



Shire of  
Serpentine  
Jarrahdale

# **Ordinary Council Meeting**

## **Confirmed Minutes**

**7.00pm**

**Monday 17 December 2018**

### 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
11/06/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
13/06/18	SCM	✓	✓	✓	✓	✓	✓	A	NA	✓
25/06/18	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
02/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
09/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
23/07/18	OCM	✓	A	✓	✓	✓	✓	✓	✓	✓
30/07/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
06/08/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	A
13/08/18	PCF	✓	✓	✓	✓	✓	NA	✓	NA	✓
27/08/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
03/09/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
10/09/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
25/09/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
01/10/18	PCF	✓	✓	✓	✓	✓	✓	A	NA	NA
08/10/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
08/10/18	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
22/10/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
29/10/18	PCF	✓	A	✓	A	✓	A	✓	NA	✓
05/11/18	PCF	✓	✓	✓	A	✓	A	✓	NA	✓
12/11/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
26/11/18	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance

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

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

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Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 17 December 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr 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, Cr Rich acknowledged and welcomed past Councillors Ellis and Hawkins.

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## Minutes

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

#### In Attendance:

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

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

**Leave of Absence:** Nil.

**Apologies:** Councillor D Gossage

#### Observers:

Members of the Public – 46

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

Nil.

**2.2 Public questions:**

**Public question time commenced at 7.02pm.**

**Ms Diane Toohey, 22 Parry Road, Serpentine WA 6125**

**Question 1**

As trusted and respected Local Government representatives duly elected by the Serpentine Jarrahdale community can, through the Chair, the Councillors please explain why the role of decision-making has been relinquished to an employee of SJ Shire Council?

*Response:*

- 1. Section 5.42(1) of the Local Government Act 1995 states: A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this act other than those referred to in section 5.43.*
- 2. Clause 82 of the Planning and Development (Local Planning Scheme) Regulations 2015 allows the Council to delegate the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme and Clause 83 allows sub delegation by the CEO.*
- 3. With regards to planning applications, it is standard practice to provide officers with delegation and sometimes, as is the practice at the Shire, to place conditions on the officers to ensure delegations can only be exercised where it complies with Council Policy. Where such applications comply with relevant local planning policies Officers can determine the application*
- 4. Without having a specific application to refer to it is not possible to provide a further response.*

**Question 2**

The Community was invited to attend planning workshops in order that Council could ascertain the aspirations and expectations for the future planning and development of the Shire.

Why, through officer delegation, is this important role being shrouded in secrecy enabling development to be granted without the knowledge of the Councillors?

*Response:*

*In accordance with Regulation 19 of the Local Government (Administration) regulations 1996 where a power or duty has been delegated under the Act to the CEO or any other local government employee, the person is to keep a written record of exercising the power or discharging the duty. Councillors receive notification each Friday of any delegation that has been undertaken including all planning delegations.*

**Ms Margaret Cala, 49 Phillips Road, Karrakup WA 6122****Question 1**

How much did the Shire of Serpentine Jarrahdale commit to pay as their contribution to WALGA for the 2018 – 19 financial year?

**Response:**

*\$38,724.81, it covers advice type services such Employee Relations, Procurement, Tax, Governance and Local Laws as well as a general membership fee.*

**Question 2**

Do Councillors believe it is appropriate for Elected Local Government Councillors to be gagged as required under the WALGA Model Communication Policy when State and Federal elected politicians are not constrained in a similar way?

**Response:**

*The WALGA model communication policy is not binding on any Municipality, it is a template for Councils to adopt at their discretion if they believe it will enhance the good government of the district.*

**Question 3**

Do Councillors believe that this policy aligns with Openness, Accountability and Democracy?

**Response:**

*Council has adopted a social media policy that covers similar fundamental themes as the WALGA model policy that are generally accepted as adding to the good government of the district.*

**Mr Shaye Mack, Dearden Road, Byford WA 6122**

It has long bugged me the ever present influences of political agendas on this council. But when a teacher friend of mine informed me that the Shire was represented by Matt Swinbourn (a state MP) at their Graduation ceremony, I have to wonder why not 1 of our councillors could attend!

**Question 1**

What is the Councils policy on who can represent the Shire at events such as a school graduation?

**Response:**

*The Shire President is normally supported by the Deputy Shire President in accordance with Section 2.9 of the Local Government Act 1995.*

*When the Deputy is unavailable a convention is normally that where it relates broadly to the aspects of a Committee or a Work group then usually the Chair of that Committee/Workgroup may represent the Council if approved by the Shire President unless authorised otherwise by the Council. There may be other occasions where the Council resolves that a Councillor represent the LG specifically.*

*The fundamental provision of the legislation is that the Shire President speaks on behalf of the local government and carries out civic and ceremonial duties on behalf of the Local Government. These are detailed in Section 2.8 of the Local Government Act 1995.*

*However, in cases of adhoc attendances or where the Shire President has an unexpected event come forth and the Deputy is unavailable then the Shire President asks someone himself/herself.*

### Question 2

Have our Councillors been invited to attend any of the school ceremonies? If so who was invited and who attended?

*Response:*

<i>School</i>	<i>Shire President Accept or Decline</i>	<i>Shire President Delegated to:</i>
<i>Jarrahdale Primary School</i>	<i>Y</i>	<i>Cr Rich</i>
<i>Marri Grove Primary School</i>	<i>Y</i>	<i>Unable to attend due to Councillors Meeting for briefings or Agenda</i>
<i>Mundijong Primary School</i>	<i>Y</i>	<i>Cr Atwell</i>
<i>Serpentine Jarrahdale Grammar School</i>	<i>Y</i>	<i>Cr Rich &amp; Cr Atwell</i>
<i>Serpentine Primary School</i>	<i>N</i>	<i>Cr Denholm</i>
<i>West Byford Primary School</i>	<i>N</i>	<i>Cr Atwell</i>
<i>Woodland Grove Primary School</i>	<i>N</i>	<i>Cr Atwell</i>

### Question 3

Was Mr Swinbourn invited to represent the Shire of Serpentine Jarrahdale and if so, by who?

*Response:*

*To my knowledge, Mr Swinbourn was not invited to represent the Shire of Serpentine Jarrahdale.*



**Mrs Ann and Mr Thomas Dyer, 254 Soldiers Road, Cardup WA 6122**

We have lived in Cardup for over 50 years. We have been to many Council Meetings, because we are concerned of what is going on in our town of Byford and surrounding areas.

We have not heard or seen anything to do with an approval to a building being erected on the corner of a very busy and dangerous intersection of Southwest Highway and Beenyup Road at any of the meetings we have been to?

**Question 1**

Being on a corner of a busy and dangerous intersection, why is this building so close to the boundary and so high?

*Response:*

*The application for a mixed use development comprising of a shop, office and restaurant was approved under delegation on 6 November 2017. The height and setbacks of the proposal are compliant with the requirements of Local Planning Policy 3.8 – Byford Town Centre Built Form Guidelines which encourages buildings of one and two stories in height.*

*In relation to vehicle safety, the application was referred to Main Roads Western Australia and considered by the Shires Infrastructure Services. Officers and Main Roads Western Australia were satisfied that the scale and setback of the proposal will not adversely impact on traffic safety in the area.*

**Question 2**

Did this go to a Council Meeting for approval, or was it passed for approval by officer discretion?

Other buildings were not allowed in Byford because the Council wanted to keep the Rural Atmosphere. It is a monstrosity of an eye saw and blocks vision from a dangerous intersection, also a blockage to all sorts of misconduct in the car park behind. This is no Rural Atmosphere it looks more like Industrial Area.

*Response:*

*The application was considered under Officer Delegation.*

**Mr Karl Titelius, Unit 2, 9 Warrington Road, Byford WA 6122**

There were a number of key concerns that were raised in my July 2018 Byford Development Strategy Submission.

Brickwood Reserve environmental protection level

The authors of the Structure Plan completely failed to distinguish between Bush Forever site protection levels and protection levels for sites such as Brickwood Reserve that have Federal Government Biodiversity protection as a Threatened Ecological Community as well as Bush Forever protection. On page 65 the Authors of the Draft Structure Plan in fact floated the idea of environmental offsets for parts

of Bush Forever sites for built infrastructure, while completely side stepping that not all Bush Forever sites have the same protection levels. Threatened Ecological Communities (of which Brickwood Reserve is a prime example) are protected by Federal Level Biodiversity protection laws and so are not allowed to be offset by local development strategies or proposals.

#### Question 1

How has the Review of the Draft Structure Plan dealt with this failure in natural asset recognition and protection levels to provide tangible evidence to assure the community, as well as relevant state and federal government agencies that the Shire and its consultants are genuinely committed and competent to implement sustainable development?

#### *Response:*

*The Byford District Structure Plan has been updated to ensure all Bush Forever sites are clearly depicted on the maps, by way of a hatching overlay. Federal protection is awarded to certain species under the Environmental Protection and Biodiversity Conservation Act 1999 while other State initiatives are administered and enforced by the State government through the Environmental Protection Act 1986 and Planning and Development Act 2005 generally through the Metropolitan Region Scheme. The Byford DSP is aligned with the MRS and reinforces the importance of these reserves.*

In view of changing information and understanding of what sustainable development is, it is clear that Adaptive Management is essential to ensure that sustainable environmental stewardship is a key element of an integrated community that is triple bottom line connected to the natural environment as well as economic considerations and social considerations. It appears the Structure Plan authors were more interested and aware of the visual amenity of green spaces (ie social and economic considerations) than the function and services of an intact and working natural environment. Ignorant gouging of environmental services in the form of land clearance for example has contributed to climate change.

#### Question 2

How has the Shire's Draft Structure Plan and its review and reviewers demonstrated a tangible commitment to Adaptive Management as a key element of sustainable development?

#### *Response:*

*The review of the draft Byford District Structure Plan preserves a connected network of natural ecological corridors across the Byford urban area. This enables species migration from the scarp to the plain allowing biodiversity with the ability to adapt over time as the climate changes. This is a commonly recognised adaptation mitigation strategy for climate change, which the Byford DSP strongly supports.*

#### Question 3

How has the Shire Draft Structure Plan and its review and reviewers demonstrated a tangible commitment to triple bottom line accounting.

*Response:*

*The DSP is not the appropriate document for these types of accounting practices. Typically, these activities would be undertaken through a state of environment report.*

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

**Question 1**

Who assessed the applicants for the shire cleaning contract and what sort of assessment was done ?

*Response:*

*The Tenders received were assessed by the Manager Operations, Manager of Community Development and Building Maintenance Supervisor. The assessment included a qualitative assessment which included relevant experience, Tenderers resources and demonstrated understanding and experience. This combined with the price criteria is assessed to determine best value for money. The tenderer who was assessed as the best value for money was reference checked. On the basis of the above the proposed Tenderer has been put to Council for consideration.*

**Question 2**

A matter involving me and a particular councillor appears to be viral in the Shire and I have only just been notified about an investigation regarding this matter. Who from Council chose to disperse information about this matter before I was informed, some of which is very incorrect?

*Response:*

*I presume you are referring to recent correspondence with the Manager of Governance, part of the role of the Manager of Governance is to assist the CEO in any complaints that have been received by either gathering further information, meeting with relevant persons or providing preliminary findings to the CEO.*

*The CEO determines if any complaints are referred to the Manager of Governance.*

*All complaints are dealt with utmost confidentiality.*

**Question 3**

List what courses/ cost and what Councillor completed them in 2018 which have been paid for by the ratepayer and how they will or have had benefit to the ratepayer of this shire.

*Response:*

**Cr Atwell**

Conflicts of Interest Training	195.00
Understanding Financial Reports/Budgets Training	515.00
	<u>710.00</u>

**Cr Byas**

Meeting Procedures & Debating	515.00
Understanding Financial Report & Budgets Training	515.00
Integrated Strategic Planning Essentials Training	515.00

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<i>CEO Performance Appraisals Training</i>	515.00
<i>Conflicts of Interest Training</i>	195.00
<i>Understanding Local Gov for Elected Members</i>	195.00
	<u>2450.00</u>
<b>Cr Coales</b>	
<i>Understanding Financial Reports</i>	515.00
<i>Serving on Council</i>	515.00
<i>Meeting Procedures and Debating</i>	515.00
<i>Company Directors Course (Cr R Coales)</i>	7235.00
	<u>8780.00</u>
<b>Cr Denholm</b>	
<i>Meeting Procedures &amp; Debating Training</i>	515.00
	<u>515.00</u>
<b>Cr McConkey</b>	
<i>Our Community Councillor Training - Diploma in Business</i>	3495.00
<i>Understanding Financial Budgets &amp; Reports Training</i>	515.00
	<u>4010.00</u>
<b>Cr Rich</b>	
<i>Conflicts of Interest Training</i>	195.00
<i>WALGA State Conference Full Event</i>	1528.00
<i>Metronet Precincts The Future of Perth Seminar</i>	177.27
<i>2018 WA Transport &amp; Roads Forum</i>	45.45
	<u>1945.72</u>

Public question time concluded at 7.25pm.

### 3. Public statement time:

Public statement time commenced at 7.26pm.

#### **Mrs Sandra Hawkins, 58 Windrow Grove, Whitby WA 6123**

In relation to questions and statements given by Mr John Kirkpatrick at the OCM on November 26<sup>th</sup> I feel that it is time to stand up for myself and give a right of reply to put the facts into prospective. It is a very sad state of affairs that what was said was put in such a way that it appears to be such a despicable thing and that I was not returned to council because of it.

Yes I asked the question about costings of councillors meals because I had been asked to on behalf of another ratepayer and just because I asked that question I had to suffer a character assignation.

Well I am sick and tired of being a scapegoat for someone who thinks that they are perfect and have never made a mistakes in their lives. When sitting on council I have had to listen to the innuendoes from Mr Kirkpatrick and others and not be able to give a right of reply myself well now I can. I can only call it grandstanding Mr Kirkpatrick to come here and waste time asking questions that you full well know the answers to and have in fact been told several times. All of this goes back 3 to 4 years ago surely one should be trying to take care of the future not rehash the past every month.

Yes I did make a claim for hairdressing as at the time I was partially incapacitated with the loss of use of one arm and with official photos being done I was required to present myself properly. Also with the dry cleaning claim I had several official functions to carry out and not possessing a huge wardrobe of outfits required me to get it done. I was informed at the time that I could use the councillors allowance for this but then after someone complained I was advised not to do so. And I didn't. It is perfectly ok if one happens to be a councillor in the city but us country bumkins are not afforded the same privileges.

On to the matter of putting up a motion and voting when I was supposed to be out of the room Yes I did but had done so inadvertently as I thought that what I had proposed was not a planning matter. The motion put was to take a survey of the residents who lived adjacent to Percys park in Mead Street Byford and I knew that I would not be able to vote on it when that motion came before council.

Also as soon as I realised that I had should not have voted , next morning I reported the matter to the President , the CEO and to the relevant authorities . NO ACTION was taken as it was considered a misdemeanour.

Being a Shire Councillor I took to be a privilege or so I thought. I can take what has been and is still dished out to me but surely this is not what we are here for. I would ask that everyone leaves out personalities and get on with the job of taking care of the community's future.

**Mr Matthew Pickford, PO Box 140, Leederville WA 6902 on behalf of Byford Stavretis Trust regarding OCM147/12/18 Byford District Structure Plan**

Good evening Councillors,

I wanted to make a statement about the Byford DSP amendment and the listed issue of the land use for lot 640 South Western Hwy, Byford.

This is the corner lot at the major intersection off South Western Highway and Thomas Rd - two busy roads that are controlled by Main Roads and constitute a major entry corner to the Byford town centre.

There is quite a convoluted history of planning and development for this site – previously being a service station – but in the interests of all our sanity, I will keep it succinct here tonight.

In 2012, your Council endorsed a scheme amendment to rezone this site from Urban Development to Commercial use. Quoting the amendment report, for a raft of reasons the site was described as being “wholly unsuitable for residential use”. This Council report stated that it was only shown as residential at the DSP level as it was caught up in error in a previous amendment process.

This amendment was subsequently refused by the WAPC on the grounds it may take away from the Byford Town Centre development which was in its infancy at the time.

The site has subsequently sat vacant for the following 6 years as nothing can be done with it – residential use is not only not appropriate (Councils words not mine) but non-economic. If nothing changes the site will remain vacant for the foreseeable future, which is a shame as it could and should be used as a vibrant entry statement into the Shire.

We met with Shire officers and the WAPC in early 2017 to discuss this site - both agencies agreed that the best and only likely achievable use for the site was Commercial.

Following these discussions and the likelihood that commercial could be supported under the DSP our development partner decided to purchase the site to develop.

We submitted a commercial use planning application in 2017 to JDAP which was ultimately refused as it was deemed we needed to undertake an LSP amendment first in terms of orderly and proper planning.

We still dispute this as the rest of the local area has already been developed without a Local Structure Plan – so the only thing an LSP (which is obviously usually reserved for an area) will address now is our 1 site and all issues can be addressed in the Development Application process. It appears to us a process for the sake of it and red tape gone mad, we however accept it is what it is. Regardless of this, following the JDAP meeting we were advised by Shire staff that the Shire was already undertaking a DSP amendment process and it would be sensible to include our site in this so that an LSP wouldn't be needed. So, despite our previous understandable misgivings, we put our faith in the process.

Advice given to us was that the Shire would be consistent with the previous Council endorsed position in 2012 of commercial uses over this site.

Having now seen the proposed DSP amendment for advertising, nothing at all has changed over this site. It is still Urban Development under the scheme with residential zoning under the DSP.

So after 2 years we are still at square 1 – but having spent over a million dollars trying to get something happening here.

Megara and its partners want to invest further in the area, create something attractive and viable and generate local employment opportunities.

So in your resolution tonight, could I please request some direction be given to your administration to acknowledge the previous work of the officers and Council to achieve an entry and commercial development on this site and which should be investigated as part of the current DSP amendment process.

Thank you for your time.

**Vitalina Motu, PO Box 229 Mundijong WA 6123 regarding OCM148/12/18 Adoption of the Mundijong District Structure Plan**

I would like the location of the neighbourhood centre that was located on the corner of Keirnan and Adam Streets on existing Mundijong / Whitby District Structure Plan December 2010 be identified at this location within the Draft Mundijong District Structure Plan that is being presented to Council tonight.

I do not support it being moved further north on Taylor Road.



