Street. The Shire has also enquired with its Lawyers, who have determined that a Development Deed would be the instrument to secure a developer voluntarily building a road within a Shire road reserve. This Development Deed would deal with the necessary issues of risk management, construction compliance and the like.

As indicated in **green** in Figure 1, currently approved development works will seal the section of George Street and Evans Way fronting 801 and 803 South Western Highway, Byford, and **yellow** depicts the proposed extension.



Figure 1. Proposed Extension Works to George Street



The developer will not complete the following elements of the work designed by Council at the current time:

- Dual Use Path connection
- Street Lighting
- Retaining walls

Funding for this infrastructure could be considered at Finance and Costing Review (FACR) and during the 2020/21 budget process. Alternatively, if the adjoining land to the south of 801 and 803 is redeveloped with an intended active frontage to George Street, associated verge, lighting and pathway works would form part of the development application assessment for those land parcels.

In any case, Council will have the opportunity to determine these elements of work, taking into account potential disruption that may be faced also with the design and delivery of a Byford Metronet station, which is currently in early design phases. Accordingly, officers have formed a view that the absence of a dual use path, street lighting and retaining walls in this section of road does not create any short term design, safety or security issues.

If Council support the developer undertaking the extension shown in **yellow**, this will leave only the remaining section in **red** unconstructed. This being approximately a 100m section north of Evans Way to 783 South Western Highway.



## Community / Stakeholder Consultation

Nil.

## Statutory Environment

Part 6 of the *Local Government Act 1995* deals with the financial management of local governments and the accounting treatment of assets received and receivable by the local government.

Regulation 8A of the *Local Government (Functions and General) Regulations 1996* sets a monetary threshold that introduces obligations on local governments entering into agreements related to developing land in certain circumstances. The relevant threshold for the Shire of Serpentine Jarrahdale in 2019/20 is \$3.5 million. The total value of the consideration under the transaction is estimated to be \$250,000 which is significantly below the threshold of a 'major land transaction' under section 3.59 of the *Local Government Act 1995*.

The other component of the Statutory Environment and infrastructure requirements is often dealt with through the planning framework. In this regard, it should be noted that Council has adopted Local Planning Policy 3.8 – George Street Design Guidelines. This provides the following policy purpose for George Street:

1. The objective of this policy is to guide the contribution of funding for the construction of George Street from Pitman Way to Larsen Road in a coordinated manner by detailing the costs, method of apportionment and method of collecting contributions.

The detailed policy provisions deal with establishing a mechanism whereby (based on lot frontage adjoining George Street) the costs ultimately to upgrade George Street would be shared by developing landowners. This is calculated via the following table:

**Schedule 2 – Contribution Liability**

Lot	Lot Frontage	Percentage of construction cost liable for a time of development or subdivision
104 Larsen Road	61.1m	10.22%
10 South Western Highway	80.5m	13.46%
11 South Western Highway	85.3m	14.26%
12 South Western Highway	84.6m	14.15%
30 South Western Highway	21.9m	3.66%
31 South Western Highway	33.3m	5.57%
23 South Western Highway	22.1m	3.70%
24 South Western Highway	21.8m	3.65%
21 South Western Highway	31.3m	5.23%
22 South Western Highway	32.3m	5.40%
18 South Western Highway	28.3m	4.73%
3 South Western Highway	73.5m	12.29%
4 South Western Highway	22m	3.68%

As discussed, the developer of 801 (L30) and 803 (L31) has offered at no cost to the Shire to construct George Street south to 821 (L3), coinciding with the portion delivered up to the northern boundary of 829 (L4). In essence, the developer (#801 / Lot 30 and #803 / Lot 31) is responsible for a 9.23% frontage, but is offering to construct a further 34.99% of the frontage. This





commercially benefits their development at 801 and 803, through connecting with the broader town centre and thus the potential customer base.

It is noted that construction of this additional 34.99% frontage portion would mean that the Shire no longer is required to impose the condition of a financial contribution to the upgrade of George Street for 807 (L23), 809 (L24), 811 (L21), 813 (L22), 815 (18) and 821 (L3). It is a matter of fact that the Shire would not be required to impose this, as the road would be built. The policy would not seek to collect funds for infrastructure already delivered to the Shire's specifications and satisfaction.

Attachment 2 provides a letter that has been sent to the developer to make them aware of how the policy would operate in respect of the circumstance that the road was built.

### **Comment**

This report is requesting Council to support the proposed development of George Street between 801/803 and 821 South Western Highway by Metrowest. The works will directly benefit Metrowest's development at 801 and 803 South Western Highway by providing through access. The benefits to the Shire of having George Street help deliver a connected and integrated town centre are also relevant. These are explained under the following headings.

#### ***Connectivity***

By completing the road extension, residents and visitors to the Shire will be able to enjoy movement along George Street between Evans Way and Abernethy Road without having to head back out onto the main South Western Highway. This will both improve safety for pedestrians and drivers, by allowing them to enter and exit in the lower speed George Street versus the higher speed and heavy haulage experienced on South Western Highway.

#### ***Reduced traffic congestion at Pitman Way***

Traffic entering and exiting the George Street commercial zone can currently only do so from two intersections with the South Western Highway i.e. Pitman Way and Abernethy Road. The extension works will create a third northern option for entering and exiting the town centre via a left in and out movement at Evans Way. This should have the impact of lowering the traffic numbers using each of the intersections to enter and exit George Street to and from the South Western Highway.

The parameters of the work will be outlined in the Development Deed which will ensure the work is to Shire design and standards. The resulting asset will then be owned and maintained by the Shire.





### ***Committed development***

Constructing George Street access supports the development of Byford Town Centre via the creation of a functional road network. The committed works can also be used as a basis for further grant applications by the Shire for funds to upgrade the area by finishing the George Street works. As discussed already, one final 100m portion of George Street will remain to be completed.

### **Development Deed**

A Development Deed is being drafted by Lawyers which will sign off the following elements:

- Issuing approval for Metrowest to access the site.
- Ensuring construction work will be in line with Council design.
- That there is no quid pro quo in completing these works.
- That the work will be carried out according to specification standards acceptable to Council.

The Development Deed would need to be signed prior to the roadwork commencing.

### **Options and Implications**

#### **Option 1:**

Council approves the proposed works by Metrowest and authorises the Shire President and Chief Executive Officer to enter into the Development Deed (attachment 4) under Common Seal, with Metrowest for the construction of the road and drainage on George Street between 801/803 and 821 South Western Highway, Byford.

#### **Option 2:**

Council does not approve the proposed works by Metrowest.