**Mr Trent Durward, (address supplied but withheld by request), on behalf of Megara regarding OCM147/12/18 Byford District Structure Plan**

Good evening Councillors and Shire Staff, I am presenting for Item 147/12/18 and in particular regarding the Amended Byford DSP. To this end, I'd like to build on Matthews's statement and note some of the planning history and comment on the current amenity of the site.

On 10<sup>th</sup> December 2012 the Council resolved to adopt Scheme Amendment No. 178 – to rezone 640 South West Highway from 'Urban Development' To 'Commercial' with restricted uses.

In the amendment report to Council the Elected Members supported the proposed rezoning based on the officer comments that *"It is acknowledged that due to the existing constraints over the site that a residential development is unlikely to be achievable"*.

I can expand further but I think it is well documented that residential is not appropriate for the land, and I recently confirmed in meeting with the Town's administration staff that the DSP amendment would be consistent with Council previous resolution under Amendment 178.

This more recent meeting was the result of our very frustrating JDAP process, where an application was refused due to the residential amenity of the land, despite pre lodgement meetings with Council and the WAPC who all acknowledged that commercial would be more appropriate.

I note, by way of further background context, that the WAPC did not, in April 2013, support Council's position re the rezoning, due to concern over 'out of centre' development. To this end we suggested the "Highway Commercial" zone would be the most appropriate designation under the Structure Plan, and it is also prudent to note the WAPC concern

**Subject Land and Surrounding Uses and Zones**



was before any of the more recent investment into the Byford Town Centre came to fruition. They have been supportive of land uses that can provide as local convenience function in more recent discussion before our recent JDAP application.

In terms of local amenity, this area should not be considered solely residential in character, of the four boundaries to the site, it abuts the residential area on only two half lengths of the boundary (in the west and south). To the north and east are the "Primary Regional Road" and "Other Regional Road" reservation, as well as the "Rural Living A" zone on the north side of Thomas road and "Special Rural" to the east of South West Highway. The land also abuts land reserved under management order for drainage to the north west and south east

Therefore, along with being an important entry into the Byford Area, the site is a characterised by a mix of rural and residential uses and important traffic infrastructure. The site therefore would be best utilised to help screen the traffic and noise from the intersection, as well as providing a key entry into the town.

Thank you for your time and we hope to be able to have an open and communicate process in consideration of the most appropriate use of this key entry statement into Byford.

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

What is Council doing about the property on King Road re mulching/ concrete crushing etc which does not have approval to operate and Council gave permission for them to operate a site in Orton Road. Is it fair to legitimate business's that this smell and dust is permitted to continue to cause harm to the business and the business owners personal lives. In the past Council went after the owner of another property, why haven't you done this and closed this filthy health hazard down.

I note Councillor See has claimed \$315.72 mileage from the 1/7/2018 to 29/10/2018, I mistakenly thought this sort was over. There is no reason for any Councillor to claim mileage with the ample sitting fees Councillors receive and the fact that most are not interested in the ratepayer except when their vote is required.

It is noticed that Councillors play the political game at the ratepayers expense when an election is due. There is no point in pretending to care about the ratepayer because you have a hidden agenda, not all of us are ignorant/ dumb or pathetically self opinionated enough not to notice your feeble attempts at snowing us.

**Ms Lisa Brazier, PO Box 80, Mundijong WA 6123 on behalf of Wellstrand Pty Ltd regarding OCM148/12/18.**

As one of the larger landowners within the Mundijong District, we simply wish to have it recorded that we have not had time to fully review this agenda item – however in the interest of moving the process along – we support the officers recommendation to send it to advertising.

**Public statement time concluded at 7.39pm.**



#### 4. Petitions and deputations:

##### 4.1 Deputations

**Mr Aaron Lohman, Principal – Planning, Element** gave a deputation on items OCM143/12/18 and OCM144/12/18, Retrospective Transport Depots, Lot 200, Walker Road, Serpentine.

Mr Lohman addressed the additional information that was provided to Councillors, and advised that on behalf of their client, they continue to oppose the Transport Depots, and requested that the Applications for Development Approval be refused.

**Mr Ray Haeren, Regional Director, Urbis** gave a deputation on item OCM147/12/18, Byford District Structure Plan.

Mr Haeren expressed concern on behalf of their client, Universal Properties that for any consultation to be effective, additional details and concept layouts are required prior to advertising, not just for Universal Properties, but for all landowners and users of the Town Centre.

#### 5. President's report:

Hello and welcome to the December Ordinary Council Meeting, our last for 2018. Please remember that there will be no meeting in January and that our first meeting is scheduled for 18 February 2019.

At last month's Citizenship Ceremony, we welcomed 33 new Australians to our community from France, India, Malaysia, Nepal, New Zealand, Nigeria, Philippines, Republic of Ireland, Singapore, South Africa, Thailand, United Kingdom, United States of America and Zimbabwe. Congratulations and welcome to all of our new citizens. Next year, we will host a special Citizenship Ceremony at our annual Australia Day event. I encourage you to come along, experience a Citizenship Ceremony, and celebrate Australia Day.

On the 4<sup>th</sup> of December, the Economic Development Advisory Committee met. The committee considered the expressions of interest received for a tourism development at Lot 814 Jarrahdale Road. The committee selected a preferred proponent for the development and tonight Council will consider this selection. This step forward is exciting as we strive to unlock Jarrahdale's tourism potential, and showcase our beautiful Jarrahdale to the rest of the world!

In 1893, at a junction on the Rockingham-Jarrahdale line and the Perth-Bunbury line a small town formed. 125 years on, Mundijong is a thriving community that is proud of its genuinely unique heritage. To celebrate their 125 years the community came together at an event earlier this month. The Mundijong Community Association organised the celebration with the assistance of local community groups and businesses. At the party, one of Mundijong's oldest known residents Mac Lightbody unveiled a public bench that the SJ Men's Shed constructed. The Mundijong Community Association should be actively congratulated on the continued advocacy that they provide for the Mundijong area most recently been successful in strongly advocating for the pathway extension between the Whitby Estate and the Rail corridor at the intersection of Keirnan Street, Soldiers Road and Paterson Street .

Earlier this month we recognised 150 community volunteers at our annual 'Thank a Volunteer Day' celebrations. Volunteers from bushfire brigades, service groups, church

groups, Justices of the Peace, sporting and service groups, community and progress associations, cultural and heritage societies and more enjoyed a special Christmas lunch at the event. I thank each and every one of SJ's volunteers for all of their hard work. Their actions, regardless of how big or small, are making a difference in our community.

Last Tuesday the final Play in the Park for 2018 was held at Percy's Park in Byford. Play in the Park is a free community playgroup for kids up to five years old that has been running for the past few weeks. The playgroup has been well attended and enjoyed by the community. We're working with the Armadale Community Family Centre who delivers the program to ensure it continues in 2019.

Over the past few weeks, my fellow Councillors and I have been attending school graduation and presentation ceremonies across SJ. We've thoroughly enjoyed these events and are thrilled to see so many bright young minds moving forward into the world.

Congratulations are in order for Mundijong Police Station's OIC, Senior Sergeant Darryl Brandis who is affectionately known as 'Brando'. At the Nine News WA Police Excellence Awards held earlier this month, Brando was announced as the individual winner. The prestigious award recognized his 30 years of dedication as a police officer and illustrated his commitment to our community and the way he engages with local stakeholders to achieve positive outcomes. On behalf of everyone at the Shire of Serpentine Jarrahdale, thank you and congratulations to Brando!

In the Peel Region, the Peel Zone, Peel Development Commission and Peel Regional Leaders groups have all had their last meetings for 2018. It's been an exciting year for our region, and I have enjoyed working with these groups on achieving economic development outcomes for the area.

A big thank you to everyone that joined us at the SJ Community Christmas in Jarrahdale last Friday night. It was a fantastic event. Last year we held it in Byford, the year before in Mundijong, and this year in Jarrahdale. To reach as much of the community as possible at Christmas, we'll host the event in a different locality next year. Thanks to the Jarrahdale Community Collective and the Jarrahdale Primary School P&C for the lolly bags and children's activities that they organised. Thank you to Rotary for the delicious sausage sizzle that they cooked. And, thank you to our Neighbourhood Watch volunteers, our local police, the Jarrahdale Volunteer Bushfire Brigade and Bushie Bear who entertained the young and old with children's activities and information.

While we are on the subject of Volunteer Bushfire Brigades, we are well informed that Santa paid a visit to our Byford Brigade yesterday for their annual lolly run. I do believe that Santa has made contact with the other brigades throughout the Shire and planning is well underway for further lolly runs weather permitting and there being no fires. Please check the Facebook pages of the brigades for dates, information and location updates regarding their Christmas lolly runs. And Mums and Dads please remember a big thank you for our volunteer firey's for the job they do in our community.

At our last meeting, Council adopted the 2017/18 Annual Report and set a date for the Electors General Meeting. The meeting will be held right here on Thursday 20 December at 6.30pm. At the meeting, the Shire will formally present the Annual Report to electors and outline its financial position and achievements over the past 12 months. The report is currently available on the Shire's website, and limited printed copies will be available at the meeting. Everyone is welcome to attend the meeting, and I encourage you to come along and ask any questions you may have. Please remember that electors are kindly requested

to provide in writing, any items to be raised at least 48 hours before the meeting. You can do this by email or by hand delivering your questions to our Administration Centre.

The Shire's Administration Centre will close from 25 December 2018 to 1 January 2019 and reopen on 2 January 2019. If you need to reach us in an emergency during this time, special contact details are available on our website. Finally, on behalf of everyone at the Shire of Serpentine Jarrahdale we wish you a very Merry Christmas and a safe and Happy New Year.

Date	Meeting Title	Location
27 November 2018	Board Information Session re RED grants & assessment	Mandurah
28 November 2018	Australian Citizenship Ceremony	Shire Office
29 November 2018	Peel Zone Meeting	Murray
30 November 2018	Meet with Serpentine Golf Club	Shire Office
1 December 2018	City of Armadale Annual Civic Dinner	Armadale
3 December 2018	Policy Concept Forum	Shire Office
4 December 2018	PDC Board Meeting	Shire of Boddington
	Economic Development Advisory Committee Meeting	Shire Office
5 December 2018	WALGA CEO Recruitment Workshop	Perth
	State Council Meeting	Perth
	State Council Christmas Dinner	Perth
6 December 2018	Veranda Round Table Discussion with CEO and Residents of Keysbrook	Keysbrook
	SJ Landcare AGM and Christmas Function	Mundijong
7 December 2018	Peel Regional Leaders Forum	Shire of Murray
	PDC / City of Mandurah Briefing with Minister Templeman	Mandurah
	Shire Staff Christmas Function	Mundijong
	SJ Grammar School Presentation Night	Mundijong
10 December 2018	Q&A	Shire Office
11 December 2018	JDAP Meeting	Shire Office
	Local Emergency Management Committee Meeting	Shire Office
12 December 2018	Jarrahdale Primary School End of Year Presentation	Jarrahdale
13 December 2018	Westport Local Government Reference Group Meeting	Perth

Date	Meeting Title	Location
14 December 2018	Community BBQ Christmas Event	Jarrahdale
	SJ Community Christmas Concert	Jarrahdale
	Hopeland Christmas Tree	Hopeland
15 December 2018	Keysbrook Christmas Tree	Keysbrook

## 6. Declaration of Councillors and Officers interest:

Mr Kenn Donohoe, Chief Executive Officer declared a Financial Interest in item OCM8.1/12/18 as it deals with his Contract of Employment. Mr Donohoe will leave the Chambers while this item is discussed.

Shire President, Councillor Michelle Rich declared a Financial Interest in OCM161/12/18 as the applicant is a client therefore money is received for services supplied. Cr Rich will leave the Chambers while this item is discussed.

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

### 7.1 Ordinary Council Meeting – 26 November 2018

#### COUNCIL RESOLUTION

Moved Cr Byas, seconded Cr Denholm

That the minutes of the Ordinary Council Meeting held on 26 November 2018 be confirmed (E18/13852).

**CARRIED UNANIMOUSLY 8/0**

## 8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:

Mr Kenn Donohoe, Chief Executive Officer declared a Financial Interest in item OCM8.1/12/18 and left the Chambers at 7.58pm prior to this item being discussed.

Mr Kenn Donohoe, Chief Executive Officer vacated his seat and Ms Helen Sarcich, Deputy CEO / Director Community Services assumed his seat at 7.58pm.

### 8.1 CEO Employment Committee – 3 December 2018

OCM8.1/12/18 Officer Recommendation

That the [minutes and resolutions](#) contained therein of the CEO Employment Committee Meeting held on 3 December 2018 be endorsed. (E18/14121).

OCM8.1/12/18	COUNCIL	RESOLUTION	/	Amended	Officer
		Recommendation			

Moved Cr Byas, seconded Cr Atwell

That the [minutes and resolutions](#) contained therein of the CEO Employment Committee Meeting held on 3 December 2018 be endorsed (E18/14121) subject to the following amendment to resolution CEO002/12/18 to read “That Council adopts the process and timeframe for the CEO Performance Review as outlined in this report except that the timeline for the information collection and assessment be changed from “by the 18<sup>th</sup> January 2019” to “by the 1<sup>st</sup> February 2019”.

**CARRIED UNANIMOUSLY 8/0**

*Reason for Amended Officer Recommendation:*

*The Consultant has advised of their unavailability for the first two weeks of January 2019.*

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Mr Donohoe, Chief Executive Officer returned to the Chambers at 7.59pm and assumed the role of Chief Executive Officer.

## 8.2 Economic Development Advisory Committee – 4 December 2018

OCM8.2/12/18 Officer Recommendation

That the [minutes and resolutions](#) contained therein of the Economic Development Advisory Committee Meeting held on 4 December 2018 be endorsed. (E18/14132).

### OCM8.2/12/18 COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Byas

That the [minutes and resolutions](#) contained therein of the Economic Development Advisory Committee Meeting held on 4 December 2018 be endorsed (E18/14132) with the addition of point 5. in EDAC009/12/18 being:  
“5. As part of the continued negotiations for a tourism development, the character of Jarrahdale is protected through the development of a style guide for Lot 814 to ensure the character of Jarrahdale is retained as a Heritage Town in keeping with the milling industry of the area. “

**CARRIED UNANIMOUSLY 8/0**

*Reason for difference to Officer Recommendation:*

*To ensure the character of the locality of Jarrahdale is retained as a Heritage Town.*

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

Nil.

## 10. Chief Executive Officer reports:

### 10.1 Development Services reports

OCM140/12/18 – Bush Fire Advisory Committee Information Report (SJ648)	
<b>Responsible Officer:</b>	Manager Rangers and Emergency Services
<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>

### Report Purpose

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee Meeting held on 15 November 2018. Officers recommend Council receive the minutes.

### Relevant Previous Decisions of Council

OCM077/08/18 Minutes of Meeting 7 December 2017 – Council received the minutes of the Bush Fire Advisory Committee meeting of 26 April 2018.

### Background

Minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 15 November 2018 and the minutes are hereby presented to Council.

### Community / Stakeholder Consultation

Nil

### Statutory Environment

Section 67 of the *Bush Fires Act 1954*

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*



- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may –*
- a. Make rules for the guidance of the committee; and*
  - b. Accept the resignation in writing of, or remove, any member of the committee; and*
  - c. Where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section –*
- a. May from time to time meet and adjourn as the committee thinks fit;*
  - b. Shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - c. Is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

### Comment

At the meeting of 15 November 2018, there were no recommendations put forward by the Committee that require Council's consideration.

### Conclusion

Officers recommend Council receive the minutes and note the recommendations contained therein.

### Attachments

- [OCM140.1/12/18](#) – Bush Fire Advisory Committee – Minutes – 15 November 2018 (E18/12739)

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A Safe Place to Live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety

### Financial Implications

There are no direct financial implications regarding this matter.



## Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not receive the minutes	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **2** has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

### OCM140/12/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Byas, seconded Cr McConkey

That Council receives the Bush Fire Advisory Committee minutes of 15 November 2018 as per attachment OCM140.1/12/18 and note the recommendations contained therein.

**CARRIED UNANIMOUSLY 8/0**



OCM141/12/18 - Endorsement of Bushfire Risk Management Plan 2018 – 2023 (SJ1920)	
<b>Responsible Officer:</b>	Manager Rangers and Emergency Services
<b>Senior Officer:</b>	Director Development Service
<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> .

## Report Purpose

The purpose of this report is to request Council to endorse the Shire of Serpentine Jarrahdale Bushfire Risk Management Plan 2018 - 2023 (OCM141.1/12/18). The Bushfire Risk Management Plan was approved by the Government of Western Australia's Office of Bushfire Risk Management on 12 November 2018 (OCM141.2/12/18). Officers recommend that Council endorse the plan.

## Relevant Previous Decisions of Council

There is no previous Council decision relating to this application/issue.

## Background

The Shire of Jarrahdale Serpentine Bushfire Risk Management Plan is a five-year strategic document that identifies assets at risk from bushfire and their priority for treatment. The aim of the Bushfire Risk Management Plan is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Serpentine Jarrahdale. To this end, the Bushfire Risk Management Plan as approved by the Office of Bushfire Risk Management has provided a period of six months from the approval for the plan to have the works treatment programme completed. During this time, if endorsed by Council, the Shire will become eligible for the State Government Bushfire Mitigation Grant Funding.

The objective of the Bushfire Risk Management Plan is to effectively manage bushfire risk within the Shire of Serpentine Jarrahdale in order to protect people, assets and other things of local value. Specifically, the objectives of the Bushfire Risk Management Plan are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities; and

- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

Local Governments are the custodians of Bushfire Risk Management Plans and they coordinate their development and ongoing review. The Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions, other agencies and landowners are required to participate in and contribute to, the locally-developed plan.

Local Governments are required as a land manager to implement treatment strategies to address risk on their own land. Government agencies and other land managers responsible for implementing treatments within the Shire have participated in the development of this Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

### Treatment Schedule

The treatment schedule is a primary output of the Bushfire Risk Management Plan and it sets out a broad program of coordinated multi-agency treatments to address risks identified in the Bushfire Risk Management Plan area. Government agencies and other land managers with responsibility for implementing treatments will participate in the Bushfire Risk Management Plan process to ensure treatment strategies are collaborative and efficient regardless of land tenure.

The treatment schedule is not required to be finalised for the Office of Bushfire Risk Management and Council to endorse the Bushfire Risk Management Plan however, work on the schedule has commenced and the Shire is committed to finalising it within six months of Council approval of the Bushfire Risk Management Plan. Given the scale of work required, it is acknowledged that further discussions with the Office of Bushfire Risk Management may be required should an extension to this deadline be necessary.