Option one is recommended.

### **Conclusion**

The report presents a case to approve the development of George Street between 801/803 and 821 South Western Highway by Metrowest and enter into a Development Deed. The project delivers benefit to the developer, broader community and the Shire. The offer is unsolicited and at no cost to the Shire.

Officers recommend approving the proposed construction works on George Street by Metrowest, based on assessment of the following:

- Financial and community benefit.
- Officers providing suitable plans that meet the anticipated needs of George Street.
- The opportunity for a gifted asset that the Shire would have to complete in the future, at cost.



### Attachments

- [Attachment 1](#) - Road Layout Plan (E19/12286)
- [Attachment 2](#) – Draft Letter to Metrowest (OC19/20866)
- **Attachment 3 - Confidential** - Cover letter from McLeod’s Barristers (IN19/22028)
- [Attachment 4](#) - Development Deed – Byford West Extension – Metrowest (IN19/22057)

### Alignment with our Strategic Community Plan

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

### Financial Implications

If proceeded with, the additional costs to the Shire would include legal advice and document preparation of the Development Deed.

The costs of additional infrastructure (paths and lighting) and ongoing maintenance would have been incurred when the work was completed by the Shire, as part of the Byford Town Centre development. With accelerated works the costs will be incurred earlier, but are offset by the total cost saved in having it completed by Metrowest.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Missed opportunity to develop George Street	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Manage by proceeding with Development.
Public perception if the Shire misses an opportunity for development	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Manage by proceeding with development.
The developer does not	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant -	The Development



complete the works.				Less than \$50,000	Deed covers-off setting conditions of construction including design, standard, and rectification costs for works not undertaken by the developer.
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**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM228/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Coales, seconded Cr Denholm

That Council

- APPROVES** the proposed works by Metrowest.
- AUTHORISES** the Shire President and Chief Executive Officer to enter into the Development Deed (attachment 4) under Common Seal, with Metrowest for the construction of the road and drainage on George Street between 801/803 and 821 South Western Highway, Byford.

**CARRIED UNANIMOUSLY 8/0**

**10.3 Corporate Services reports**

<b>10.3.1 - Confirmation of Payment of Creditors (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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

The purpose of this report is 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 1.1.17 - 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.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

**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 September 2019 to 30 September 2019 is provided in **attachment 1**.

The Shire is finalising transition to Westpac Bank. As part of this transition, the ANZ Corporate Purchasing card is in the process of being closed and all commitments transferred to the Westpac Corporate Purchasing Card.

### Attachments

- [Attachment 1](#) – Creditors List of Accounts 1 September 2019 to 30 September 2019 (E19/12301)
- [Attachment 2](#) - ANZ Purchasing Card Report - 6 August 2019 to 5 September 2019 (E19/12303)
- [Attachment 3](#) - Westpac Purchasing Card Report - 28 July 2019 to 27 August 2019 (E19/12304)

### Alignment with our Strategic Community Plan

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

### 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 September 2019 to 30 September 2019 totalled \$4,556,089.83.

### Risk Implications

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

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



**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM229/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr McConkey**

That Council **RECEIVES** the Schedule of Accounts as paid under delegated authority from 1 September 2019 to 30 September 2019, totalling \$4,556,089.83 as attached, covering:

1. EFT Vouchers EFT56794 to EFT57106 totalling \$4,371,689.18;
2. Municipal Cheque Vouchers Westpac CHQ200003 to CHQ200007 totalling \$37,403.26;
3. Municipal Direct Debits DD47878.1 to DD47945.32 totalling \$146,997.39.

**CARRIED UNANIMOUSLY 8/0**



### 10.3.2 – Monthly Financial Report – August 2019 (SJ801)

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

#### Authority / Discretion

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

The purpose of this report is 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 August 2019.

#### Relevant Previous Decisions of Council

*Special Council Meeting – 22 July 2019*

SCM161/07/19 COUNCIL DECISION / Officer Recommendation

PART 5 – Municipal Fund Budget for 2019/20

*That Council*

1. **ADOPTS** the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2020.

*Special Council Meeting – 22 July 2019*

SCM163/07/19 COUNCIL DECISION / Officer Recommendation

PART 7 – Material Variances

*That Council*

1. **ADOPTS** the definition of 'significant (material) variances to be used in statements of financial activity for reporting' to be \$10,000 or 10% (whichever the greater).
2. **ADOPTS** the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:
  - a) Total operating revenue and expenditure by Nature and Type; and
  - b) Capital income and expenditure.



## 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 August 2019. Please note that this is a preliminary result for the year as the Financial Statements for year ended 30 June 2019 are still being finalised and as such the result is subject to change.

The municipal surplus for the month ending 31 August 2019 is \$26,305,176, which is favourable, compared to a budgeted surplus for the same period of \$25,489,110. The reasons for the variances are discussed below.

Description	YTD Budget	31 August 2019 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	4,778,920	4,113,209	(665,711)
Proceeds from sale of assets	46,832	-	(46,832)
Changes to net transfers to and from Reserves	(22,400)	(22,400)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(159,390)	(159,390)	-
Capital expenditure	(4,796,640)	(3,823,567)	973,073
Capital revenue (cash items)	1,390,442	1,117,846	(272,596)
Operating revenue (cash items)	29,364,776	29,075,513	(289,263)



Description	YTD Budget	31 August 2019 Actual	Variance (unfavourable)
Operating expenditure (cash items)	(5,113,430)	(3,996,035)	1,117,395
	<b>25,489,110</b>	<b>26,305,177</b>	<b>816,066</b>

### Attachments

- [Attachment 1](#) – Monthly Financial Report August 2019 (E19/12379)

### Alignment with our Strategic Community Plan

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

### Financial Implications

As at 31 August 2019, the Shire's respective cash position was as follows:

Municipal Fund:     \$8,291,416

Trust Fund:             \$303,381

Trust funds were reclassified as per the working paper released by the Office of the Auditor General on 1 July 2019. As per section 6.9 of the *Local Government Act 1995* (Act), these funds are held in the Municipal Fund.

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

Unfavourable variance of \$239,982 due to timing of grant funding.

#### Fees and Charges

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

#### Interest Earnings

Unfavourable variance of \$59,578 primarily due to maturity dates of investments and associated payment of interest earned.



### **Other Revenue**

Favourable variance of \$29,636, due primarily to reimbursements due for Long Service Leave from other Local Governments.

### **Operating Expenses**

#### **Employee Costs**

Favourable variance of \$362,435 due to timing differences related to new positions not recruited yet and positions currently vacant.