The Shire will engage with the key stakeholders as identified in the supporting Communication Strategy. It is paramount that agreed treatments are settled upon with the specific land managers for each of the key stakeholders. The Shire will also be the responsible manager for treatments on Shire owned or managed land. The Bushfire Risk Management Plan contains monitoring, reviewing and reporting processes to ensure that the Bushfire Risk Management Plan remains current and valid.

### **Community / Stakeholder Consultation**

The Bushfire Risk Management Plan includes a Communication Strategy in Appendix 1. Consultation will be facilitated through this plan. Consultation is critical to the development of the Bushfire Risk Management Plan particularly because it is tenure blind and looks at risk across all tenures.

Broadly speaking the following communication objectives underpin the Plan for the development, implementation and review of the Bushfire Risk Management Plan for the Shire of Serpentine Jarrahdale:

1. Key stakeholders understand the purpose of the Bushfire Risk Management Plan and their role in the bushfire risk management planning process;
2. Stakeholders who are essential to the bushfire risk management planning process, or can supply required information, are identified and engaged in a timely and effective manner;
3. Relevant stakeholders are involved in decisions regarding risk acceptability and treatment;

4. Key stakeholders engage in the review of the Bushfire Risk Management Plan as per the schedule in place for the local government area; and
5. The community and other stakeholders engage with the bushfire risk management planning process and as a result, are better informed about bushfire risk and understand their responsibilities to address bushfire risk on their own land.

## Statutory Environment

Under the *State Hazard Plan - Fire (Interim)* (Office of Emergency Management 2017) an integrated Bushfire Risk Management Plan is to be developed for local government areas with significant bushfire risk. This Bushfire Risk Management Plan has been prepared for the Shire of Serpentine Jarrahdale in accordance with the requirements of the *Guidelines for Preparing a Bushfire Risk Management Plan* (Guidelines) (Office of Bushfire Risk Management 2015).

The risk management processes used to develop this Bushfire Risk Management Plan are aligned to the key principles of *AS/NZS ISO 31000:2017 Risk Management – Principles and Guidelines* (AS/NZS ISO 31000:2017), as described in the Second Edition of the *National Emergency Risk Assessment Guidelines* (NERAG 2015). This approach is consistent with *State Emergency Management Policy (State Emergency Management Policy) 3.2 - Emergency Risk Management Planning*.

## Comment

The Bushfire Risk Management Plan is a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Serpentine Jarrahdale.

Approval of the plan is a commitment by local government to work with landowners and managers to address unacceptable risk within their community. It is not the local government committing to a program of treatment works to be implemented by others, refer to attachment OCM141.3/12/18.

Landowners are ultimately responsible for treatments implemented on their own land. This includes any costs associated with the treatment and obtaining the relevant approvals, permits or licenses to undertake an activity. Where agreed, another agency may manage a treatment on behalf of a landowner. The onus is still on the landowner to ensure treatments detailed in the Bushfire Risk Management Plan are completed.

The Bushfire Risk Management Plan process is founded on the notion that...

*“Those that own the land, own the risk.”* (refer to attachment OCM141.4/12/18).

Additionally, external funding opportunities are considerably enhanced when a local government has an endorsed Bushfire Risk Management Plan. This funding can assist the Shire of Serpentine Jarrahdale achieve its strategic outcome 1.3 of “A safe place to live”.

An endorsed Bushfire Risk Management Plan will support requests for future mitigation funding from both State and Federal Government. The Government of Western Australia have funded Shires that have an approved Bushfire Risk Management Plan (OCM141.5/12/18). The table below outlines the funding Local Governments have received after endorsing their Bushfire Risk Management Plan.

Local Governments	No. of treatments	Total sum
Shire of Augusta-Margaret River	10	\$183,225
Shire of Beverley	21	\$95,400
Shire of Boddington	33	\$53,900
Shire of Boyup Brook	31	\$108,000
Shire of Bridgetown-Greenbushes	37	\$143,570
Shire of Carnamah	13	\$27,000
Shire of Chittering	5	\$26,900
Shire of Donnybrook-Balingup	20	\$169,250
Shire of Irwin	34	\$74,517
Shire of Jerramungup	42	\$66,360
Shire of Nannup	8	\$145,420
Shire of Northampton	18	\$93,840
Shire of Ravensthorpe	24	\$79,600
Shire of West Arthur	52	\$45,500
Shire of Woodanilling	26	\$166,000
<b>Total</b>	<b>374</b>	<b>\$1,478,482</b>

## Options and Implications

### Option 1

That Council endorses the Shire of Serpentine Jarrahdale Bushfire Risk Management Plan 2018 – 2023.

### Option 2

That Council does not endorse the Shire of Serpentine Jarrahdale Bushfire Risk Management Plan 2018 – 2023. This will result in Council not complying with the State Hazard Plan for Fire.

Option 1 is recommended.

## Conclusion

The State Government's Hazard Plan for Fire (Westplan Fire) requires that an integrated Bushfire Risk Management Plan be developed for Western Australian local government districts with significant bushfire risks. The Shire of Serpentine Jarrahdale has areas of "*significant bushfire risk*".

A Bushfire Risk Management Plan has subsequently been developed and has been reviewed and approved by the Office of Bushfire Risk Management as compliant with the standard for bushfire risk management planning in Western Australia.

The final step in the Plan's development is for Council to endorse the Bushfire Risk Management Plan (as required by the State Hazard Plan for Fire). The Shire of Serpentine Jarrahdale is the owner of this Plan and has responsibility, as far as is reasonable, to manage the implementation of the Bushfire Risk Management Plan and to facilitate the implementation of bushfire risk management treatments.

## Attachments

- [OCM141.1/12/18](#) - Bushfire Risk Management Plan (E18/6845)
- [OCM141.2/12/18](#) - Bushfire Risk Management Plan Approval Letter (IN18/25842)
- [OCM141.3/12/18](#) - Government of Western Australia Office of Bushfire Risk Management (2015), Guidelines for Preparing a Bushfire Risk Management Plan, pp. 79 (E18/13389)
- [OCM141.4/12/18](#) - Government of Western Australia Office of Bushfire Risk Management (2015), Guidelines for Preparing a Bushfire Risk Management Plan, pp. 73 (E18/13388)
- [OCM141.5/12/18](#) – State Emergency Management Committee – Funding and Mitigation Activity Fund (E18/13390)

## Alignment with our Strategic Community Plan

The Bushfire Risk Management Plan addresses two of the key strategic themes within the Shire of Serpentine Jarrahdale Strategic Community Plan 2017 – 2027, in particular; Outcome 1.3: A safe place to live and Strategy 1.3.1: Comply with relevant local and state laws, in the interests of the community; and Strategy 1.3.3: enhance community safety; Outcome 4.2: A strategically focused Council and Strategy 4.2.1: Build and promote strategic relationships in the Shire's interest.



<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.3</b>	Enhance community safety
<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 Shire of Serpentine Jarrahdale is responsible for the coordination, development and ongoing review of the plan. Implementation of treatment options will be the responsibility of individual agencies and/or land owners/managers. The Shire as a land manager is responsible for undertaking risk treatment strategies for the land owned or managed by the Shire that are identified in the process.

A business case will be submitted for budget consideration in the 2019/2020 budget to provide resources to enable this Bushfire Risk Management Plan and associated grant funding to be implemented.

### 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>
Reputation	Possible (3)	Moderate (3)	High (10-16)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Risk Management Plan
Financial	Rare (1)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Risk Management Plan



## 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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **9** has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

### OCM141/12/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr McConkey, seconded Cr Denholm

That Council:

1. Endorses the Bushfire Risk Management Plan in attachment OCM141.1/12/18; and
2. Requests the Chief Executive Officer present the Treatment Schedule once completed to Council for endorsement.

**CARRIED UNANIMOUSLY 8/0**

***This item was deferred at the 26 November 2018 Ordinary Council Meeting to allow for additional information to be provided.***

***Additional information has been included at the end of the report.***

**OCM142/12/18 – Proposed Expansion of Compost Manufacturing and Soil Blending Facility ('Industry – Noxious') at Lot 815, 76 Punrak Road, Hopeland (PA18/92)**

<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> .

Proponent: Aussie Organics Garden Supplies Pty Ltd  
 Owner: Francis James & Kay James  
 Date of Receipt: 30 January 2018  
 Lot Area: 40.59ha  
 Town Planning Scheme No 2 Zoning: 'Rural'  
 Metropolitan Region Scheme Zoning: 'Rural'

## Report Purpose

The purpose of the report is for Council to consider a development application for the expansion to an existing composting and soil blending facility located at Lot 815, 76 Punrak Road, Hopeland. The facility is currently licenced to manufacture up to 8,000 tonnes of compost and soil blends per annum.

The proposal seeks to manufacture an additional 11,400 tonnes of product per year combining shredded green waste, sheep manure and controlled liquid wastes into the composting process. It is proposed to undertake the increase in production in two stages with the first stage producing an additional output of 5,700 tonnes per annum, an approximate 71.25% increase in existing production. Subsequently stage 2 would involve the production of a further 5,700 tonnes resulting in a total of 11,400 tonnes, which equates to a 142.5% increase in the current approved production.

However, as the submitted Odour Management Plan only address the impact of the existing development and stage 1, Officers consider that only stage 1 should be considered as part of the application. It is considered that the information required to demonstrate the acceptability of the second stage of the development goes beyond information that is generally provided by way of planning conditions. It is therefore recommended that a further application be submitted at a later date to consider the second stage of the development.

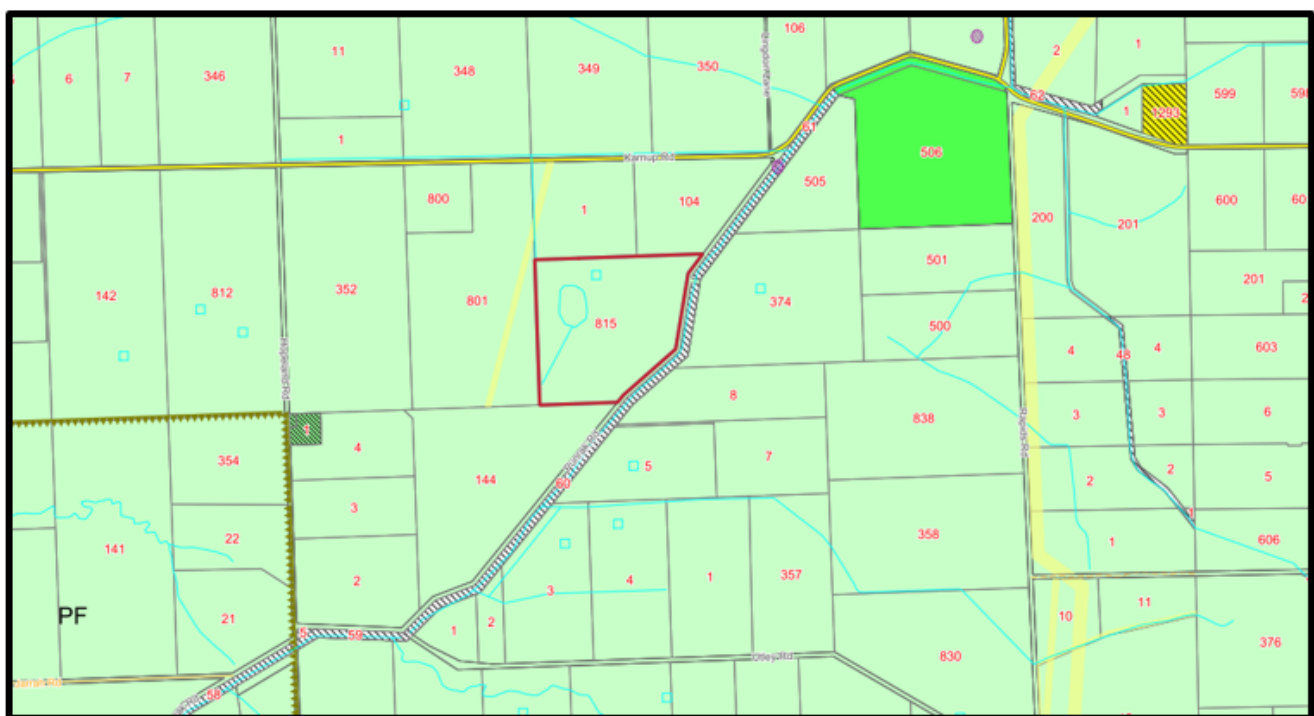
The application is presented to Council as objections have been received during the advertising period. Officers do not have delegation to determine applications where objections cannot be satisfied by way of amendments to the proposal or through planning conditions, under delegation 11.1.1 – Determination of Development Applications.

As the proposal complies with the planning framework and the objections are able to be addressed or mitigated by way of conditions, Officers recommend that Council approve the application subject to conditions as detailed in this report.

## Background

### Existing Development

The subject site is a 40.59ha property that contains an existing composting facility, caretaker's residence and paintball business. The property contains a water body in the north-east corner that is surrounded by remnant vegetation.



**Location Plan**

The existing composting facility was granted approval in 2002 and was approved to manufacture 8,000 tonnes of compost and soil blends per year. The Shire has no record of any complaints received in relation to the operations of this facility.

The manufacturing process currently involves the blending of dry materials (sand/soil, saw dust and shredded green waste) with wet manures (sheep, chicken, cow and pig manures) which are then put through the composting process either as straight manure or blended soils/soil improvers.

The final product is then bagged onsite and delivered to retailers as pre-packaged manures, soil conditioners, mulches and potting soils. No direct sales are available to the public from the site.

### Proposed Development

The applicant's Development Report and Plans outlining the proposal has been included as attachment OCM119.1/11/18 of this report. The proposed facility is seeking to produce an additional 11,400 tonnes of compost per year. The facility will be constructed over two stages

commencing with a first stage an increased output of 5,700 tonnes of compost and building over three years to 11,400 tonnes per year. Officers consider that based on the information provided, Council should only consider stage 1, involving an additional 5,700 tonnes which equates to a total of 13,700 tonnes of production per annum. It is considered that a further development application is required to be able to make an informed decision regarding stage 2.

This additional tonnage will integrate 10,000 tonne per year of controlled liquid waste into the composting process. Liquid waste will be increased progressively to ensure that odour controls are satisfactory. As provided by the applicant the proposed controlled liquid waste is to include:

1. Grease Trap Waste

Fats and oils produced through a food manufacturing process.

2. Salts

These liquids are sourced from facilities that have plant maintenance and wash out lines such as CSBP (Kwinana). It also includes solutions that have come from the washing out of isotainers that may contain traces of ammonia nitrate.

3. Low Strength Waste Waters

Industrial wastewater, carwash or truckwash waters excluding fire wash waters, predominately from larger controlled waste carriers.

The controlled liquid waste is then mixed with shredded green waste to assist in the composting process. The green waste is then blended with sheep manure and maintained to particular moisture and oxygen levels to achieve optimum composting conditions and minimise odour emissions.

The compost production pad will be constructed with a minimum of 200mm layer of limestone compacted and topped with a 40mm layer of asphalt. It will also be bunded and graded to ensure run off is captured in a lined basin.

The final product is to be stored in assigned bays on a dedicated hardstand area and will be directly loaded onto trucks for delivery to retailers. The hardstand will be bunded to ensure the materials can be sufficiently contained.

Any risk to the surrounding environment is mitigated as wastes are transferred and stored in enclosed tanks located in an impermeable bunded area and composting occurs on an impermeable hardstand and any run-off from the hardstand is contained in lined ponds.

The composting operations and use of controlled liquid waste requires the separate approval and licencing of the Department of Water and Environment Regulation (DWER). A draft copy of the necessary 'Works Approval' for this proposal from DWER has been included as attachment OCM119.2/11/18 to this report.

## Community / Stakeholder Consultation

The application was advertised in accordance with LPP1.4 – Public Consultation for Planning Matters. Letters were sent to 67 surrounding properties within a 2km radius. The application details were displayed on the Shire's website and a notice was placed in the Examiner Newspaper. The application was advertised for a period of 21 days from 25 July 2018 to 15 August 2018.

During the advertising period nine submissions were received from the community, eight raising concerns in relation to the proposal and one letter of support. Three submissions were also received from Government Agencies. A schedule of submissions has been included as attachment OCM119.3/11/18 to this report and have been addressed within the report.

## **Statutory Environment**

### Legislation

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

### State Government Policies

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

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 1.2 – Development Application Information Policy
- Local Planning Policy 1.4 – Public Consultation for Planning Matters Policy
- Local Planning Policy 2.3 – Development Standards for Development Applications
- Local Planning Policy 2.7 – Biodiversity Planning Policy
- Local Planning Policy 4.1 – Sea Containers Policy
- Local Planning Policy 4.13 – Revegetation Policy
- Local Planning Policy 4.16 – Landscape & Vegetation Policy

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## 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 OCM119.4/11/18. For the purposes of this report, the objections resulting in the item being presented to Council are addressed.

### Amenity

The *Environmental Protection Authority: Separation Distances between Industrial & Sensitive Land Uses* provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses.

The document recommends a 1000m buffer for uncovered composting facilities processing manures and food/putrescible waste (grease trap). Listed potential impacts for composting facilities include dust, odour & noise. The buffer for controlled Liquid Waste Facilities is determined case by case and lists potential impacts as noise and odour.

The potential impacts of noise, odour and dust and management of these emissions is discussed in detail below.

### Emissions

Given the emissions that will be generated by this proposal, it is imperative that appropriate measures are put in place to ensure that the amenity and character of the 'Rural' zone is protected.

The property currently contains a facility that generates 8,000 tonne of compost per year. With the proposed application of 5,700 additional tonnes this will increase the total compost produced onsite to 13,700 tonne per year.

For the purposes of the assessment of buffers (separation distances) these are measured from the location of the proposed facility to premises deemed as 'sensitive premises' which is generally habitable buildings such as dwellings.

As the below figure demonstrates the proposal is to the west of the existing composting facility. There are five potentially sensitive receptors (dwellings) within 1km of the proposed composting facility. Approximate distances to potential sensitive receivers from the closest composting or stockpile area within the facility are:

- 418m to the north east;
- 433m to the east;
- 544m to the south;
- 550m to the north; and
- 920m to the north west.

The potential emission impacts are considered on the cumulative results of both the existing facility and proposed facility combined and assessed in conjunction with the separation distances to the nearest sensitive receptors. The following sections of this report discuss each of the potential emissions in detail.





Figure 1 – Extract from applicants report detailing separation distances to nearest dwellings

### Odour Management

The applicant has provided a detailed Odour Assessment that is compliant with relevant legislation for maximum odour levels received at nearby sensitive premises (i.e. habitable buildings) for the accumulative effect of existing production (8,000 tonnes) and Stage 1 of the expanded facility (5,700 tonnes) to a total production tonnage of 13,700 tonnes per annum.

The report demonstrates that odour impacts are within the required limits at all dwellings within 1km of the proposal. The report has made the following assumptions on which to base its assessment and as such these will be listed as ongoing requirements of any subsequent approval:

- raw manures are only delivered to the site and handled (by Front End Loader) for times between 0700 to 1300 hours and winds outside south-to-west (bagging of less odorous products such as mulches, barks, soils and potting mixes can, however, continue for winds south-to-west);
- raw manure stockpiles are covered with mulch or finished compost within 2 hours after delivery or disturbances; and
- the existing compost stockpiles, while being aerated, will be incorporated into the expanded compost production on the new hardstand (the existing bunkers can, however, continue to be used for compost curing).

Onsite monitoring will be required at the completion of Stage 1 under the DWER Works approval to ensure that odour emissions are compliant as received from the nearest habitable buildings.

Should the applicant seek to expand the new facility to the 11,400 tonnes per annum (total onsite production of 19,400) then revised Odour Modelling is required under the DWER Works Approval prior to construction to demonstrate the sites capacity to meet legislative requirements.

As odour modelling provided to date is not for the total capacity of 19,400 tonne per annum upon the site, it is recommended that Council approve the expanded facility for up to a further 5,700 tonnes and a further application is submitted for the additional 5,700 tonnes as part of stage 2. This will also address the level of objection raised by the community submissions in relation to the proposal.

It is recommended that onsite odour monitoring be undertaken at the commencement of Stage 1 (or as directed by the Local Government or DWER) at the applicants expense to ensure that odour levels are within the targets predicted by the odour modelling and compliant with prescribed odour limits for sensitive premises.

A copy of the applicants submitted Odour Assessment information has been included as attachment OCM119.5/11/18 to this report.

#### Noise Management

Noise associated with the operation of the proposal is required to comply with the *Environmental Protection (Noise) Regulations 1997*. The applicant has provided an Acoustic Assessment that provides noise emission modelling based on predictions of potential noise levels produced onsite. Noise nuisance is based on the potential noise impacts received at a sensitive premise (habitable building).

The Acoustic Report concludes that the proposal complies with the Environmental Protection (Noise) Regulations 1997 for all habitable buildings within 1km of the proposal.

It is noted that the acoustic report indicates compliance with legislative requirements. Given the level of community concern in relation to noise, it is recommended that Council impose a condition of approval to require onsite noise assessment to be undertaken on commencement of operations onsite for Stage 1 of the proposal to confirm that the facility is meeting the prescribed requirements.

A copy of the applicants submitted Acoustic Assessment has been included as attachment OCM119.6/11/18 to this report.



### Dust Management

The applicant has not supplied a Dust Management Plan as part of this application. Whilst this is not seen as a major item, it is still considered important for the applicant to demonstrate appropriate dust suppression management for the construction phase, ongoing dust suppression within the site and collection, removal and disposal of material from capture basins.

Should Council grant approval of this application, Officers have recommended that a Dust Management Plan be submitted and approved prior to the commencement of works.

### Traffic Management

Current Traffic Movements (trucks):

- 20 vehicles a week bringing material in and 25 vehicles a week taking material out
- 45 vehicles or 90 vehicle movements a week
- 8 vehicles or 15 movements a day
- 0.8 vehicle an hour

Proposed Traffic Movements: (trucks)

- 45 vehicles a week bringing material in and 35 vehicles a week taking material out
- 80 vehicles or 160 vehicle movements a week
- 13 vehicles or 26 movements a day
- 1.3 vehicles an hour average

The proposal results in a difference of 0.5 vehicles per hour or an additional five vehicles to the site per day during operating hours.

Given the zoning, scale and surrounding land uses, traffic generated by this developments is not considered to significantly increase in traffic movements to a volume that will have a negative impact on the locality or other road users.

Officers note that Punrak Road along the eastern boundary of the site is sealed with a width of only 4m. The condition of the road is poor and deteriorating at some sections. It is considered that the increase in traffic, although not significant, to the facility along this section of narrow road could lead to further road deterioration and safety hazards. As such, it is recommended that conditions are imposed requiring the upgrade of the intersection at Punrak Road and Hopeland Road and upgrading of Punrak Road adjacent to the site entrances.

### Crossovers

Two new crossovers are proposed that will allow for one to be used for incoming traffic and the other for outgoing. It is recommended as a condition of any forthcoming approval that the final location, design and construction requirements of the crossovers be undertaken in liaison with the Shire's engineering department and that the crossovers be constructed with a minimum 20m bitumen fishtail to ensure that the edge of Punrak Road is protected. The existing crossover will not be permitted to be used for business practices following installation of the new crossovers and is to be used for private traffic only for access to the existing caretakers residence and incidental buildings.

### Nutrient & Irrigation Management

During the advertising period, Officers wrote to DWER (land use planning) specifically seeking their feedback in relation to environmental impacts and the potential need for further information to be supplied. Part of the response received states:

*“From a water regulatory perspective we are in support of the DWER (Environmental Regulatory Services) Part V works approval assessment and subsequent granting in that all water related considerations have been captured as conditions within the works approval. The need for a nutrient management plan would not be required as the risks to ground water have been mitigated through hardstand areas and collection ponds to accommodate rainfall drainage. The advice under WQPN 90 have been addressed through the setback requirements included in the correspondence from the proponent in response to the Shire’s comments (including cross sections of the evaporation pond and 2m separation distance from maximum groundwater levels) and the DBCA’s recommendation of a 50m buffer from the edge of the wetland vegetation.”*

It is considered that the DWER Works Approval captures water related emissions and that a separate Nutrient & Irrigation Management Plan is not required.

### Stormwater & Surface Water Management

Water management within the site is crucial given the potential to impact water quality resulting from the release of waters with high nutrient loading from the site to the environment during a heavy rainfall event.

For waters associated with the composting facility this is addressed through a site based Stormwater Management System to be provided to capture runoff from hardstand areas. Runoff is proposed to be directed to a capture basin, then to an overflow pond which leads into an evaporation basin. The system has been designed to capture runoff from a 1 in 10 year storm event. Stormwater requirements and specifications relating to the composting facility are addressed and conditioned through the DWER works approval. The information provided demonstrates that the system can adequately handle all runoff from the facility and rainfall from a 1:10 year event.

Should Council wish to approve the application it is recommended that as a condition of approval that it be made clear that the system must be constructed and maintained to hold a 1:20 ARI rainfall event. This provides an additional assurance that waters associated with the composting facility will not enter into the environment, addressing the concerns of the submitters. Additionally, the applicant be required to lodge a Stormwater Management Plan (SMP) detailing the management and treatment of stormwater on the access road, carparks and buildings (and any other aspects not captured by the DWER works approval relating to stormwater and surface water management) to the Shire’s satisfaction.

## Options and Implications

With regards to the determination of the application for planning approval under TPS2, Council has the following options:

Option 1: Council may resolve to approve the application subject to appropriate conditions.

Option 2: Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

## Conclusion

The proposed extension to the compost manufacturing and soil blending facility and proposed liquid waste facility ('Industry - Noxious') has been assessed against the provisions of Clause 67 of the *Planning and Development (Local Planning Schemes), Regulations 2015*, TPS2, the Rural Strategy, relevant Local Planning Policies and State Legislation.

In consideration of the application for expanded operations at the subject site, it is recommended that the application can be supported by Council subject to conditions. The conditions will ensure that emissions are effectively managed and that there are adequate reporting and complaint procedures in place to swiftly respond to matters should they arise thereby reducing the potential for the land use to impact on the environment or the amenity and character of the surrounding area.

## Attachments

- [OCM119.1/11/18](#) – Development Application Report (E18/12058)
- [OCM119.2/11/18](#) – Draft Works Approval (E18/12059)
- [OCM119.3/11/18](#) – Schedule of Submissions (E18/12060)
- [OCM119.4/11/18](#) – Technical Assessment (E18/12286)
- [OCM119.5/11/18](#) – Odour Assessment (E18/12061)
- [OCM119.6/11/18](#) – Acoustic Assessment (E18/12062)
- [OCM119.7/11/18](#) – Plans for Approval (E18/12300)
- [OCM142.8/12/18](#) – Turning Templates (E18/13669)
- OCM142.9/12/18 – **Confidential** - Legal Advice (E18/13736)

## 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	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

## Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM119/11/18 Officer Recommendation:

1. That Council APPROVES the application submitted by Aussie Organics Garden Supplies for expansion of compost manufacturing and soil blending facility ('Industry – Noxious) as contained within attachment OCM119.7/11/18 at Lot 815, 76 Punrak Road, Hopeland, subject to the following conditions:
  - a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans P1-P10 received at the Shire's Offices on 7 February 2018 and the following:-
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	<ul style="list-style-type: none"> <li>• Development Report prepared by Larry Smith Planning dated December 2017 (as amended)</li> <li>• Odour Assessments dated February 2015 and October 2016</li> <li>• Acoustic Assessment dated September 2018.</li> </ul>
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- b. The approval is for a maximum production capacity of 13,700 tonne per year (8,000 tonne per annum existing composting facility and 5,700 tonne per annum for expanded operations) only. No further production shall be carried out without prior approval of the Shire of Serpentine Jarrahdale.
- c. This approval shall only remain valid whilst the applicant/landowner can demonstrate to the Shire of Serpentine Jarrahdale that a Works Approval(s) and Licence issued by the Department of Water and Environmental Regulation under Part V of the Environmental Protection Act 1986 remains valid.
- d. Prior to commencement of works, plans showing the location and design of the proposed crossovers to Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The crossovers shall thereafter be constructed and maintained in accordance with the approved plans.
- e. The existing crossover is not permitted to be used to access the property in conjunction with activities relating to the composting facility and shall be signposted accordingly to the satisfaction and requirements of the Shire of Serpentine Jarrahdale.
- f. Prior to the operation of the development hereby approved, details of the upgrading of the intersection of Punrak Road and Hopeland Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
- g. Prior to the operation of the development hereby approved, details of the upgrading of Punrak Road adjacent to the site entrance shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
- h. Prior to commencement of works, plans showing the location and design of warning/safety signage at access points onto Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The signage shall thereafter be installed in accordance with the approved plans.
- i. Prior to operation of the works hereby approved, a minimum of 10 car parking bays shall be installed to a minimum compacted gravel standard and suitably drained and signposted to the satisfaction of the Shire of Serpentine Jarrahdale.
- j. An Odour Impact Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:
  - i. An Odour Impact Assessment is to be undertaken which includes odour monitoring and analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance;
  - ii. An odour expert carrying out the audit shall be instructed by the Shire of Serpentine Jarrahdale;



- iii. Should an Odour Impact Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
  - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional Odour Impact Assessment or analysis or measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding odour emissions.
- k. An Acoustic Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:
- i. An Acoustic Assessment is to be undertaken which includes noise monitoring and acoustic analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance with the Environmental Protection (Noise) Regulations 1997;
  - ii. An acoustic expert carrying out the noise audit shall be instructed by the Shire of Serpentine Jarrahdale;
  - iii. Should an Acoustic Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any noise level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
  - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional noise audits, acoustic analysis or noise measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding noise and or vibration emissions.
- l. Prior to commencement of works, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.
- m. Prior to commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Stormwater Management Plan.
- n. A stormwater and runoff capture system for the composting facility shall be constructed to the satisfaction of the Shire of Serpentine Jarrahdale and capture water volume for a minimum 1:20 ARI rainfall event.
- o. The proponent is required to conduct groundwater monitoring on a quarterly basis to the requirements of the Department of Water and Environmental Regulation and monitoring findings shall be submitted to the Shire of Serpentine Jarrahdale. Should monitoring results demonstrate any form of contamination the applicant must:
- i. Cease all works onsite immediately and indefinitely until such time as groundwater monitoring demonstrates no further contamination;
  - ii. Liaise with the Department of Water and Environmental Regulation and undertake any actions necessary;



- iii. Notify immediately the Shire of Serpentine Jarrahdale and all properties within 1km of Lot 815, 76 Punrak Road, Hopeland ;
- p. A technical report is to be provided from a suitably qualified professional in relation to groundwater levels to demonstrate that the development can achieve a 2m separation distance to the satisfaction of the Shire of Serpentine Jarrahdale.
- q. Prior to commencement of operations hereby approved, the applicant shall install a water tank with a minimum supply of 10,000l of water for firefighting purposes and that the tank shall be adequately signposted and fitted with access couplings to the satisfaction of the Shire of Serpentine Jarrahdale.
- r. Prior to the commencement of works, a Wetland Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Wetland Management Plan shall be adhered to thereafter.
- s. The storage, use and disposal of all chemicals including, but not limited to, hydrocarbons, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations and relevant legislation.
- t. Fuel storage shall be contained within lined storage tanks within on-site bunds to the approval of the Shire of Serpentine Jarrahdale, the fuel shall be for operation of extractive machinery only and not for the general refuelling of trucks.
- u. The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of the internal access roads and buildings set out on the attached approved plans, unless otherwise approved in writing by the Shire of Serpentine Jarrahdale.
- v. Prior to operation of the development hereby approved, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Landscaping Plan shall be implemented and maintained thereafter.
- w. No retailing/direct sales to the public is to be undertaken on the premises at any time.
- x. The permitted hours of operation for the development hereby approved shall be:
  - Monday to Friday – 7.00am to 5.00pm;
  - Saturday – 7.00am to 1.00pm

**Advice Notes:**

- a. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- b. In respect of condition K, the Dust Management Plan is required to include details relating to removal of remaining material from overflow and evaporation basins, dust emissions and management from composting activities and details relating to soil stabilisation.
- c. In respect of condition U, the Landscaping Plan shall include a minimum three row buffer of vegetation (or combined arrangement) of screening/windbreak vegetation and earth bunding surrounding the development for the purpose of softening the visual impact of the development and assisting to mitigate potential emissions. Vegetation should be a mixture of native species providing screening and windbreak qualities at maturity.

## Additional Information

### Condition F

One of the reasons for deferral was for clarification to be provided around the condition in relation to the intersection upgrade. The condition as previously proposed states as follows:

- “f. Prior to the operation of the development hereby approved, details of the upgrading of the intersection of Punrak Road and Hopeland Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.”*

The applicant raised concerns in relation to this condition and considered that a pro-rata contribution towards the intersection upgrade should be required as there are other large vehicles already using the intersection and the applicant should not be solely responsible for the upgrade. The applicant also raised concerns in relation to the condition requiring that the works are maintained.

Officers acknowledge that other trucks are using the intersection, however the mechanism to ensure the road network is able to accommodate particular vehicles and traffic safety comes from Clause 67 (t) of the *Planning and Development (Local Planning Schemes) 2015* which requires the following to be considered as part of the assessment of a development application:

*“the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety”.*

In addition, it is not considered orderly and proper planning to approve a development that is contrary to the provisions of the Road Traffic Code 2000, which requires lane compliance.

Further discussions have taken place with the applicant who has advised that the majority (70%) of the trucks associated with the proposal would be travelling from the north and therefore would be using the intersection of Punrak Road and Karnup Road. The applicant also advised that the trucks include single unit trucks and semi-trailers, 19m in length.

Officers have investigated the turning templates of the vehicles used as part of the subject application (OCM142.8/12/18) and concluded that the road is required to be widened at the intersection to ensure lane compliance. The hatched area on the attached plan shows an indication of the extent to which the road is required to be widened in order to accommodate the trucks. These works would involve removal of the existing kerbing and widening the road using an asphalt surface.

Subsequently, it is considered that the condition should be reworded as follows:

*“Prior to commencement of works hereby approved, engineering drawings shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The drawings shall demonstrate how vehicles used in conjunction with the proposal will achieve lane compliance at the intersection of Punrak Road and Karnup Road. Once approved, the intersection of Punrak Road and Karnup Road shall be upgraded in accordance with the approved drawings prior to commencement of operations.”*

### Controlled Waste

The proposed additional tonnage of production would integrate 10,000 tonnes per year of controlled liquid waste into the composting process. This amount is based on stage one and stage two of the proposal and it is worth noting that Officers recommend that Council approve stage one only at this time.

Controlled liquid waste would be increased progressively to ensure that odour controls are satisfactory. As provided by the applicant, the proposed controlled liquid waste would include:

- Grease Trap Waste — Predominately from larger controlled waste carriers such as Western Resource Recovery;
- Salts — This category of waste is used largely for the transport and categorisation of ammonia nitrate solutions. These predominately refer to <10% Ammonium Nitrate solution in water. These are non-toxic salts predominately coming from sources such as CSBP (Kwinana) when they have plant maintenance and wash out lines or delivery isotainer tank cleans; and
- Low Strength Waste Waters – including industrial wastewater and car/truck wash waters excluding fire wash waters, sourced predominately from larger controlled waste carriers such as Western Resource Recovery.

Controlled waste is regulated under the *Environmental Protection Act 1986* and *Environmental Protection (Controlled Waste) Regulations 2004*. Fifteen broad categories of wastes are identified as well as sub-categories within each waste type.

The proposal will require an operating licence under the *Environmental Protection Act* that will only be issued when the composting facility has been constructed in strict accordance with the design described in the Works Approval. All controlled wastes must be transported in accordance with the *Environmental Protection (Controlled Waste) Regulations 2004* which requires the following:

- All controlled waste must be transported by a licensed Controlled Waste Carrier in a vehicle licensed to carry controlled waste, and driven by a driver licensed to drive controlled waste vehicles;
- Controlled waste can only be disposed of at sites that are licensed to accept controlled wastes;
- Controlled Waste disposal sites can only accept the types of waste which are approved for acceptance on their Environmental Protection Licence;
- Each Controlled Waste load must be accompanied by a Controlled Waste tracking form that describes the type of waste, where it was picked up from and the quantity of waste involved; and
- The site operator and the carrier are obliged to independently send copies of the Controlled Waste Tracking form to the DWER so that the information can be cross-matched to allow tracking of Controlled Waste from cradle to grave.

The licence issued will strictly limit the types of waste that can be accepted by the business and the waste tracking procedure will ensure that only the approved types of waste are delivered to the site. In the event that Aussie Organics seeks to change the list of liquid wastes that the site is approved to accept, this can only be achieved by having the site's licence amended. The amendment process is subject to public advertising on the DWER website allowing the Shire to have input on the application to alter waste types. In addition, Officers have recommended an

additional condition that restricts the types of controlled waste that can be brought onto the site in accordance with what has been described above.