#### **Materials and Contracts**

Favourable variance of \$772,561 due to timing differences in relation to provision of services across all programs and business units.

#### **Utility Charges**

Favourable variance of \$73,516 due to timing differences relating to utility charges, the most significant of which is Street Lighting - \$58,925.

#### **Depreciation on Non-Current Assets**

Favourable variance of \$1,387,944 due to the fact that no depreciation can be processed until the asset module has been rolled over. The rollover cannot occur until the audit of the Financial Statements for the year ended 30 June 2019 is complete.

#### **Interest Expenses**

Favourable variance of \$33,952 due to timing differences relating to loan repayment dates.

#### **Insurance Expenses**

Unfavourable variance of \$182,582 due to timing difference relating to insurance premium payment dates.

#### **Other Expenditure**

Favourable variance of \$57,516 due to timing differences primarily relating to community funding programs.

### **Other**

#### **Profit on Asset Disposals**

No variance analysis required as no variance to budget.

#### **Loss on Asset Disposals**

No variance analysis required as no variance to budget.

#### **Non-Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$272,596 due to timing of grant funding not yet received.

#### **Proceeds from Disposal of Assets**

Unfavourable variance of \$46,832 due to timing differences related to changeover of fleet and corresponding asset disposals.



**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)**

No variance analysis required as no variance to budget.

**Transfers (to)/from restricted cash (Municipal)**

No variance analysis required as no variance to budget.

**Risk Implications**

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

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

**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM230/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr McConkey**

**That Council RECEIVES the Monthly Financial Report for August 2019, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.**

**CARRIED UNANIMOUSLY 8/0**



## 10.4 Community Services reports

<b>10.4.1 – Peel Regional Trails Strategy (SJ2520)</b>	
<b>Responsible Officer:</b>	Manager Community Development
<b>Senior Officer/s:</b>	Deputy CEO / Director Community Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

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.
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### Report Purpose

For Council to note the Peel Regional Trails Strategy, endorse the Serpentine Jarrahdale Local Trail Plan and request the development of a prioritised work plan based on the Serpentine Jarrahdale Local Trail Plan.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this item.

### Background

In 2017, the members of the Peel Regional Leaders Forum committed to a partnership for the development of a Peel Regional Trails Strategy.

The intention for the development of the Strategy was to provide a written guide for the future strategic investment in trails recreation, tourism and event development across the Peel region.

Initial funding of \$90,000 was obtained from the Peel Development Commission through Royalties for Regions, with a further \$35,000 committed by the Peel Regional Leaders Forum.

Common Ground Trails were engaged to undertake the development of the Peel Regional Trails Strategy, under the guidance of the members of the Peel Regional Leaders Forum.

A Project Control Group was established to manage the development of the Strategy, comprising of representatives from the five Peel local governments, the Peel Development Commission, Department of Local Government, Sport and Cultural Industries; Department of Biodiversity, Conservation and Attractions, and the Peel Trails Group.

The development of the Strategy which is included as **attachment 1**, also included the development of localised trail plans for each of the local governments within the Peel Region. The Shire of Serpentine Jarrahdale Local Trail Plan is included as **attachment 2**.



The Strategy has been completed and subsequently endorsed by the Peel Regional Leaders Forum at the meeting held 12 July 2019, the minutes of which are included as **attachment 3**. The Strategy contains an overarching principle and considerations document, with five Local Trails Plans to provide specific direction in each local government area.

The Strategy considers a number of gaps, constraints and desired improvements for trails and broadly recommends:

- Prioritising investment in fewer trails with a focus on providing quality experience and facilities.
- Improving access and growth in beginner participation, to ensure sustainability of trails communities with new users entering the field.
- Ensuring trail developments have adequate infrastructure relevant to the scale of development and type of trail proposed.
- Improving existing trail cohesiveness, signage and pre-visit information.
- Improving the diversity of classification of trails to allow progression of trail users.

The Peel Regional Trails Strategy also recommended the establishment of a Peel Trails Committee to oversee the implementation of the Strategy and that a Peel Regional Trails Coordinator be employed to oversee development of trails across the region, under the direction of the Peel Trails Committee.

At the Peel Regional Leaders Forum meeting held 12 July 2019 (**attachment 3**), the Peel Regional Leaders Forum resolved to form a Peel Trails Committee to be chaired by Councillor Michelle Rich and that consideration of the employment of a Peel Regional Trails Coordinator be deferred for future consideration, pending the formation of the Peel Trails Committee.

At the Peel Regional Leaders Forum held 13 July 2019 the minutes of which are included as **attachment 4**, the Forum endorsed the proposed Governance Structure and Terms of Reference for the Peel Trails Committee.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	4 February 2019
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr McConkey, Cr See

Common Ground presented the work completed on the Strategy at the Policy Concept Forum on 4 February 2019.

Officers from Community Development and Infrastructure & Assets departments were consulted throughout the development of the Strategy, providing input into the development of the Shire-specific plan.



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## **Statutory Environment**

There are no statutory requirements relating to this item.

## **Comment**

Trails are an important investment opportunity for local governments and provide benefits in tourism development, community health and wellbeing, and environmental sustainability. The Peel Regional Trails Strategy provides a detailed analysis and recommendations supporting the development of trails, which aligns to the outcomes of the Shire's Tourism Strategy, Economic Development Strategy, Equine Strategy and Health and Wellbeing Strategy.

The Shire of Serpentine Jarrahdale Local Trail Plan indicates both existing and proposed bushwalking, urban walking, mountain bike, cycling, equestrian, trailbike, 2WD/4WD and shared-use trails and associated cost estimates for developments. The Local Trail Plan considers 36 existing trails and nine proposed new trail developments, however does not suggest a priority list for implementation.

The Shire of Serpentine Jarrahdale Local Trail Plan indicates the total cost estimations for all proposed trail developments to be \$12.1 million. This estimate has included one year of management costs, and therefore the actual estimated construction cost is approximately \$11,517,000, for 215 kilometres of trails and two trail hubs. It also indicates that should all new recommended trails/hubs be constructed, the total cost to maintain the developments (not including any existing trails), equates to approximately \$583,000 per year.

The trails with the highest impact (including both existing and new opportunities) include:

- Wungong Trail Centre – New opportunity.
- Jarrahdale Oval Trailhead and Jarrahdale Trail Networks – New opportunity.
- Kitty's Gorge Trail – Existing trail.
- Munda Bidli Trail – Existing trail.
- Baldwins Bluff Nature Trail - Existing trail.
- Off Road Vehicle Area – New opportunity.