Shire Officers are satisfied that the information provided as part of the development application demonstrates that any of the materials associated with the proposal will not enter the environment. All areas of hardstand are bunded and graded towards lined capture basins. A recommended condition of approval requires that this capture system has the capacity to contain a 1:20 ARI, above the DWER requirement of 1:10 ARI.

The proponent is required to conduct groundwater monitoring on a quarterly basis to the requirements of the DWER. In this case, it is recommended that monitoring findings are submitted to the Shire so that Officers can also monitor the findings. The monitoring requirements are set out in the draft Works Approval (OCM119.2/11/18) and include the installation of three monitoring bores in locations prescribed by the DWER and also shown on attachment (OCM119.2/11/18). The bores shall be drilled to a depth of at least 3.5m below the water table to ensure the monitoring is effective. The requirements for monitoring bores are contained within the DWER Water Quality Protection Note 30.

#### Management Plans

Comments were made at the 26 November 2018 Ordinary Council Meeting with regard to the imposition of conditions of a planning approval requiring management plans. Concerns were raised in relation to requiring a management plan through a condition instead of requiring the information up front to allow Officers to be able to make an informed decision.

It is common practice to request management plans as part of a planning condition whereby the information contained within the management plan does not relate to a material consideration that could impact on the overall determination. This practice is also documented in case law which Council can review as part of the confidential legal advice (OCM142.9/12/18).

In this case, the issues of noise, odour, dust, stormwater and the wetland have all been addressed within the information submitted as part of the development application. Further noise and odour assessments have been requested by way of conditions to ensure continued compliance so that residential amenity is maintained.

With regard to the wetland, the setback to this is considered acceptable however, a management plan goes further to ensure that the wetland is afforded protection. The stormwater management plan required is to address stormwater runoff from the buildings and access only. It is considered that the site is capable of containing the stormwater and the management plan will inform the Shire of the method in which it will be contained.

The management plans recommended by way of conditions are not considered to impact on the overall recommendation and the information already submitted demonstrates that the issues can be addressed. As the information required by way of condition is incidental to the information already provided, Officers consider that the conditions are valid and will not alter the development proposed or the Officer recommendation.

**Voting Requirements:** Simple Majority

OCM142/12/18 Updated Officer Recommendation:

That Council:

1. APPROVES the application submitted by Aussie Organics Garden Supplies for expansion of compost manufacturing and soil blending facility ('Industry – Noxious') as contained within

attachment OCM119.7/12/18 at Lot 815, 76 Punrak Road, Hopeland, 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	<p>Plans P1-P10 received at the Shire's Offices on 7 February 2018 and the following:-</p> <ul style="list-style-type: none"> <li>• Development Report prepared by Larry Smith Planning dated December 2017 (as amended)</li> <li>• Odour Assessments dated February 2015 and October 2016</li> <li>• Acoustic Assessment dated September 2018.</li> </ul>
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- b. The approval is for a maximum production capacity of 13,700 tonne per year (8,000 tonne per annum existing composting facility and 5,700 tonne per annum for expanded operations) only. No further production shall be carried out without prior approval of the Shire of Serpentine Jarrahdale.
- c. This approval shall only remain valid whilst the applicant/landowner can demonstrate to the Shire of Serpentine Jarrahdale that a Works Approval(s) and Licence issued by the Department of Water and Environmental Regulation under Part V of the Environmental Protection Act 1986 remains valid.
- d. Prior to commencement of works, plans showing the location and design of the proposed crossovers to Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The crossovers shall thereafter be constructed and maintained in accordance with the approved plans.
- e. The existing crossover is not permitted to be used to access the property in conjunction with activities relating to the composting facility and shall be signposted accordingly to the satisfaction and requirements of the Shire of Serpentine Jarrahdale.
- f. Prior to commencement of works hereby approved, engineering drawings shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The drawings shall demonstrate how vehicles used in conjunction with the proposal will achieve lane compliance at the intersection of Punrak Road and Karnup Road. Once approved, the intersection of Punrak Road and Karnup Road shall be upgraded in accordance with the approved drawings prior to commencement of operations.
- g. Prior to the operation of the development hereby approved, details of the upgrading of Punrak Road adjacent to the site entrance shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
- h. Prior to commencement of works, plans showing the location and design of warning/safety signage at access points onto Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The signage shall thereafter be installed in accordance with the approved plans.



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- i. Prior to operation of the works hereby approved, a minimum of 10 car parking bays shall be installed to a minimum compacted gravel standard and suitably drained and signposted to the satisfaction of the Shire of Serpentine Jarrahdale.
  - j. An Odour Impact Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:
    - i. An Odour Impact Assessment is to be undertaken which includes odour monitoring and analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance;
    - ii. An odour expert carrying out the audit shall be instructed by the Shire of Serpentine Jarrahdale;
    - iii. Should an Odour Impact Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
    - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional Odour Impact Assessment or analysis or measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding odour emissions.
  - k. An Acoustic Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:
    - i. An Acoustic Assessment is to be undertaken which includes noise monitoring and acoustic analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance with the Environmental Protection (Noise) Regulations 1997;
    - ii. An acoustic expert carrying out the noise audit shall be instructed by the Shire of Serpentine Jarrahdale;
    - iii. Should an Acoustic Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any noise level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
    - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional noise audits, acoustic analysis or noise measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding noise and or vibration emissions.
  - l. Prior to commencement of works, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.
  - m. Prior to commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Stormwater Management Plan.



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- n. A stormwater and runoff capture system for the composting facility shall be constructed to the satisfaction of the Shire of Serpentine Jarrahdale and capture water volume for a minimum 1:20 ARI rainfall event.
- o. The proponent is required to conduct groundwater monitoring on a quarterly basis to the requirements of the Department of Water and Environmental Regulation and monitoring findings shall be submitted to the Shire of Serpentine Jarrahdale. Should monitoring results demonstrate any form of contamination the applicant must:
- i. Cease all works onsite immediately and indefinitely until such time as groundwater monitoring demonstrates no further contamination;
  - ii. Liaise with the Department of Water and Environmental Regulation and undertake any actions necessary;
  - iii. Notify immediately the Shire of Serpentine Jarrahdale and all properties within 1km of Lot 815, 76 Punrak Road, Hopeland ;
- p. A technical report is to be provided from a suitably qualified professional in relation to groundwater levels to demonstrate that the development can achieve a 2m separation distance to the satisfaction of the Shire of Serpentine Jarrahdale.
- q. Prior to commencement of operations hereby approved, the applicant shall install a water tank with a minimum supply of 10,000l of water for firefighting purposes and that the tank shall be adequately signposted and fitted with access couplings to the satisfaction of the Shire of Serpentine Jarrahdale.
- r. Prior to the commencement of works, a Wetland Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Wetland Management Plan shall include a survey drawing indicating the development set back no less than 50m from the wetland. The approved Wetland Management Plan shall be adhered to thereafter.
- s. The storage, use and disposal of all chemicals including, but not limited to, hydrocarbons, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations and relevant legislation.
- t. Fuel storage shall be contained within lined storage tanks within on-site bunds to the approval of the Shire of Serpentine Jarrahdale, the fuel shall be for operation of extractive machinery only and not for the general refuelling of trucks.
- u. The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of the internal access roads and buildings set out on the attached approved plans, unless otherwise approved in writing by the Shire of Serpentine Jarrahdale.
- v. Prior to operation of the development hereby approved, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Landscaping Plan shall be implemented and maintained thereafter.
- w. No retailing/direct sales to the public is to be undertaken on the premises at any time.
- x. The permitted hours of operation for the development hereby approved shall be:
- Monday to Friday – 7.00am to 5.00pm;
  - Saturday – 7.00am to 1.00pm

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- y. No other controlled waste, other than grease trap waste, non-toxic salts or wastewater, as detailed in the Development Report prepared by Larry Smith Planning dated December 2017 (as amended) shall be brought onto the site. without prior approval from the Shire of Serpentine Jarrahdale.

Advice Notes:

- a. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- b. In relation to Condition F, the existing kerbing shall be removed and the road widened with 250mm compacted thickness of laterite/crushed granite/ferricrete aggregate. The widened intersection shall be paved with industrial mix asphalt in accordance with table 3.23 of the Institute of Public Works Engineering Australasia (IPWEA) Subdivisional Guideline. New semi mountable kerbing, in accordance with the Shire of Serpentine Jarrahdale standard specification, shall be installed as well as a median splitter island, signage and road markings.
- c. In respect of condition L, the Dust Management Plan is required to include details relating to removal of remaining material from overflow and evaporation basins, dust emissions and management from composting activities and details relating to soil stabilisation.
- d. In respect of condition V, the Landscaping Plan shall include a minimum three row buffer of vegetation (or combined arrangement) of screening/windbreak vegetation and earth bunding surrounding the development for the purpose of softening the visual impact of the development and assisting to mitigate potential emissions. Vegetation should be a mixture of native species providing screening and windbreak qualities at maturity.

Voting Requirements: Simple Majority

**OCM142/12/18 COUNCIL RESOLUTION**

Moved Cr Atwell, seconded Cr Rich

That Council:

1. **APPROVES** the application submitted by Aussie Organics Garden Supplies for expansion of compost manufacturing and soil blending facility ('Industry – Noxious') as contained within attachment OCM119.7/12/18 at Lot 815, 76 Punrak Road, Hopeland, subject to the following conditions:

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

Plans and Specifications	Plans P1-P10 received at the Shire's Offices on 7 February 2018 and the following:- <ul style="list-style-type: none"> <li>Development Report prepared by Larry Smith Planning dated December 2017 (as amended)</li> <li>Odour Assessments dated February 2015 and October 2016</li> <li>Acoustic Assessment dated September 2018.</li> </ul>
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b. The approval is for a maximum production capacity of 13,700 tonne per year (8,000 tonne per annum existing composting facility and 5,700 tonne per annum for expanded operations) only. No further production shall be carried out without prior approval of the Shire of Serpentine Jarrahdale.

c. This approval shall only remain valid whilst the applicant/landowner can demonstrate to the Shire of Serpentine Jarrahdale that a Works Approval(s) and Licence issued by the Department of Water and Environmental Regulation under Part V of the Environmental Protection Act 1986 remains valid.

d. Prior to commencement of works, plans showing the location and design of the proposed crossovers to Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The crossovers shall thereafter be constructed and maintained in accordance with the approved plans.

e. The existing crossover is not permitted to be used to access the property in conjunction with activities relating to the composting facility and shall be signposted accordingly to the satisfaction and requirements of the Shire of Serpentine Jarrahdale.

f. Prior to commencement of works hereby approved, engineering drawings shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The drawings shall demonstrate how vehicles used in conjunction with the proposal will achieve lane compliance at the intersection of Punrak Road and Karnup Road. Once

approved, the intersection of Punrak Road and Karnup Road shall be upgraded in accordance with the approved drawings prior to commencement of operations.

- g. Prior to the operation of the development hereby approved, details of the upgrading of Punrak Road adjacent to the site entrance shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
- h. Prior to commencement of works, plans showing the location and design of warning/safety signage at access points onto Punrak Road shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The signage shall thereafter be installed in accordance with the approved plans.
- i. Prior to operation of the works hereby approved, a minimum of 10 car parking bays shall be installed to a minimum compacted gravel standard and suitably drained and signposted to the satisfaction of the Shire of Serpentine Jarrahdale.
- j. An Odour Impact Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:

  - i. An Odour Impact Assessment is to be undertaken which includes odour monitoring and analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance;
  - ii. An odour expert carrying out the audit shall be instructed by the Shire of Serpentine Jarrahdale;
  - iii. Should an Odour Impact Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
  - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional Odour Impact Assessment or analysis or measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding odour emissions.
- k. An Acoustic Assessment is to be undertaken at the commencement of operations upon the site following construction to an initial production capacity of 5,700 tonnes per annum:

  - i. An Acoustic Assessment is to be undertaken which includes noise monitoring and acoustic analysis at locations determined by the Shire of Serpentine Jarrahdale, to assist in ensuring the developments compliance with the Environmental Protection (Noise) Regulations 1997;

- ii. An acoustic expert carrying out the noise audit shall be instructed by the Shire of Serpentine Jarrahdale;
  - iii. Should an Acoustic Assessment recommend that any measure(s) should be undertaken by the proponent to reduce any noise level or impact, the proponent shall comply with any such recommendation with all costs to be met by the proponent; and
  - iv. This condition does not prevent the Shire of Serpentine Jarrahdale from requiring the proponent to undertake additional noise audits, acoustic analysis or noise measurements at any time as directed, should the operations upon the site be altered or circumstances surrounding the development site change (i.e. construction of new dwellings within 1000m of the site) or should the Shire of Serpentine Jarrahdale receive a substantiated, author identified written complaint regarding noise and or vibration emissions.
- l. Prior to commencement of works, a Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.**
- m. Prior to commencement of works, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The development shall thereafter be carried out in accordance with the approved Stormwater Management Plan.**
- n. A stormwater and runoff capture system for the composting facility shall be constructed to the satisfaction of the Shire of Serpentine Jarrahdale and capture water volume for a minimum 1:20 ARI rainfall event.**
- o. The proponent is required to conduct groundwater monitoring on a quarterly basis to the requirements of the Department of Water and Environmental Regulation and monitoring findings shall be submitted to the Shire of Serpentine Jarrahdale. Should monitoring results demonstrate any form of contamination the applicant must:**
- i. Cease all works onsite immediately and indefinitely until such time as groundwater monitoring demonstrates no further contamination;
  - ii. Liaise with the Department of Water and Environmental Regulation and undertake any actions necessary;
  - iii. Notify immediately the Shire of Serpentine Jarrahdale and all properties within 1km of Lot 815, 76 Punrak Road, Hopeland ;
- p. A technical report is to be provided from a suitably qualified professional in relation to groundwater levels to demonstrate that the development can achieve a 2m separation distance to the satisfaction of the Shire of Serpentine Jarrahdale.**

- q. Prior to commencement of operations hereby approved, the applicant shall install a water tank with a minimum supply of 10,000l of water for firefighting purposes and that the tank shall be adequately signposted and fitted with access couplings to the satisfaction of the Shire of Serpentine Jarrahdale.
- r. Prior to the commencement of works, a Wetland Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Wetland Management Plan shall include a survey drawing indicating the development set back no less than 50m from the wetland. The approved Wetland Management Plan shall be adhered to thereafter.
- s. The storage, use and disposal of all chemicals including, but not limited to, hydrocarbons, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations and relevant legislation.
- t. Fuel storage shall be contained within lined storage tanks within on-site bunds to the approval of the Shire of Serpentine Jarrahdale, the fuel shall be for operation of extractive machinery only and not for the general refuelling of trucks.
- u. The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of the internal access roads and buildings set out on the attached approved plans, unless otherwise approved in writing by the Shire of Serpentine Jarrahdale.
- v. Prior to operation of the development hereby approved, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Landscaping Plan shall be implemented and maintained thereafter.
- w. No retailing/direct sales to the public is to be undertaken on the premises at any time.
- x. The permitted hours of operation for the development hereby approved shall be:
  - Monday to Friday – 7.00am to 5.00pm;
  - Saturday – 7.00am to 1.00pm
- y. No liquid waste shall be brought onto the site.

**Advice Notes:**

- a. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- b. In relation to Condition F, the existing kerbing shall be removed and the road widened with 250mm compacted thickness of laterite/crushed granite/ferricrete aggregate. The widened intersection shall be paved with industrial mix asphalt in accordance with table 3.23 of the Institute of Public Works Engineering Australasia (IPWEA) Subdivisional Guideline. New semi mountable kerbing, in accordance with the Shire of



Serpentine Jarrahdale standard specification, shall be installed as well as a median splitter island, signage and road markings.

- c. In respect of condition L, the Dust Management Plan is required to include details relating to removal of remaining material from overflow and evaporation basins, dust emissions and management from composting activities and details relating to soil stabilisation.
- d. In respect of condition V, the Landscaping Plan shall include a minimum three row buffer of vegetation (or combined arrangement) of screening/windbreak vegetation and earth bunding surrounding the development for the purpose of softening the visual impact of the development and assisting to mitigate potential emissions. Vegetation should be a mixture of native species providing screening and windbreak qualities at maturity.

**CARRIED 5/3**

*Reason for difference to Officers Recommendation*

*Condition y. was amended to address concerns regarding control of liquid waste and the environmental impact.*

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

**Councillors Rich, Atwell, Byas, Denholm and Piipponen voted FOR the motion.**

**Councillors Coales, McConkey and See, voted AGAINST the motion.**

***This item was deferred at the 26 November 2018 Ordinary Council Meeting to allow for additional information to be provided.***

***Additional information has been included at the end of the report.***

<b>OCM143/12/18 – Retrospective Transport Depot - Water Carting Business – Lot 200,125 Walker Road, Serpentine (PA18/392)</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> .

Proponent:	Donald Hollis – Water Force WA
Owner:	Paul Andrews
Date of Receipt:	13 May 2018
Lot Area:	4ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

## Report Purpose

The purpose of the report is for Council to consider a retrospective development application for a 'Transport Depot' at Lot 200, 125 Walker Road, Serpentine. The development is seeking approval for parking of Commercial Vehicles, which are associated with a water carting business and the storage of firefighting materials in a sea container.

The application is presented to Council, as Officers do not have delegation to determine development applications where objections received cannot be addressed through amendments to the proposal or conditions, in accordance with delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the application subject to conditions. Officers consider that the proposal is consistent with the planning framework and that potential offsite impacts can be mitigated and managed through the implementation of appropriate management plans.

## Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

## Background



Location Map

### Site Characteristics

The subject land, which is 4ha in area, has a 150m frontage to Walker Road. Walker Road forms the boundary between land zoned 'Rural' to the west and 'Rural Living A' to the east. Access to the site is via a driveway constructed of crushed blue metal. The site contains significant amounts of dense remnant vegetation located within a resource enhancement wetland, which traverses the northern portion of the site.

### Existing Development

The subject land is used for the operation of two 'Transport Depots', which involve parking of commercial vehicles. The 'Transport Depots' operate independently of each other and both are being presented to Council under separate reports. The Shire has not previously granted development approval for these 'Transport Depots' and as such, retrospective approval is sought.

The retrospective development subject of this report is a water carting business, which has been operating from this site for the past twenty-eight years. The business formally known as Don's Water's Supply is currently registered as Water Force WA. It is noted that there are no records of complaints received by the Shire during this period regarding operations of the business.

The business is primarily involved in supplying potable water to the local community. Water Force WA provides water to local rural industries that include but not limited to nursery and garden supplies, poultry farms, hobby farms and equestrian facilities. It also provides support to the Department of Fire Emergency Services (DFES) and the Department of Biodiversity Conservation and Attractions (DBCA) firefighting appliances. In addition, Water Force WA are the primary contractor for the Water Corporation, which respond to outages across the Perth Metropolitan Area.

#### Retrospective Development

The original development application, which was received by the Shire on 17 May 2018, comprised of the following details:

- Parking of at least six to seven commercial vehicles and two trailers;
- Storage of three twenty-foot commercial sea containers used for the storage of bottled water, water pumps, 'gen sets', firefighting foam agents (non-toxic) and hoses;
- Storage of six intermediate bulk containers for fresh water; and
- Use of an existing shed for storage.

Following comments received from nearby landowners and Government Agencies, on 19 September 2018, the applicant provided information to amend the application to reduce the number of commercial vehicles from seven to three. The amendment also proposes to remove two trailers, six intermediate bulk containers and two sea containers from site. As a result of the amendments, the application to be considered has the following details:

- Parking of three commercial vehicles;
- Storage of one sea container; and
- Use of an existing outbuilding for storage and staff amenities.

The 'Transport Depot' operates between the hours of 7.00am and 5.00pm Monday to Friday. The business also operates after hours and on weekends for incident call outs, which occur at an average of six calls in twelve months. The development plans can be viewed as attachment OCM121.1/11/18.

### **Community / Stakeholder Consultation**

#### Public Consultation

Advertising was undertaken to surrounding landowners within a radius of 400m for a period of 21 days between 10 July 2018 and 31 July 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

As a result of the consultation three submissions were received. One submission was in support of the proposal and the other two submissions objected to the application due to a number of concerns in relation to the proposal. The concerns raised are outlined and addressed in the report. A full summary of the submissions and the applicants response can be viewed as OCM121.2/11/18.



In summary the submissions raised the following concerns:

- Classification of the land use;
- Suitability of the land use with a 'Rural' zone;
- Compatibility of the land use in the 'Rural Policy' area as identified within the Rural Strategy review 2013;
- Potential amenity impacts of the proposal by way of noise and dust; and
- Potential impact of the proposal on the Resource Enhancement wetland area (UFI 4550).

### **Consultation with other Agencies or Consultants**

#### **Department of Biodiversity, Conservation and Attractions (DBCA)**

The application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site.

The department *noted that the* proposal was not directly impacting the adjoining *Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset*. It was also the Department's expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application. This matter is discussed further under the Environmental section 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**

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment
- 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 (LPP1.4)
- Local Planning Policy 4.2– Sea Container Policy (LPP4.2)

### **Planning Assessment**

A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in the Technical Assessment within

attachment OCM121.4/11/18. For the purposes of this report, the objections resulting in the proposal being presented to Council are discussed as well where Council is required to exercise discretion.

#### Land use

The proposed development is considered to fall under the use class of a 'Transport Depot' in accordance with Table I of Shire's Town Planning Scheme No.2 (TPS2). A 'Transport Depot' is an 'SA' use within this zone, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."*

The land use category 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

**Transport Depot** – *"means land or buildings designed or used for one or more of the following purposes:*

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

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

Officers are satisfied that the retrospective development which involves parking of commercial vehicles which are associated with a water carting business fits within section (a) of the above definition of a 'Transport Depot'. The storage of goods for firefighting materials and equipment in sea containers on site is incidental and forming part of the 'Transport Depot'.

#### Aims and Objectives of TPS2

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

The Zoning Table of TPS2 establishes the permissibility of different categories of rural land uses, as well as identifying other uses that may be considered as 'associated activities' that support the carrying out of 'rural pursuits' in the rural zone.

Officers consider that whilst a 'Transport Depot' cannot be described as a rural activity, in this particular case, the land use supports the carrying out of rural pursuits in the 'Rural' zone. The proposal operates commercial vehicles that facilitate supply of drinking water to the local community, supply of water to local rural industries such as nursery and garden supplies, poultry farms, hobby farms and equestrian facilities among others. It also supports essential services such as Department of Fire Emergency Services (DFES) and DBCA by supplying providing water to their firefighting appliances used within the local community. It is therefore appropriate to recommend approval for the 'associated activity' that supports the carrying out 'rural pursuits' in a 'Rural' zone.

Officers consider the use class to be of 'Transport Depot' to be consistent with purpose and intent of the of the 'Rural' zone as provided in TPS2 as this class is considered to be an associated activity that supports the carrying out of the rural pursuits in the rural zone.



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### Rural Strategy Review 2013

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. Walker Road forms the boundary between the land zoned 'Rural' to the west and land zoned 'Rural Living A' to the east. The policy area seeks to protect land for productive agriculture and preserve rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

The objectives of this policy area relevant to this proposal are:

- *"To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation."*

Officers have considered that the proposed land use can be supported in the policy area as the development will not impact on the agricultural capacity of the land due its size and scale. The subject site 4ha in area and a portion of this land is within a Resource Enhancement wetland. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that the proposal is an acceptable alternative to an agricultural use that supports the local rural community. The size and scale of the proposal is considered to be compatible with the general locality and does not detract from the character and rural lifestyle of the area or result in any degradation of land.

The application will not result in removal of any vegetation. The proposal is outside the buffer of the existing resource enhancement wetland and will not adversely impact on the water regime or result in any modification to the wetland habitat. Officers have considered that the proposal is not in conflict with the policy and can be approved.

### Amenity

*The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses)* provides guidance to proponents, responsible authorities and stakeholders on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land use conflicts. With regard to the proposed development, the generic separation distance that applies between 'Transport Depots' and sensitive land uses is 200m.

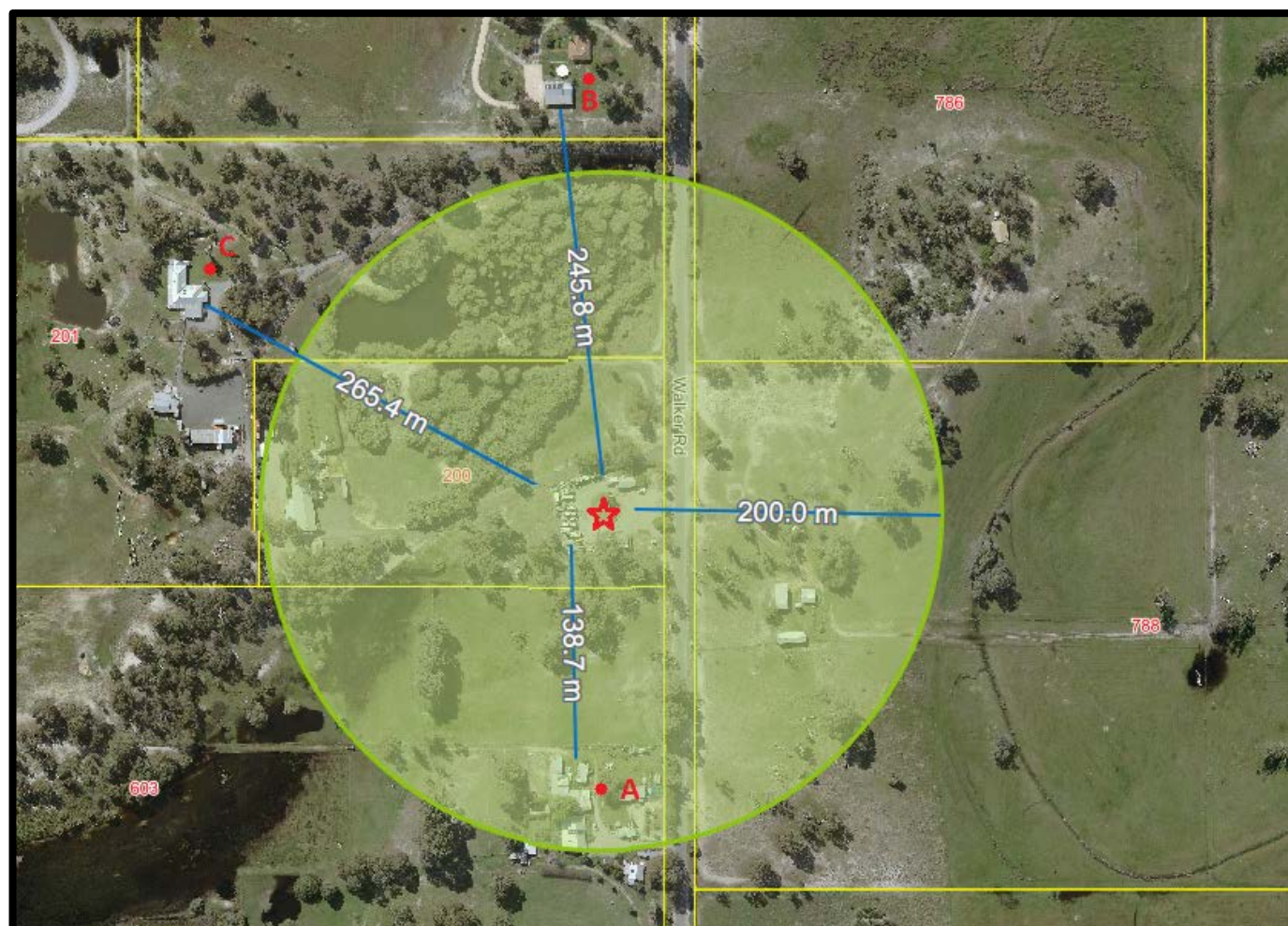
Clause 2.3 of the document defines a sensitive land use as:

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

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.

The map below identifies two sensitive receptors (two dwellings marked A) within the generic 200m buffer and two (marked C and D) outside the buffer as identified in Figure 1 below. In addition, land to the east of Walker Road is zoned 'Rural Living A' and can be further subdivided (subject to approval) to potentially a minimum of 4,000m<sup>2</sup> lots. Whilst Officers consider that in the future there may be more sensitive receptors (dwellings) within the 200m buffer, these lots have not been

developed with dwellings (sensitive land use) to be able to determine the extent of potential noise impacts. This has however been discussed in the report due to an objection that was received.



To assess potential noise impacts from the existing development, a Noise Assessment was submitted by the applicant which was prepared by Marshall Day Acoustic which can be viewed as attachment OCM121.3/11/18. The assessment modelled noise levels from vehicle movements from the 'Transport Depot' operations and its impact on existing noise sensitive receptors (dwellings). It also assessed noise impacts on potential future sensitive receptors (dwellings) on Lots 788, 791 and 786 Walker Road. It should also be noted that the operations from the other existing 'Transport Depot' located onsite was included in the modelling to ensure that cumulative impacts were measured.

In relation to the existing sensitive receptors, the Noise Assessment identified that vehicle movements do not impact the sensitive receptors (dwellings) as they comply with the assigned 55LAmax noise levels prescribed under the *Environmental Protection Noise Regulations 1997*. The report also indicates that as the proposal has the potential to operate afterhours for emergency call outs, noise emissions from vehicle movements and reversing beepers can impact the existing sensitive receptors. To manage this issue a condition of approval will be recommended for the applicant to submit a Noise Management Plan documenting procedures

that have to be implemented to reduce noise for afterhours vehicle movements. The plan is to be reviewed annually, and complied with at all times.

The Noise Assessment also identified that the afterhours noise emissions from vehicle movements has the potential to also impact future subdivision and development of dwellings on Lots 788 and 786 Walker Road. As discussed before, Council should note that the site is currently not developed. This matter has been discussed as an objection was received in this regard.

In order to address this, at the time of subdivision, Officers will recommend a layout that identifies larger lots immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement. This concept will be consistent with the Subdivision Guide Plan which was approved for Lot 791 Walker Road where larger 8000m<sup>2</sup> lot sizes were created adjoining Walker Road. Through this process, the Shire will have an opportunity to recommend the location of building envelopes further east within future lots to ensure that sensitive land uses (dwellings) are sufficiently set back from potential noise sources. In addition, Officers can also recommend at the subdivision stage that future dwellings within Lot 788 Walker Road incorporate quiet noise house designs.

In considering the above Officers are satisfied that the proposal can be recommended for approval given that trucks entering or leaving the site comply with the assigned noise levels under *Environmental Protection (Noise) Regulations 1997* for day time vehicle movements. As the proposal includes potential night-time movements, the report will also include a condition of approval limiting truck movements to be between the hours of 7.00am and 7.00pm to ensure compliance. After hours, operations will not be permitted unless there is an emergency call out to respond. The applicant has provided information that they have an average of six call outs in twelve months, which is considered a low risk. In order to restrict truck movements outside normal hours, Officers recommend a condition of approval requiring the applicant document all after hours movements and provide an annual report to the Shire.

#### State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to, *"protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values"*. The policy provides a planning framework that comprehensively considers rural land and compatibility between land uses.

The policy seeks to protect rural land by requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or Scheme. Notwithstanding that, a transport depot is not a rural land use, Officers do not consider the proposal be a change of use. The land use has been considered to be an associated activity that supports the carrying out of rural pursuits and as such is compatible with the surrounding land uses by way of size and scale. The proposed development will not prevent land from being used for rural purposes in the future.

In addition, the policy also states that where an area is transitioning from a 'Rural' zone to another zone ('Rural living A' in this case), buffers may be required to manage land use transition. Buffers will allow existing land uses to be continued without adversely impacting on existing receptors (dwellings) until such a time when the land use ceases or when relocation occurs. In that regard, as part of the subdivision process, Officers will recommend a layout that identifies larger lots immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement.



### Traffic Movements

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

Officers consider that truck movements associated with this proposal do not result in increased traffic on the local road network to require an upgrade of the existing crossover and Karnup/Walker Road intersection. However, a Traffic Impact Statement is recommended as a condition of approval to ensure that truck movements are legal and safe in accordance with the Road Traffic Code of Western Australia.

### Dust

Concerns were raised by submitters with regard to the generation of dust from the site having a detrimental impact on the amenity of neighbouring properties. The applicant advised that the hardstand and access ways are constructed of blue metal crush rock which is regularly maintained to minimise dust concerns. In addition, dust suppressing is also managed by spraying water on the hardstand and access ways using a water cart. Officers consider that the dust on site can be adequately managed and will not adversely impact on the amenity and character of the locality. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address potential dust concerns.

### Environmental Considerations

The application was referred to DBCA as a *Resource Enhancement Wetland Area (UFI 7550)* traverses the northern portion of the site. This is discussed under the Environmental Considerations section of the report.

A *Resource Enhancement wetland area (UFI 7550)* traverses the northern portion of the site and as such the application was referred to DBCA. The department provided the following comments:-

- *The department notes that while not directly impacting the adjoining Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset, the proposal is located in close proximity to the wetland boundary.*
- *The Environmental Protection Authority (EPA) Guidance 33 (Environmental Guidance for Planning and Development) outlines that “the EPA urges that all reasonable measures are taken to minimise the potential impacts on Resource Enhancement wetlands and appropriate buffers”, and that “wetlands that are to be protected require a minimum fifty metre buffer width”.*
- *It is noted that while much of the development site is located more than 50 metres from the mapped wetland boundary, the north west corner of the site is within 50 metres.*
- *It is recognised that the proposed development site has already been subject to development, and that there are existing buildings and infrastructure immediately adjoining other sections of the wetland.*
- *It is the department’s expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application.*

As recommended in the submission, Officers have assessed the proposal in accordance with WAPC's *Guideline for the determination of Wetland buffers requirements (2005)* and consider that the proposal will not adversely impact on the wetland.

The 'Transport Depot' is located more than 50m from the wetland boundary, its activities are unlikely to have a direct impact on the water regime or result in any modification to the wetland habitat. Officers consider that the proposal will not adversely impact on the wetland by way of diminishment of the wetland water quality, given that the location of the activities is not within the 50m wetland buffer.

The applicant provided information that mechanical servicing and heavy pressure washing of the vehicles will be carried out off site by various providers. As such, the proposal will not have an adverse impact on ground water by way of nutrients export to the Peel-Harvey Estuarine System. A condition is recommended, if approved, to ensure that no activities such as mechanical servicing are carried out at the subject site to ensure compliance with this guideline.

## Options and Implications

### Option 1

Council may resolve to approve the application subject to appropriate conditions.

### Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

## Conclusion

The application seeks retrospective approval for an existing 'Transport Depot' that has been operating for the past 28 years without development approval. Officers have considered that the potential off site impacts resulting from the proposal can be adequately addressed and mitigated through the implementation of management plans. It is considered the proposal is consistent with the planning framework and is therefore recommended for approval subject to conditions.

## Attachments

- [OCM121.1/11/18](#) - Development Plans(E18/12076)
- [OCM121.2/11/18](#) - Summary of Submissions (E18/12306)
- [OCM121.3/11/18](#) - Noise Assessment Report (IN18/24914)
- [OCM121.4/11/18](#) – Technical Assessment (E18/12259)
- OCM143.5/12/18 - **Confidential** - Legal Advice (E18/13748)

## 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.

## 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)
<b>Council refusing the application</b>	Possible (3)	Minor (2)	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **6** has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Simple Majority

OCM121/11/18 Officer Recommendation:

1. That Council approves the retrospective development application submitted by Donald Hollis of Water Force WA for a 'Transport Depot' on Lot 200, 125 Walker Road, Serpentine as contained with attachment OCM121.1/11/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	Plans P1-P2 received at the Shire's Offices on 21 May 2018 and the Noise Assessment dated 31 August 2018
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- b. A maximum of three Commercial Vehicles used in conjunction with the 'Transport Depot' hereby approved are permitted on the property at any one time.
- c. The approval is specific to the applicant only and does not run with the land.
- d. The Commercial Vehicles are not permitted to enter or exit the property before 7:00am and after 7:00pm Monday to Friday unless for an emergency call out. No Commercial Vehicles are permitted to enter or exit the property on Saturdays, Sundays or public holidays unless for an emergency call out.
- e. All Commercial Vehicle movements outside hours are limited for emergency call outs only. These movements must be documented, and reported annually to the Shire from the date of approval.
- f. The Commercial Vehicles are to be parked in the location shown on the approved site plan only and are not permitted to be parked adjacent to Walker Road or the verge at any time.
- g. A Noise Management Plan including, but not limited to, all recommendations contained within the Marshall Day Noise Assessment dated 31 August 2018 shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of this approval. The approved Noise Management plan is to be reviewed annually, and complied with at all times.
- h. A Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The approved Traffic Impact Statement shall be thereafter implemented in its entirety.
- i. A Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.
- j. Mechanical servicing, repairs, painting, wash down or degreasing of the Commercial Vehicles, in part or whole, is not permitted on the subject land at any time.