Officers suggest that the Local Plan provides considerable information that should be used as a basis for developing a Shire-specific trails works plan. Council may opt to consider a prioritised list of works at a later date.





## Options and Implications

### Option 1

That Council;

1. NOTES the Peel Regional Trails Strategy, and;
2. ENDORSES the Shire of Serpentine Jarrahdale Local Trail Plan, as a component of the Peel Regional Trails Strategy, and;
3. REQUESTS the Chief Executive Officer to develop a prioritised works plan based on the Shire of Serpentine Jarrahdale Local Trail Plan for Council's consideration at a later date.

### Option 2

That Council does not support the Peel Regional Trails Strategy.

Option 1 is recommended.

## Conclusion

The Peel Regional Trails Strategy supports the endeavors of Peel local governments to establish a strong framework for collaboration and effectively positions the Peel as a trails region, to leverage State and Federal funding in order to develop the trails network across the five Peel local government areas, including the Shire of Serpentine Jarrahdale.

## Attachments

- [Attachment 1](#) – Peel Regional Trails Strategy (IN19/11838)
- [Attachment 2](#) – Shire of Serpentine Jarrahdale Local Trail Plan (appendix to Peel Regional Trails Strategy) (E19/9115)
- [Attachment 3](#) - Peel Regional Leaders Forum Minutes of the meeting held 12 July 2019 (E19/12152)
- [Attachment 4](#) - Peel Regional Leaders Forum Minutes of the meeting held 13 September 2019 (E19/12433)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves and natural assets
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration.



**Financial Implications**

Whilst the Peel Regional Trails Strategy and Serpentine Jarrahdale Local Trail Plan both provide an indication of anticipated costs of the works listed, Officers recommend that prioritized works plan be developed and consideration of associated costs be given at a later stage and as part of budget consideration processes.

**Risk Implications**

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not supporting the Peel Trails Strategy may create reputation risk with stakeholders	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Not supporting the Strategy and endorsing the local plan will result in an ongoing lack of coordination to funding and development of trails in the Shire and the Region.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate	Accept Officer Recommendation



				media profile	
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**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM231/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Byas, seconded Cr Coales**

**That Council**

- 1. NOTES the Peel Regional Trails Strategy and;**
- 2. ENDORSES Shire of Serpentine Jarrahdale Local Trail Plan, as a component of the Peel Regional Trails Strategy and;**
- 3. REQUESTS the Chief Executive Officer to develop a prioritised works plan based on the Shire of Serpentine Jarrahdale Local Trail Plan for Council's consideration at a later date.**

**CARRIED UNANIMOUSLY 8/0**



**Councillor Atwell declared an Impartiality Interest in item 10.4.2.**

<b>10.4.2 – Amendment to Seasonal Fees and Charges for 2019/2020 Financial Year (SJ3025)</b>	
<b>Responsible Officer:</b>	Manager Community Development
<b>Senior Officer/s:</b>	Deputy CEO / Director Community Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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**Report Purpose**

The purpose of this report is for Council to consider proposed amendments to the adopted Schedule of Fees and Charges 2019/2020 for Season Charges for Senior Sports.

This report recommends amending the fees and charges for senior season bookings from a season charge that includes reserve/courts and change rooms only, to a season charge that is charged per team and includes reserve/courts, change rooms and specified facility usage as one fee.

**Relevant Previous Decisions of Council**

*22 July 2019 - SCM157/07/19 - COUNCIL DECISION / Officer Recommendation*

*PART 1 – Schedule of Fees and Charges for 2019/20*

*That Council*

- 1. ADOPTS the Fees and Charges as per attachment 1.*

*22 October 2019 - OCM116/10/18 COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. Approves a fee reduction to the value of \$25,640 for the Serpentine Jarrahdale Cricket Club's 2018/2019 junior and senior seasons for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Cricket Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
- 2. Approves a fee reduction to the value of \$1,407 for the Serpentine Badminton Club Incorporated for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*



3. Approves a fee reduction to the value of \$1,407 for the Jarrahdale Badminton Club Incorporated for the 2018/2019 financial year period and advises the Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.
4. Defers consideration towards a fee waiver for Mundijong Central Junior Football Club until such time as the booking details and value of fee waiver can be determined.

## Background

Council Policy 5.1.4 - Facility Hire outlines the intention for a fair and equitable method for determining fees and charges for the hire of community facilities. It states fees and charges are designed to assist the Shire with the cost of operating and maintaining community facilities.

Senior sporting clubs have sought fee waivers for the past financial year 2018/19 and are also requesting fee waivers for the current financial year 2019/20. This has highlighted that the current fees and charges are creating an unreasonable financial burden on the clubs.

The proposed amendments are likely to increase consistency and reduce red tape, whilst supporting clubs to make a reasonable financial contribution for use of the facilities.

## Community / Stakeholder Consultation

### Policy Concept Forum

Meeting Date	25 February 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr See

Officers presented on the proposed fees and charges models for 2018/19 financial year and comparison of fees and charges to other Local Governments. Governments compared against included City of Armadale, City of Mandurah and City of Gosnells.

## Statutory Environment

*Local Government Act 1995 - Section 6.17 Setting level of fees and charges –*

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors-*
  - (a) *the cost to the local government of providing the service or goods; and*
  - (b) *the importance of the service or goods to the community; and*
  - (c) *the price at which the service or goods could be provided by an alternative provider.*

*Local Government Act 1995- Section 6.16 Imposition of fees and charges*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be-*
  - (a) *imposed during the financial year; and*
  - (b) *amended from time to time during the financial year.*

Council Policy 5.1.4 - Facility Hire outlines that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.



**Comment**Current Fees and Charges Schedule Impact

The 2019/20 Schedule of Fees and Charges specifies seasonal charges for senior sporting clubs to include:

- reserves / courts; and
- change rooms.

Any facility hire outside of these stipulated provisions is calculated at the hourly rate. Clubs wanting to use a hall or kitchen for game days and functions need to book this in addition to their seasonal fee. Therefore, the season charge is only part of the fee that senior clubs could be subject to paying, with additional pavilion use being a variable cost each year as per their booking.

A typical club request for additional facility hire during the season could include; 4 hours of facility hire on two separate days for training and up to two facilities booked for 12 hours for a game day each weekend. A booking of this type, calculated at the hourly rate for the respective facilities can create large financial commitments for the clubs.