## Additional Information

### Management Plans

It is common practice to request management plans by way of a planning condition whereby the information contained within the management plan does not relate to a material consideration that could impact on the determination or materially alter the development proposed. This practice is also documented in a case law, which Council can review as part of the confidential legal advice in attachment Confidential OCM143.5/12/18.

### Noise Management Plan

The generation of noise is a material consideration when determining an application for a 'Transport Depot'. As discussed previously, a Noise Assessment was submitted as part of the application identifying noise levels of the operations and compliance with the *Environmental Protection (Noise) Regulations 1997*. The assessment also provided recommendations for noise management strategies to ensure that the proposal will not adversely impact on the amenity of the existing receptors identified in the Noise Assessment. The following strategies, which are to the satisfaction of Officers, will form the basis of the Noise Management Plan (NMP) as listed below:

- *"Any new equipment selections should favour the quietest reasonably available;*
- *Trucks should avoid reversing on site, particularly during night time hours. To assist with this, trucks should always be parked so that reversing is not required during emergency night-time callouts;*
- *Further to the above point, should reversing be necessary, trucks should be fitted with broadband reversing alarms rather than tonal beepers;*
- *Regular identification of noisy activities and adoption of improvement techniques;*
- *Defined procedure for handling noise complaints should they occur; and*
- *Truck activity on site prior to 7:00am should be minimised. Where practicable, regular truck movements should start after 7:00am."*

These strategies are considered to be reasonable and easily achieved without impacting the development and the determination. Officers consider that the issue of noise has been addressed within the information submitted as part of the development application. As such, the rationale of the condition requiring a NMP is to ensure continued compliance of the proposal with the *Environmental Protection (Noise) Regulations 1997* and to protect residential amenity.

Officers have now additionally recommended the following condition requiring the applicant to submit an annual audit report of the noise management plan:-

*"The applicant shall submit an annual audit report of the noise management plan to the satisfaction of the Shire of Serpentine Jarrahdale by 31 March each year. The audit shall include an internal review of the noise management plan recommendations including details of any complaints received and complaint responses."*

The rationale of this condition is to ensure that all complaints received are documented to allow the Shire to review the recommendations contained in the NMP to ensure best practice. This provides an additional mechanism for Officers to regulate noise from the operations.

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### The EPA Guidance Statement and proposed sensitive land uses

At the meeting concerns were raised regarding the application of the Environmental Protection Authority Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses (EPA Guidance Statement) in respect of 'proposed' sensitive land uses.

Council should note that the EPA Guidance Statement provides generic separation distances that are a tool that assist Officers in the determination of suitable distances between industry and sensitive land uses. These generic distances are not absolute as they only provide guidance in assessment of the risks to minimise or avoid land use conflicts.

Officers note that whilst the EPA Guidance Statement states that generic distances should be considered for both 'existing' or 'proposed' sensitive land uses, it does not define what is considered as 'proposed' sensitive development. The guidance does not specify whether 'proposed development' would only extend to developments that have reached a certain level of proposal, such as having been applied for, or approved by the Shire. In that regard, Officers do not consider that development is 'proposed' in this case as there is no certainty that it will ever occur. It is not reasonable to refuse the development based on the assumption that a sensitive land use may be capable of approval at some future stage.

Nevertheless, as an objection was received, the impact on potential future sensitive receptors was considered and, as stated in the previous report, there are reasonable mechanisms in which any impacts on future development can be managed.

### Traffic Impact Statement

In considering Clause 67(t) of the Deemed Provisions the Shire is required to have due regard to the Western Australian Planning Commission *Traffic Impact Assessment Guidelines Volume 4*. Officers would ordinarily request a Traffic Impact Statement (TIS) to be submitted prior to a determination. The TIA would assess impacts of the proposed vehicle movements from the transport depot on the road network and the capacity of the existing transport infrastructure to support the proposal. However, in this case, in giving due regard to the guidelines, Officers considered that as a result of the low volume of vehicle movements proposed, any potential impacts from the operations to the road network will be minimal and low risk. Therefore, Officers have requested the TIS to confirm compliance of the Walker Road crossover and lane compliance of vehicles at the Walker Road/Karnup Road intersection.

Furthermore, Officers are satisfied that any necessary improvements/modification works, which may be recommended by the TIS, will be of a minor nature and can be implemented without altering the development in respect of the approval. In acknowledging that the TIS requirement is an incidental component of the application, Officers consider it suitable to require a TIS to be submitted by way of a planning condition.

Council should also note that the retrospective 'Transport Depot' has been operating for the past 28 years and that there are no records of vehicle safety issues or complaints registered against the property.

### Dust Management Plan

The generation of dust from the site was raised as a concern during the consultation period. The applicant provided information that the hardstand and access ways are constructed of blue metal crushed rock, which is regularly maintained to minimise dust. In addition, dust suppression is proposed to be managed by spraying water on the hardstand and access ways using a water cart.

Whilst Officers are satisfied that dust can be adequately managed and will not adversely impact on the amenity of the locality, a condition requiring a Dust Management Plan (DMP) is recommended. The rationale of the condition is to ensure that dust suppression methods are documented and continued compliance can be ensured. As with the other management plans, the content of any DMP is incidental information and will not alter the development proposed or the Officer recommendation.

**Voting Requirements:** Simple Majority

**OCM143/12/18 COUNCIL RESOLUTION / Updated Officer Recommendation:**

**Moved Cr Coales, seconded Cr Denholm**

**1. That Council APPROVES the retrospective development application submitted by Donald Hollis of Water Force WA for a 'Transport Depot' on Lot 200, 125 Walker Road, Serpentine as contained with attachment OCM121.1/11/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* 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.**

<b>Plans and Specifications</b>	<b>P1-P2 received at the Shire's Offices on 21 May 2018 and Noise Assessment dated 31 August 2018</b>
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- b. A maximum of three Commercial Vehicles used in conjunction with the 'Transport Depot' hereby approved are permitted on the property at any one time.**
- c. The approval is specific to the applicant only and does not run with the land.**
- d. The Commercial Vehicles are not permitted to enter or exit the property before 7:00am and after 7.00pm Monday to Friday unless for an emergency call out. No Commercial Vehicles are permitted to enter or exit the property on Saturdays, Sundays or public holidays unless for an emergency call out.**
- e. All Commercial Vehicle movements outside hours are limited for emergency call outs only. These movements must be documented, and reported annually to the Shire from the date of approval.**
- f. The Commercial Vehicles are to be parked in the location shown on the approved site plan only and are not permitted to be parked adjacent to Walker Road or the verge at any time.**
- g. A Noise Management Plan including, but not limited to, all recommendations contained within the Marshall Day Noise Assessment dated 31 August 2018 shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of this approval of this approval and thereafter implemented in its entirety.**

- 
- h. The applicant shall submit an annual audit report of the noise management plan to the satisfaction of the Shire of Serpentine Jarrahdale by 31 March each year. The audit shall include an internal review of the noise management plan recommendations including details of any complaints received and complaint responses.**
  - i. A Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The approved Traffic Impact Statement shall be thereafter implemented in its entirety.**
  - j. A Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.**
  - k. Mechanical servicing, repairs, painting, wash down or degreasing of the Commercial Vehicles, in part or whole, is not permitted on the subject land at any time.**

**CARRIED UNANIMOUSLY 8/0**

***This item was deferred at the 26 November 2018 Ordinary Council Meeting to allow for additional information to be provided.***

***Additional information has been included at the end of the report.***

OCM144/12/18 - Retrospective Transport Depot, Prime Movers – Lot 200,125 Walker Road, Serpentine (PA18/519)	
<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> .

Proponent:	Paul Andrews
Owner:	Paul Andrews
Date of Receipt:	20 July 2018
Lot Area:	4ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

## Report Purpose

The purpose of the report is for Council to consider a retrospective development application for a 'Transport Depot' at Lot 200, 125 Walker Road, Serpentine. The development is seeking retrospective approval for the parking of two Commercial Vehicles (prime-movers) for the purposes of providing fuel to farmers, small businesses and Local Governments within Western Australia.

The application is presented to Council, as Officers do not have delegation to determine development applications where objections raised cannot be addressed through amendments to the development or conditions, in accordance with delegation 11.1.1 – Determination of Development Applications.

The report recommends that Council approve the application subject to conditions. Officers consider that the proposal is consistent with the planning framework and that potential offsite impacts can be mitigated and managed through the implementation of appropriate management plans.

## Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



## Background



**Location Map**

### Site Characteristics

The subject land, which is 4ha in area, has a 150m frontage to Walker Road. Walker Road forms the boundary between land zoned 'Rural' to the west and 'Rural Living A' to the east. Access to the site is via a driveway constructed of crushed blue metal. The site contains significant amounts of dense remnant vegetation located within a resource enhancement wetland, which traverses the northern portion of the site.

### Existing Development

The subject site is used for the parking of commercial vehicles. The site contains two 'Transport Depots', both of which will be presented to Council under separate reports. These 'Transport Depots' operate independently of each other.

The site contains an existing outbuilding with a total floor area of 384m<sup>2</sup> and a ridge height of 5m. In addition, the site has a hardstand area and truck parking area of 779m<sup>2</sup>.

The Shire has not previously granted development approval for these 'Transport Depots' and as such, retrospective approval is sought.

### Retrospective Development

The applicant provided information that the commercial vehicles, trading as Oil Tech Fuel, deliver fuel directly to farmers, small business and various Local Government depots within Western Australia. 'The Transport Depot' has been operating from this site for the past ten years.

The retrospective development proposed the following details:

- Parking of two prime movers with trailers with total length of nine metres;
- Storage of three fuel tankers; and
- Outbuilding for storage and staff amenities including a lunch room, toilet and wash basin.

The 'Transport Depot' operates between the hours of 7:00am and 5:00pm Monday to Friday. Trucks depart from the site on Monday and return to site on Thursday or Friday when all deliveries are completed. No fuelling of trucks is undertaken on the subject site. The development plans can be viewed as attachment OCM122.1/11/18.

### **Community / Stakeholder Consultation**

#### Public Consultation

Advertising was undertaken to surrounding landowners within a radius of 400m for a period of 21 days between 8 August 2018 and 30 August 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

As a result of the consultation four submissions were received. Two submitters were in support of the proposal while two submitters representing landowners adjoining the subject site to the east objected to the proposal raising a number of concerns. The concerns raised are outlined and addressed in the report. A full summary of the submissions and the applicants response can be viewed as attachment OCM122.2/11/18.

In summary the submissions raised the following concerns:

- Suitability of the land use with a 'Rural' zone;
- Compatibility of the land use in the 'Rural Policy' area as identified within the Rural Strategy review 2013;
- Potential amenity impacts of the proposal by way of noise and dust; and
- Potential impact of the proposal on the Resource Enhancement wetland area (UFI 4550).

### **Consultation with other Agencies**

#### Department of Biodiversity, Conservation and Attractions (DBCA)

The application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site. The department provided the following comments:-

- *The department notes that while not directly impacting the adjoining Resource Enhancement wetland area (UFI 7550) as mapped in the Geomorphic Wetlands (Swan Coastal Plain) dataset, the proposal is located in close proximity to the wetland boundary.*

- *The Environmental Protection Authority (EPA) Guidance 33 (Environmental Guidance for Planning and Development) outlines that “the EPA urges that all reasonable measures are taken to minimise the potential impacts on Resource Enhancement wetlands and*
- *appropriate buffers”, and that “wetlands that are to be protected require a minimum fifty metre buffer width”.*
- *It is noted that while much of the development site is located more than 50 metres from the mapped wetland boundary, the north west corner of the site is within 50 metres.*
- *It is recognised that the proposed development site has already been subject to development, and that there are existing buildings and infrastructure immediately adjoining other sections of the wetland.*
- *It is the department’s expectation that the Shire will consider the risk of the wetland being impacted as part of its assessment of the application.*

As recommended in the submission from DBCA Officers assessed the proposal in accordance with WAPC’s *Guideline for the determination of Wetland buffers requirements (2005)* and consider that the proposal will not adversely impact on the wetland. The ‘Transport Depot’ is located more than 50 metres from the wetland boundary, its activities are unlikely to have a direct impact on the water regime or result in any modification to the wetland habitat. Given that, the proposal does not propose any activities within the wetland buffer, Officers have considered that the proposal has a low risk or potential for causing a diminishment of the wetland water quality.

## Statutory Environment

### Legislation

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

### State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment
- 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 (LPP1.4)



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## Planning Assessment

A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within the Technical Assessment in attachment OCM122.4/11/18. For the purposes of this report, the objections resulting in the proposal being presented to Council are discussed as well as where Council is required to exercise discretion

### Land use

The proposed development is considered to fall under the use class of a 'Transport Depot' in accordance with Table I of the Shire's Town Planning Scheme No.2 (TPS2). A 'transport depot' is an 'SA' use within this zone, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions."*

The land use category 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

**Transport Depot** – *"means land or buildings designed or used for one or more of the following purposes:*

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

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

Officers are satisfied that the proposed retrospective development which involves parking of two prime movers fits within section (a) of the above definition of a Transport Depot.

### Aims and Objectives of TPS2

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

Officers consider that whilst a 'Transport Depot' cannot be described a rural activity, the land use supports the carrying out of rural pursuits by providing fuel directly to farmers, small business within and outside the locality of Serpentine Jarrahdale Shire. In that regard, Officers consider in this particular case, the land use supports the carrying out of rural pursuits by providing a service for rural activities by providing fuel to farmers. Regardless, a 'Transport Depot' is a land use that can be considered in the subject zone in accordance with TPS2.

The key consideration of this proposal is the scale of the activities and the impact on the amenity within the 'rural' zone. In this instance, it is considered that amenity impacts can be mitigated by way of conditions.

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### Rural Strategy Review 2013

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. Walker Road forms the boundary between the land zoned 'Rural' to the west and land zoned 'Rural Living A' to the east. The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

The objectives of this policy area relevant to this proposal are:

- *"To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation."*

Officers have considered that the proposed land use can be supported in the policy area as the proposed development will not impact on the agricultural capacity. It is considered that the subject site, which is 4ha in area is of size that would not unreasonably reduce land available for agricultural activities. In addition, the site is already environmentally constrained by the existing Resource Enhancement wetland, which limits agricultural practices that can be permitted on site. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that the proposal is an acceptable alternative to agriculture that supports the local rural community. The proposal is of low intensity, small scale and not visually intrusive. It is therefore considered that the proposal does not adversely impact on the rural lifestyle or character of the area.

The proposal does not propose removal of any vegetation and would not adversely impact on the wetland. It is therefore considered that the proposal is consistent with the objectives of the Rural Strategy Review 2013.

### Amenity

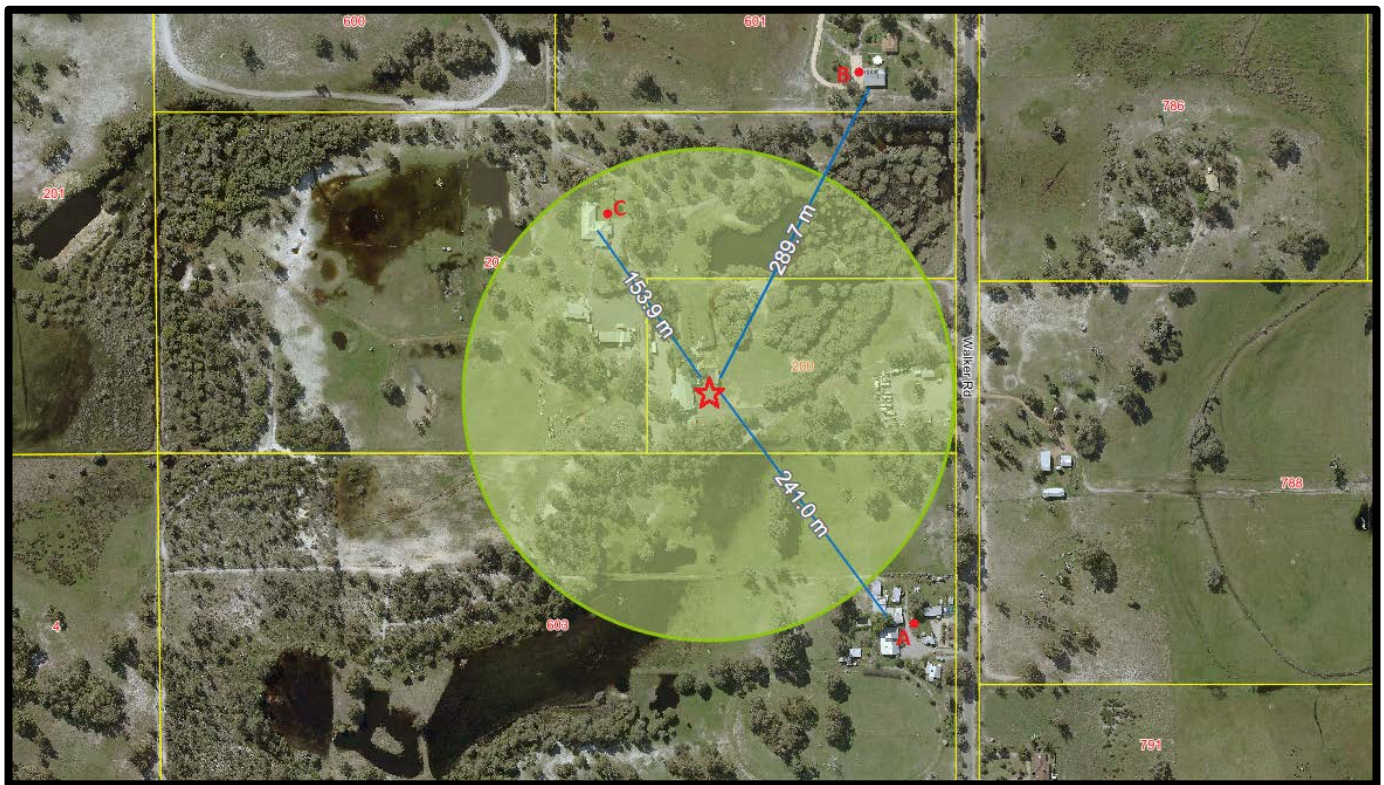
The Environmental Protection Authority's Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses, guides appropriate separation distances between 'Transport Depots' and sensitive land uses (dwellings).