**Table 1: Examples of Fee Charges and Waivers for additional facility hire.**

2018/19 Financial Year				
Senior Club	Season Charge Amount	Facility Hire Amount	Total Amount	Amount Waived
Serpentine Jarrahdale Cricket Club	\$1,285	\$11,564	\$12,849	\$10,514
Centrals Football and Sportsman's Club Inc - Football	\$2,855	\$5,326	\$8,181	\$5,326 requested to be waived
Centrals Football and Sportsman's Club Inc - Netball	\$1,285	\$0	\$1,285	\$485 requested to be waived

Fees and Charges Season Proposal

The proposed amendment was developed in consultation with the Presidents of the Serpentine Jarrahdale Cricket Club and Centrals Football and Sportsman's Club Inc. Centrals Football and Sportsman's Club includes senior football & netball. The proposed amendment to the fees and charges schedule will create a simpler system that is a more financially sustainable model for clubs.

The proposed amendment to Season Charge for Senior Sports in the Fees and Charges Schedule 2019/20 is as follows:

- Seniors oval sports season charge - \$1,200 per team.
- Seniors court sports season - \$200 per team.
- Senior Athletics - \$1,200 for the year.



The fee includes:

Pre-season – 2x training sessions per week, includes reserve / court and change room use, dependent on availability.

In-season – 2x training sessions per week and 1x Game Day per week, including reserve / court, change room, pavilion and kitchen (Maximum of 2x reserves and change room, pavilion and kitchen for game day use).

1x end of season event per season.

1x committee meeting per month.

All bookings outside of the seasonal inclusions will incur hourly rates.

The following table is developed based on the sports listed in the current fees and charges. Currently the only sports that have senior teams operating in the Shire of Serpentine Jarrahdale are Football, Cricket and Netball, therefore discussions about senior sports fees and charges were only held with these groups. However, some sports may well be ready in the next financial year to have a senior team.

**Table 2: Comparison of Fees and Charges 2019/20 for Season Charges Senior Sports:**

Sport	Current Fees and Charges 2019/20 schedule	Proposed Amendment for Fees and Charges Schedule 2019/20
	<b>Does not include facility hire (GST Inclusive)</b>	<b>Includes specified facility use (GST inclusive)</b>
Athletics	\$800 (summer) \$400 (winter)	\$1,200 for the year
Softball/ Baseball	\$1,800	\$1,200 per team
Football	\$3,000	\$1,200 per team
Cricket	\$1,800	\$1,200 per team
Soccer	\$2,000	\$1,200 per team
Rugby	\$2,500	\$1,200 per team
Netball	\$1,500	\$ 200 per team

**Table 3: Proposed Amendment to Season Charges / Senior Sports in the Fees and Charges Schedule 2019/2020:**

All bookings outside of the seasonal inclusions will incur hourly rates.

**Includes**

Pre-season – 2 x training sessions per week, includes reserve / court and change room use, dependent on availability.

In-season – 2 x training sessions per week and 1x Game Day per week including reserve / court, change room, pavilion and kitchen (Maximum of 2x reserves and change room, pavilion and kitchen for game day use).

1 x end of season event per season.

1 x committee meeting per month.



<b>Fee Name</b>	<b>2019/2020 Fee (incl. GST)</b>
Athletics All year	\$1,200 club fees for the year
Softball/ Baseball September to March	\$1,200 per team
Football March to September	\$1,200 per team
Cricket September to March	\$1,200 per team
Soccer March to September	\$1,200 per team
Rugby March to September	\$1,200 per team
Netball March to September	\$ 200 per team

The proposed amendment to fees and charges will create a fairer, simpler system for user groups.

### **Options and Implications**

#### Option One

That Council ADOPTS the amended Season Charge for Senior Sports in the Fees and Charges Schedule for the 2019/2020 financial year as per Table 3: Proposed Amendment to Season Charges / Senior Sports in the Fees and Charges Schedule 2019/2020, to take effect from 15 October 2019 and approves a budget variation to recognise a decrease in fees and charges income.

The implications of this will be to streamline booking & invoicing processes, reduce financial burden on clubs and improve relationships between clubs and the Shire.

#### Option Two

That Council ADOPTS an alternative amendment to Season Charges / Senior Sports in the Fees and Charges Schedule 2019/2020.

This option would not be recommended as the proposed amendment has been developed in conjunction with the Presidents of the Serpentine Jarrahdale Cricket Club and Centrals Football. An alternative proposal may result in clubs experiencing negative operational consequences and further negatively impact on the relationship with senior clubs.

#### Option Three

That Council DOES NOT APPROVE the proposed amendment to Season Charges / Senior Sports in the Fees and Charges Schedule 2019/2020.

This option would not be recommended as proposed amendment has been developed in conjunction with the Presidents of the Serpentine Jarrahdale Cricket Club and Centrals Football. An alternative proposal may result in clubs experiencing negative operational consequences and further negatively impact on the relationship with senior clubs

Option One is recommended.



## Conclusion

This report recommends a change to Season Charges / Senior Sports in the Fees and Charges Schedule 2019/2020 in order to create a simpler system that is more financially sustainable for clubs and supports streamlined processes for Shire officers.

## Attachments

Nil.

## Alignment with our Strategic Community Plan

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

## Financial Implications

The proposed changes will result in a reduction in the budgeted income for the Briggs Park Pavilion income account BPH100 of approximately \$8,049. The reduction is approximate as the Cricket club currently pays both senior season charges and facility hire charges, which can vary each year. It is anticipated that with the senior season charges proposed, there would also be a reduction in the facility hire charges as the proposed senior season charges include more facility hire.

	<b>Original Budget</b>	<b>19/20</b>	<b>Revised Budget</b>	<b>19/20</b>	<b>Value of difference</b>
BPH100	- \$14,500		-\$6,451		\$8,049

There will be no reduction in facility hire income in relation to senior football and senior hire netball hire in the 2019/2020 financial year as their season is complete and they will receive their next invoice in the 2020/2021 financial year.



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not endorsing proposed fees and charges creating financial stress to Clubs.	Possible (3)	Major (4)	High (10-16)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Relationship damage between Clubs and the Shire	Possible (3)	Major (4)	High (10-16)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

### Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **10** has been determined for this item.





**Voting Requirements: Absolute Majority**

**OCM232/10/19**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Denholm, seconded Cr Byas**

**That Council**

- 1. ADOPTS the amended Season Charge for Senior Sports in the Fees and Charges Schedule for the 2019/2020 financial year, to take effect on 15 October 2019, as follows:**

**Includes**

**Pre-season - 2x training sessions per week, includes reserve / court and change room use, dependent on availability.**

**In-season - 2x training sessions per week and 1x Game Day per week including reserve / court, change room, pavilion and kitchen (Maximum of 2x reserves and change room, pavilion and kitchen for game day use).**

**1x end of season event per season.**

**1x committee meeting per month.**

Fee Name	2019/2020 Fee (incl. GST)
<b>Athletics All year</b>	<b>\$1,200 club fees for the year</b>
<b>Softball/ Baseball September to March</b>	<b>\$1,200 per team</b>
<b>Football March to September</b>	<b>\$1,200 per team</b>
<b>Cricket September to March</b>	<b>\$1,200 per team</b>
<b>Soccer March to September</b>	<b>\$1,200 per team</b>
<b>Rugby March to September</b>	<b>\$1,200 per team</b>
<b>Netball March to September</b>	<b>\$ 200 per team</b>

- 2. APPROVES the following budget variation to recognise an expected decrease in income from Senior Season Hire fees:**

	Original 2019/2020 Budget	Revised 2019/2020 Budget
<b>BPH100</b>	<b>- \$14,500</b>	<b>- \$6,451</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**



**Councillor Atwell declared an Impartiality Interest in item 10.4.3.**

<b>10.4.3 - Centrals Football and Sportsman's Club Incorporated – Football &amp; Netball Fee Waiver Requests (SJ1081)</b>	
<b>Responsible Officer:</b>	Manager's Community Development
<b>Senior Officer/s:</b>	Deputy CEO/ Director of Community Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

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.
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**Report Purpose**

The purpose of this report is for Council to consider two fee waiver requests from the Centrals Football and Sportsman's Club Inc. One is for facility hire charges received for senior football use of the Mundijong Oval, Change rooms and Pavilion/Kitchen for the 2019 football season. The second is a request for the season charge for senior netball use of the Mundijong Courts during the 2019 winter season.

**Relevant Previous Decisions of Council**

<i>16 September 2019 - OCM210/09/19 - COUNCIL DECISION / Officer Recommendation</i>			
<i>That Council</i>			
1. <i>APPROVES a fee waiver to the value of \$821.77 for the Mundijong Serpentine Little Athletics Club's 2018 / 2019 season.</i>			
2. <i>RECORDS the value of the waiver in the accounts of the Shire as a donation as per the following budget variation:</i>			
<i>Account Number</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>DON560</i>	<i>Donation Expense</i>	<i>821.77</i>	
<i>OSR105</i>	<i>Facility Hire</i>		<i>821.77</i>



22 October 2018 - OCM116/10/18 - COUNCIL RESOLUTION / Officer Recommendation

*That Council:*

1. *Approves a fee reduction to the value of \$25,640 for the Serpentine Jarrahdale Cricket Club's 2018/2019 junior and senior seasons for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Cricket Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
2. *Approves a fee reduction to the value of \$1,407 for the Serpentine Badminton Club Incorporated for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
3. *Approves a fee reduction to the value of \$1,407 for the Jarrahdale Badminton Club Incorporated for the 2018/2019 financial year period and advises the Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.*
4. *Defers consideration towards a fee waiver for Mundijong Central Junior Football Club until such time as the booking details and value of fee waiver can be determined.*

## **Background**

*Council Policy 5.1.4 - Facility Hire* outlines the method for determining fees and charges for the hire of community facilities. It states that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

### Football

Centrals Football and Sportsman's Club Inc. are requesting a fee waiver of the Pavilion/Kitchen hire charge for the 2019 senior football season.

Officers met with the President and Treasurer of the Club on 28 August 2018 to discuss the rationale for fees and charges as well as the current adopted fees and charges schedule. The Club was informed of the process for a Fee waiver / reduction.

The Club was emailed a booking confirmation letter for the 2019 football season on 9 July 2019 outlining their fees for season. The amount was \$8,181.00, which included seasonal charge for the Reserve, Change rooms and Pavilion/Kitchen.

After further correspondence and meeting with Officers on 17 September 2019, a request for a fee waiver totaling \$5,326.00, was submitted on 18 September 2019.

Council Policy- Community Contributions outlines that the Chief Executive Officer may approve any application for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested is larger than the Officer delegation.

Netball

Centrals Football and Sportsman's Club Inc. are requesting a partial fee waiver for their seasonal court hire charge for their netball's 2019 season.

Officers met with the President and Treasurer of the Club on 28 August 2018 to discuss the rationale for fees and charges as well as the current adopted fees and charges schedule. The Club was informed of the process for a Fee waiver / reduction.

The Club was emailed a booking confirmation letter for the 2019 netball season on 15 July 2019. There was no correspondence from the Club in regards to them intending to submit a request for fee waiver.

An invoice was sent to the Centrals Football and Sportsman's Club Inc. for their netball season charge on 30 August 2019.

After further correspondence and meeting with Officers on 17 September 2019, a request for a fee waiver totaling \$485 was submitted on 20 September 2019.

This item is referred to Council, as the request for fee waiver was received after an invoice has been raised, therefore Officers do not have the delegation to consider a fee waiver in this circumstance.

**Community / Stakeholder Consultation**Policy Concept Forum

Nil.

Letter notification

Letters regarding fees and charges for 2018/2019 were sent to:

<b>Club</b>	<b>Letter Sent</b>
Centrals Football and Sportsman's Club Inc	9 July 2018

Email regarding fee waiver requests

Emails regarding fee waiver requests were sent to:

<b>Club</b>	<b>Email Sent</b>
Centrals Football and Sportsman's Club Inc	5 August 2018

Meetings

<b>Meeting Date</b>	17 September 2019
<b>Officers in Attendance</b>	Helen Sarcich, Tracey Johnson, Lisa Keys
<b>Club Representatives in Attendance</b>	Centrals Football & Sportsman's Club Inc. – Bert Easthope.



<b>Meeting Date</b>	28 August 2018
<b>Officers in Attendance</b>	Rebecca Steinki, Jason Parker, Jacqueline Lee
<b>Club Representatives in Attendance</b>	Centrals Football & Sportsman's Club Inc. – Bert Easthope, Linda Branley.

Sporting Working Group

<b>Meeting Date</b>	13 September 2018
<b>Councillors in Attendance</b>	Cr Atwell, Cr Denholm
<b>Club Representatives in Attendance</b>	Byford Bushrangers, Centrals Football Club, Mundijong Centrals Junior Football Club, Serpentine Jarrahdale Cricket Club, Serpentine Jarrahdale Netball Association, Mundijong/ Serpentine Little Athletics, Serpentine Horse and Pony Club.

The Club was informed of the rationale for fees and charges as well as the current adopted fees and charges schedule. Clubs were informed of the process for Fee waiver / reduction and options for licenses and leases.

**Statutory Environment**

*Local Government Act 1995 Section 6.12 Power to defer, grant discounts, waive or write off debts.*

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money,*
- which is owed to the local government.*

*Council Policy 5.1.4 - Facility Hire* outlines the method for determining fees and charges for the hire of community facilities. It states that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

*Council Policy – Community Contributions* outlines the Shire of Serpentine Jarrahdale's principles related to: In-Kind contributions, Donations, Sponsorships, Fee Waivers and Reductions.



**Comment**Football

Centrals Football and Sportsman's Club Inc have requested a fee waiver for their Pavilion/Kitchen charge during the 2019 season.

Their fee waiver application stated that the 2019 season fees were not affordable for the Club. The Club's aim is to develop football skills and teamwork for its members and in doing so promote a healthy and active lifestyle for the children in the community.

The Club has previously been charged a seasonal hire fee, which included Reserve, Change room and Pavilion/Kitchen. The 2019 season was the first occasion the Club was required to pay an additional charge to hire the Pavilion/Kitchen as per the 2018/19 Fees & Charges. This incurred a fee increase of \$5,326.00 from their 2018 season charge, which the Club stated as not affordable.

Total Hire Charge	Fee waiver request amount	Total amount requesting to pay
\$8,181.00	\$5,326.00	\$2,855.00

Netball

Centrals Football and Sportsman's Club Inc have requested a partial fee waiver for their season charge of netball for the 2019 season. Their fee waiver application stated that the club was concerned about the high cost for the use of courts in the 2019 season fees.

The current outstanding debt of \$1,285.00 is fees for Court Season Hire charges:

Total Hire Charge	Fee waiver request amount	Total amount Club requesting to pay
\$1285.00	\$485.00	\$800.00

The total value of both Fee Waiver requests is \$5,811 (ex GST).

**Options and Implications**Option 1

That Council APPROVES a fee waiver for Centrals Football and Sportsman's Club Inc for the football and netball 2019 senior seasons to the value of \$5,811 (ex GST).

Option 2

That Council APPROVES a partial fee waiver of the requests.

This option would not be recommended as it is likely to result in the Club experiencing negative operational consequences.

Option 3

That Council DOES NOT APPROVE the waiving of any fees.

This option would not be recommended as it is likely to result in the Club experiencing negative operational consequences.

Option 1 is recommended.



## Conclusion

Centrals Football and Sportsman's Club Inc. have requested the following waivers for football and netball:

- Fee waiver of their pavilion/kitchen hire charge for the 2019 season. The 2019 season was the first time the Club have been charged for pavilion use additional to the seasonal charge.
- Partial fee waiver for their season charge of their 2019 netball season.

The total value of the both fee waivers is \$5,811 (ex GST).

## Attachments

- [Attachment 1](#) – Centrals Football and Sportsman's Club Inc. - Football Fee Waiver Request Letter (IN19/21287)
- [Attachment 2](#) – Centrals Football and Sportsman's Club Inc. - Netball Season Charge Fee Waiver Request (IN19/21431)

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.

## Financial Implications

The proposed fee waiver will result in reduction in facility hire income of a total of \$5,811 for the 2019 / 2020 financial year. Should Council support the fee waivers, this will be recognised as a donation expense for the year ended 30 June 2020.

Account Number	Description	Debit	Credit
CDO530	Donation Expense (football)	\$5,326	
	Donation Expense (netball)	\$485	
MUP100	Facility Hire (football)		\$5,326
MNC109	Facility Hire (netball)		\$485
<b>Totals</b>		<b>\$5,811</b>	<b>\$5,811</b>



### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Relationship damage between a local club and the Shire	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

### Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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

**Voting Requirements: Absolute Majority****OCM233/10/19****COUNCIL RESOLUTION / Officer Recommendation****Moved Cr Denholm, seconded Cr Coales****That Council**

- 1. APPROVES a fee waiver for Centrals Football and Sportsman's Club Inc for the football and netball 2019 senior seasons to the value of \$5,811.**
- 2. RECORDS the value of the waivers in the accounts of the Shire as a donation expense as per the following budget variation:**

<b>Account Number</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
<b>CDO530</b>	<b>Donation Expense</b>	<b>\$5,811</b>	
<b>MUP100</b>	<b>Facility Hire (football)</b>		<b>\$5,326</b>
<b>MNC109</b>	<b>Facility Hire (netball)</b>		<b>\$ 485</b>
	<b>Total</b>	<b>\$5,811</b>	<b>\$5,811</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**



## 10.5 Executive Services reports

<b>10.5.1 - Thomas Road Working Group - Meeting Outcomes (SJ1369)</b>	
<b>Responsible Officer:</b>	Deputy Chief Executive Officer/ Director Community Services
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**This matter was deferred by Procedural Motion at the 16 September 2019 Ordinary Council Meeting. Supplementary information has been included in this report.**

### Authority / Discretion

Information	For the Council / Committee to note.
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### Report Purpose

This report is to provide Council with an update as to the outcomes of the Thomas Road Working Group Meeting held on 30 August 2019 and the meeting with the Hon. Roger Cook MLA held 13 September 2019.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 16 September 2019 - OCM214/09/19 - COUNCIL RESOLUTION</i> <u><i>Procedural Motion</i></u> <i>That Council proceed to the next business.</i></p>
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<p><i>Ordinary Council Meeting - 19 August 2019 - OCM191/08/19 - COUNCIL RESOLUTION</i> <i>That Council</i></p> <ol style="list-style-type: none"> <li><i>1. APPOINTS Councillor Coales as the Shire of Serpentine Jarrahdale representative and Councillor Byas as the deputy representative on the Thomas Road Community Working group until the Local Government Elections to be held on 19 October 2019.</i></li> <li><i>2. REQUESTS the Chief Executive Officer to ensure Officers are available to attend meetings of the Working Group as required.</i></li> <li><i>3. REQUESTS that the Acting Chief Executive Officer bring a report back to the Ordinary Council Meeting on 16 September 2019 capturing information and / or outcomes of the</i></li> </ol>
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*Thomas Road Community Working Group Meeting and the meeting with the Hon Roger Cook MLA.*

## **Background**

At the Ordinary Council Meeting held 19 August 2019, Council resolved to request the Acting Chief Executive Officer to provide an update in regards to the Thomas Road Working Group Meeting and the meeting held with Hon. Roger Cook MLA in regards to Thomas Road.

## **Community / Stakeholder Consultation**

Nil.

## **Statutory Environment**

Nil.

## **Comment**

### Thomas Road Working Group Meeting.

The meeting of the Working Group was held on 30 August 2019. The Meeting Agenda is included as **attachment 1**, the Action list is included as **attachment 2** and the Minutes of the meeting are included as **attachment 3** to this report.

The meeting was attended by a range of community members, representatives from the City of Kwinana and Shire of Serpentine Jarrahdale, Hon. Roger Cook MLA and representatives from Main Roads Western Australia.

Key discussions at the meeting included:

Thomas Road and Nicholson Road intersection: a project that has received funding commitment from the Federal Government. Main Roads advised that there was significant relocation of services to be undertaken as a part of the project and that design briefs are underway. Main Roads also advised that the anticipated timeframe for on the ground work to commence is September 2020 and will take approximately 20 weeks to complete.

Kargotich Road and Thomas Road intersection: Main Roads advised that the long-term plans were to provide four lanes along Thomas Road with a roundabout treatment. The possibility of a roundabout treatment at this intersection is currently being explored through Blackspot funding. The roundabout would initially be a single lane but in future when Thomas Road is four lanes the roundabout would be upgraded appropriately. Main Roads advised that it would be their preference to undertake these works concurrently with the works at Nicholson Road and Thomas Road to achieve cost efficiencies. It was raised by a community member that it is difficult to turn from Thomas Road into Kargotich Road heading north, as there is no slip lane. The Shire of Serpentine Jarrahdale Acting Chief Executive Officer and Main Roads committed to work together and to consult with the community member in response to their concerns and will provide an update at the next Working Group Meeting.

Extension of Tonkin Highway to South Western Highway: Main Roads advised that the extension project is funded and that they are considering what would be involved in undertaking a freight rail realignment at the same time as the extension works are undertaken. Main Roads advised that they would need to put further information to the State Government in regards to the freight rail realignment to allow for consideration of the project. Main Roads advised that there is some





extensive environmental work to be undertaken as part of the Tonkin Highway extension and this process could take up to two years.

Other topics included requests from community members for Main Roads to consider lowering the speed limit along Thomas Road in areas that have a concentration of businesses and residential development and for the widening of Thomas Road and the introduction of slip lanes in the busiest areas, to improve the safety of those turning into adjoining roads. Community members also asked for a bike path from Marri Park to Kwinana Train Station.

Main Roads also advised that there was work planned to resurface the section of Thomas Road in front of the strawberry farm area and committed to undertaking some 85<sup>th</sup> percentile speed studies along the length of Thomas Road in both the Shire of Serpentine Jarrahdale and City of Kwinana.

The next Thomas Road Working Group Meeting will be held on 18 October 2019.

#### Shire of Serpentine Jarrahdale meeting with the Hon Roger Cook MLA.

Shire President Cr Michelle Rich, Acting Chief Executive Officer Helen Sarcich and Acting Deputy Chief Executive Officer/Director Infrastructure Services Steven Harding, met with Hon. Roger Cook and Zoey McMillan, Electorate Officer on 13 September 2019 to discuss the Shire's position in relation to Thomas Road.

The Shire President and Acting Deputy Chief Executive Officer/Director Infrastructure Services Steven Harding advised Mr Cook that they had attended a presentation regarding Westport during the week. They advised that it had been raised at the presentation, that as a part of the Westport development it was considered that the Thomas Road and Anketell Road connection would be the main east /west freight link to service Westport. In light of this, the Shire has requested that Main Roads and representatives from Westport meet to ensure that the design of the Thomas Road and Nicholson Road roundabout allows for future development in this area.

It was outlined to Mr Cook that the Shire understands that it is Main Road's intention to assume responsibility for Thomas Road once the extension of the Tonkin Highway is undertaken and that there is a need to consider roundabout treatments along Thomas Road at the intersections of each of the local roads that adjoin Thomas Road.

The need for funding for other roads within the Shire was also discussed with Mr Cook due to the concern that development is leading to increased demand on the local roads and that the Shire has a pressing need for funding to upgrade these roads to reduce risk to road users.

The Shire President provided Mr Cook with an overview of development in the Shire, including the extension of Metronet to include a Byford Station, the rate of population growth, the need for funding for community facilities to provide opportunities for social support in the community and need for additional funding to upgrade roads within the Shire.

Further updates in regards to works on Thomas Road will be provided to Councillors through Friday Facts.



### **Supplementary Information following the Ordinary Council Meeting – 16 September 2019**

At the meeting of Council held 16 September 2019, Councillor Coales raised that he considered that the minutes of the Thomas Road Working Group Meeting held 30 August 2019 were not a true representation of the business of the meeting. Councillor Coales advised Council that he had asked the representatives from Main Roads a question to seek confirmation in regards to the funding of the Tonkin Highway extension and the response from the Main Roads representatives had not been captured in the minutes.

Council agreed that Councillor Coales be given the opportunity to raise the matter with Zoey McMillan, Electorate Officer to the Hon. Roger Cook and that the agenda item be reconsidered by Council at a later meeting once the updated minutes had been received.

The updated minutes are included in this report as attachment 3.

### **Options and Implications**

#### Option1

That Council RECEIVES the update in regards to the Thomas Road Working Group Meeting and meeting with Hon Roger Cook MLA.

### **Conclusion**

Elected Members and Officers will continue to attend the Thomas Road Working Group Meeting and meet with Main Roads where appropriate to advance the interests of the Shire and community in relation to Thomas Road.

### **Attachments**

- [Attachment 1](#) – Agenda - Thomas Road Working Group – 30 August 2019 (IN19/20345)
- [Attachment 2](#) – Thomas Road Working Group Action List ((IN19/20347)
- [Attachment 3](#) – Minutes – Thomas Road Working Group (E19/11515)

### **Alignment with our Strategic Community Plan**

<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.3</b>	Enhance Community Safety
<b>Outcome 3.3</b>	An innovative, connected transport network Strategy 3.3.1 Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

### **Financial Implications**

Nil.



### Risk Implications

No risk is identified for this report.

### Risk Matrix

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

A risk rating of **0** has been determined for this item.

**Voting Requirements:** Simple Majority

**OCM234/10/19**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Atwell

That Council RECEIVES the update in regards to the Thomas Road Working Group Meeting and meeting with Hon Roger Cook MLA.

**CARRIED UNANIMOUSLY 8/0**



Continued

**Ordinary Council Meeting Minutes**  
Monday 14 October 2019

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**11. Urgent business:**

Nil.


**12. Councillor questions of which notice has been given:**

Nil.

**13. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 8.47pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on the 18 November 2019.

  
.....  
Presiding Member – Cr Rich

22/01/2020  
.....  
Date