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

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

Where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable amenity impacts.

The map below identifies one sensitive receptor (dwelling marked C) within the generic 200m buffer and two just outside of 200m as identified in Figure 1 below (A and B). In addition, land to the east of Walker Road is zoned 'Rural Living A' and can be further subdivided (subject to approval) to potentially a minimum of 4,000m<sup>2</sup> lots increasing sensitive receptors (dwellings) within the 200m buffer. Whilst Officers consider that the impact on future sensitive receptors (dwellings) should not be a consideration when determining an application, this issue is addressed in the report as an objection was received regarding this matter.



**Figure 1**

To assess noise impacts from the existing development, a Noise Assessment was submitted by the applicant which was prepared by Marshall Day Acoustic which can be viewed as attachment OCM122.3/11/18. The assessment modelled noise levels from vehicle movements from the 'Transport Depot' operations and its impact on existing noise sensitive receptors (dwellings). It also assessed noise impacts on potential future sensitive receptors (dwellings) at Lots 788, 791 and 786 Walker Road. The operations from the other existing 'Transport Depot' located onsite was also included in the modelling to ensure that cumulative impacts were measured.

The assessment concluded that noise levels are compliant with the *Environmental Protection (Noise) Regulations 1997*. The Noise Assessment, however, also identified that the future subdivision and development of dwellings on Lots 788 and 786 Walker Road may be impacted by noise emissions from semi-trailers entering and leaving the site at all times as part of the operations of the existing 'Transport Depot'.

Council should note that, although these lots have subdivision potential there is currently no subdivision approval granted over the site by the Western Australia Planning Commission. As stated before these lots have not been developed with dwellings. Potential noise impacts for future dwellings have been discussed as an objection was received in this regard.

Shire Officers consider that this issue can be adequately addressed when a subdivision application is submitted as there is an opportunity to recommend a layout that will reduce noise impact to future dwellings on the site. Officers will recommend a subdivision layout that identifies transition lots from the 'Rural' to 'Rural Living A' zones which are considerably larger than the average 'Rural Living A' lots. This concept is consistent with the subdivision, which was approved for Lot 791 Walker Road where larger lots with an average of 8000m<sup>2</sup> abut Walker Road. This will provide the opportunity for building envelopes to be located further east of the lots to ensure that



sensitive land uses (dwellings) are sufficiently set back from potential noise sources subject to this application.

Based on the information provided, Officers have considered that impacts related to noise from truck movements will not unduly impact on the adjoining neighbours due to the scale of the operations. The trucks depart the site on a Monday returning on a Thursday or Friday. As such, the average truck movement is four trips per week in total for both trucks. It is not considered that four trips per week will adversely impact on the amenity of the locality. A condition limiting vehicle movements between the hours of 7am and 7pm will also be recommended with no movements permitted on the weekends or public holidays.

A Noise Management Plan will also be conditioned to be submitted to the Shire for approval and thereafter implemented to ensure that the operations of the 'Transport Depot' comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The Noise Management Plan must include the management measures contained within the Noise Assessment prepared by Marshall Day Acoustics as follows:

- *"Any new equipment selections should favour the quietest reasonably available;*
- *Trucks should avoid reversing on site, particularly during night time hours. To assist with this, trucks should always be parked so that reversing is not required during emergency night-time callouts;*
- *Further to the above point, should reversing be necessary, trucks should be fitted with broadband reversing alarms rather than tonal beepers;*
- *Regular identification of noisy activities and adoption of improvement techniques;*
- *Defined procedure for handling noise complaints should they occur; and*
- *Truck activity on site prior to 7:00am should be minimised. Where practicable, regular truck movements should start after 7:00am."*

The condition will require that plan is to be reviewed annually and complied with at all times.

#### State Planning Policy 2.5 – Rural Planning

The purpose of this policy is to, *"protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values"*. The policy provides a planning framework that comprehensively considers rural land and compatibility between land uses.

The policy seeks to protect rural land by requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or Scheme. Notwithstanding that, a transport depot is not a rural land use, Officers do not consider the proposal be a change of use. The land use have been considered to be an associated activity that supports the carrying out of rural pursuits and such is compatible with the surrounding land uses by way of size and scale. The proposed development will not prevent land from being used for rural purposes in future.

In addition, the policy also states that where an area is transitioning from a rural zone to other zones (Rural living A zone in this case) buffers may be required to manage land use transition. Buffers will allow existing land uses to be continued without adversely impacting existing receptors (dwellings) until such a time when the land use ceases or when relocation occurs. In that regard, at subdivision stage, Officers will recommend a layout that identifies larger lots

immediately abutting Walker Road in order to create a transition and buffer area from the 'Rural' to 'Rural Living A' settlement.

#### Traffic Movements

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

Officers consider that truck movements associated with this proposal do not result in increased traffic on the local road network to require an upgrade of the existing crossover and Karnup / Walker Road intersection. However, a Traffic Impact Statement is recommended as a condition of approval to ensure that truck movements are legal and safe in accordance with the Road Traffic Code of Western Australia.

#### Dust

Concerns were raised by submitters with regard to the generation of dust from the site. The applicant advised that the yard surface which is made up of blue metal crushed rock is regularly maintained to minimise dust. Officers consider that the dust on site can be adequately managed so as to not adversely impact on the amenity of neighbouring properties. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address these concerns.

#### Environmental Considerations

The application was referred to DBCA as a Resource *Enhancement wetland area (UFI 7550)* traverses the northern portion of the site. The DBCA noted that whilst the proposal is located in close proximity to the wetland boundary it would not directly impact on the Resource Enhancement wetland area.

Clause 67(o) of the deemed provisions indicates that due regard should be given to the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource. Officers consider that the proposal is not in conflict with this provision. EPA Guidance *Statement No 33 – Environmental Guidance for Planning and Development* indicates that CCWs should be fully protected and that buffers should be a minimum of 50m width. The proposal is outside this buffer and therefore complies with the policy.

The applicant provided information that the business operates under a strict fleet maintenance programme where mechanical servicing and heavy pressure washing of the vehicles is carried out off site. As such, it is considered that the proposal will not have an adverse impact on ground water by way of nutrients export to the Peel-Harvey Estuarine System by way of nutrient export as the subject site is located within the Peel-Harvey catchment area. A condition is recommended, if approved, to ensure that no such activities such as mechanical servicing are carried out at the subject site to ensure compliance with this policy.

Officers consider that the that the proposal will not adversely impact on the wetland given that the location of the activities is not within the 50m wetland buffer.

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## Options and Implications

### Option 1

Council may resolve to approve the application subject to appropriate conditions.

### Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

## Conclusion

The application seeks approval for an existing 'Transport Depot' that has been carried out for ten years without development approval. Officers acknowledge that the proposal has the potential to result in offsite impacts by way of noise and dust. However, it is considered that these impacts can be mitigated and managed through appropriate management plans. These management plans have the ability to ensure that the proposal does not adversely impact on the amenity of surrounding landowners.

It is considered that the proposal is consistent with the planning framework and therefore is recommended for approval subject to conditions.

- [OCM122.1/12/18](#) – Development Plans (E18/12227)
- [OCM122.2/11/18](#) – Summary of Submissions Plan (E18/12231)
- [OCM122.3/11/18](#) – Noise Assessment Plan (IN18/24914)
- [OCM122.4/11/18](#) – Technical Assessment (E18/12252)
- OCM144.5/12/18 – **Confidential** Legal Advice (E18/13748)

## 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.

## 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 refusing the application	Possible (3)	Minor (2)	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM122/11/18 Officer Recommendation:

1. That Council approves the retrospective development application submitted by Paul Andrews for a 'Transport Depot' on Lot 200, 125 Walker Road, Serpentine as contained with attachment OCM122.1/11/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* 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.



## Ordinary Council Meeting Minutes Monday 17 December 2018

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Plans and Specifications	Plans P1-P2 received at the Shire's Offices on 30 July 2018 and the Noise Assessment dated 31 August 2018
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- b. A maximum of two Commercial Vehicles (prime-movers) used in conjunction with the 'Transport Depot' hereby approved are permitted on the property at any one time.
- c. The approval is specific to the applicant only and does not run with the land.
- d. The commercial vehicles are not permitted to enter or exit the property before 7.00am and after 7.00pm Monday to Friday. No Commercial vehicles are permitted to enter or exit the property on Saturdays, Sundays or public holidays.
- e. The Commercial Vehicles are to be parked in the location shown on the approved site plan only and are not permitted to be parked adjacent to Walker Road or the verge at any time.
- f. A Noise Management plan including but not limited to all recommendations contained within the Marshall Day Noise Assessment dated 31 August 2018 shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of this approval. The approved Noise Management plan is to be reviewed annually, and complied with at all times.
- g. A Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The approved Traffic Impact Statement shall be thereafter implemented in its entirety.
- h. A Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.
- i. Mechanical servicing, repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, is not permitted on the subject land at any time.





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**Additional Information****Management Plans**

It is common practice to request management plans as part of a planning condition whereby the information contained within the management plan does not relate to a material consideration that could impact on the determination or materially alter the development proposed. This practice is also documented in a case law, which Council can review as part of the confidential legal advice in attachment OCM144.5/12/18.

**Noise Management Plan**

The generation of noise is a material consideration when determining an application for a 'Transport Depot'. As discussed previously, a Noise Assessment was submitted as part of the application identifying noise levels of the operations and compliance with the *Environmental Protection (Noise) Regulations 1997*. The assessment also provided recommendations for noise management strategies to ensure that the proposal will not adversely impact on the amenity of the existing receptors identified in the Noise Assessment. The following strategies, which are to the satisfaction of Officers, will form the basis of the Noise Management Plan (NMP) as listed below:

- *"Any new equipment selections should favour the quietest reasonably available;*
- *Trucks should avoid reversing on site, particularly during night time hours. To assist with this, trucks should always be parked so that reversing is not required during emergency night-time callouts;*
- *Further to the above point, should reversing be necessary, trucks should be fitted with broadband reversing alarms rather than tonal beepers;*
- *Regular identification of noisy activities and adoption of improvement techniques;*
- *Defined procedure for handling noise complaints should they occur; and*
- *Truck activity on site prior to 7:00am should be minimised. Where practicable, regular truck movements should start after 7:00am."*

These strategies are considered to be reasonable and easily achieved without impacting the development and the determination. Officers consider that the issue of noise has been addressed within the information submitted as part of the development application. As such, the rationale of the condition requiring a NMP is to ensure continued compliance of the proposal with the *Environmental Protection (Noise) Regulations 1997* and to protect residential amenity.

Officers have now additionally recommended the following condition requiring the applicant to submit an annual audit report of the noise management plan:-

*"The applicant shall submit an annual audit report of the noise management plan to the satisfaction of the Shire of Serpentine Jarrahdale by 31 March each year. The audit shall include an internal review of the noise management plan recommendations including details of any complaints received and complaint responses."*

The rationale of this condition is to ensure that all complaints received are documented to allow the Shire to review the recommendations contained in the NMP. This provides an additional mechanism for Officers to regulate noise from the operations.



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### The EPA Guidance Statement and proposed sensitive land uses

At the meeting concerns were raised regarding the application of the Environmental Protection Authority Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses (EPA Guidance Statement) in respect of 'proposed' sensitive land uses.

Council should note that the EPA Guidance Statement provides generic separation distances that are a tool that assist Officers in the determination of suitable distances between industry and sensitive land uses. These generic distances are not absolute as they only provide a guidance in assessment of the risks to minimise or avoid land use conflicts.

Officers note that whilst the EPA Guidance Statement states that generic distances should be considered for both 'existing' or 'proposed' sensitive land uses, it does not define what is considered as a 'proposed' sensitive development. The guidance does not specify whether 'proposed development' would only extend to developments that have reached a certain level of proposal, such as having been applied for, or approved by the Shire. In that regard, Officers do not consider that development is 'proposed' in this case as there is no certainty that it will ever occur. It is not reasonable to refuse the development based on the assumption that a sensitive land use may be capable of approval at some future stage.

Nevertheless, as an objection was received, the impact on potential future sensitive receptors was considered and as stated in the previous report there are mechanisms in which impacts can be managed on any future proposals.

### Traffic Impact Statement

In considering Clause 67(t) of the Deemed Provisions the Shire is required to have due regard to the Western Australian Planning Commission *Traffic Impact Assessment Guidelines Volume 4*. As such, Officers would ordinarily request a Traffic Impact Statement (TIS) to be submitted for assessment prior to the determination of an application in order to assess a number of safety issues, including lane compliance of vehicles. However, in giving due regard to the guideline, Officers considered that as a result of the proposed vehicle movements, the impacts resulting from the operations on the road network are minimal and low risk. Officers therefore consider the proposal will not adversely impact the capacity of the road system in the locality.

Furthermore, Officers are satisfied that any necessary improvements/modification works, which may be recommended by the TIS, will be of a minor nature and can be implemented without altering the development. In acknowledging that the TIS requirement is an incidental component, Officers consider it suitable to require TIS to be submitted by way of a planning condition.

Council should also note that the retrospective Transport Depot has been operating for the past 10 years and that there are no record of vehicle safety issues or complaints registered against the property.

### Dust Management Plan

The generation of dust from the site was raised as a concern during the consultation period. With regard to this proposal dust issues are considered to be very minimal as the access way from Walker Road to the hardstand where the vehicles is bitumised.

Whilst Officers are satisfied that dust can be adequately managed and it will not adversely impact on the amenity of the locality, a condition requiring a Dust Management Plan (DMP) is recommended. The rationale of the condition is to ensure that dust suppression methods are documented and continued compliance can be ensured. As with the other management plans,



the content of any DMP is incidental information and will not alter the development proposed or the Officer recommendation.

### Bushfire Risk

The storage of fuel tankers on site was raised as a concern during the consultation period and further in the deputation to Council at the 26 November 2018 Meeting. The operations of the Transport Depot involve vehicles departing from the site on Monday to fill the tankers off site and returning, on either Thursday or Friday once deliveries have been completed. The trucks return with empty tankers and there is no storage of commercial fuel on site. However, in order to address concerns that were raised, a condition of approval is now being proposed to ensure that fuel storage shall not be permitted on site.

Further, the deputation raised the issue that a Bushfire Management Plan (BMP) is required to be prepared as the subject site is located within a bushfire prone area. Officers considered this as part of the original assessment and as there is no fuel storage provisions as part of the application, it does not fall within the high risk category of the Guidelines for Planning in Bushfire Prone Areas which states that:

*“High-risk land uses may include, but are not limited to: service stations, landfill sites, bulk storage of hazardous materials, fuel depots and certain heavy industries as well as military bases, power generating land uses, saw-mills, highways and railways, among other uses meeting this definition”.*

To this end, the parking of commercial vehicles is not deemed to be a high-risk land use and therefore a BMP is not required. Notwithstanding this, the applicant provided information that there are three existing water tanks on site for firefighting purposes. Officers are satisfied that concerns raised regarding bushfire risk have been adequately addressed.

**Voting Requirements:** Simple Majority

### **OCM144/12/18 COUNCIL DECISION / Updated Officer Recommendation:**

#### **Moved Cr Coales, seconded Cr Denholm**

**1. That Council APPROVES the retrospective development application submitted by Paul Andrews for a ‘Transport Depot’ on Lot 200, 125 Walker Road, Serpentine as contained with attachment OCM122.1/11/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* 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.**

<b>Plans and Specifications</b>	<b>Plans P1-P2 received at the Shire’s Offices on 30 July 2018 and the Noise Assessment dated 31 August 2018</b>
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- b. A maximum of two Commercial Vehicles (prime-movers) used in conjunction with the ‘Transport Depot’ hereby approved are permitted on the property at any one time.**



- c. The approval is specific to the applicant only and does not run with the land.**
- d. The commercial vehicles are not permitted to enter or exit the property before 7.00am and after 7.00pm Monday to Friday. No Commercial vehicles are permitted to enter or exit the property on Saturdays, Sundays or public holidays.**
- e. The Commercial Vehicles are to be parked in the location shown on the approved site plan only and are not permitted to be parked adjacent to Walker Road or the verge at any time.**
- f. A Noise Management plan including but not limited to all recommendations contained within the Marshall Day Noise Assessment dated 31 August 2018 shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 60 days of this approval and thereafter implemented in its entirety.**
- g. The applicant shall submit an annual audit report of the noise management plan to the satisfaction of the Shire of Serpentine Jarrahdale by 31 March each year. The audit shall include an internal review of the noise management plan recommendations including details of any complaints received and complaint responses.**
- h. A Traffic Impact Statement shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The approved Traffic Impact Statement shall be thereafter implemented in its entirety.**
- i. A Dust Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale within 28 days of the approval. The development shall thereafter be carried out in accordance with the approved Dust Management Plan.**
- j. Mechanical servicing, repairs, painting, wash down or degreasing of the commercial vehicles, in part or whole, is not permitted on the subject land at any time.**
- k. The commercial Storage of fuel is not permitted on the subject land at any time.**

**CARRIED UNANIMOUSLY 8/0**

**OCM145/12/18 – Proposed Scheme Amendment No.206 – Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford – Rezoning from ‘Rural’ to ‘Rural Living A’ – Final Determination (PA17/1096)**

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

Proponent: Harley Dykstra on behalf of Goldlight Asset Pty Ltd  
Owner: D & R Walsh and Asterdell Corporation P/L  
Date of Receipt: 21 December 2017  
Lot Area: 48.673ha  
Town Planning Scheme No 2 Rural  
Zoning: Rural  
Metropolitan Region Scheme Rural  
Zoning: Rural

**Report Purpose**

The purpose of this report is for Council to consider the submissions received during the public consultation period for Scheme Amendment No.206 (the amendment) and to determine whether to support the proposed amendment to the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS2). The proposed amendment seeks to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from 'Rural' to 'Rural Living A' under the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS2).

Officers recommend that Council support the proposed Scheme Amendment No.206, subject to modifications, in accordance with r50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regs)*.





Figure 1 – Locality Plan

### Relevant Previous Decisions of Council

OCM032/04/18– Council resolved to proceed to advertise the subject application, in accordance with the process for a ‘standard’ amendment, as per regulation 47 of the Regs.

### Background

#### Existing Development

Lot 2 Thomas Road (35.1ha) and Lot 4 (13.5ha) Kargotich Road, Oakford (the subject site), have a combined total area of 48.673ha. Both sites accommodate three dwellings and a number of associated outbuildings.

The subject site is serviced by Thomas Road to the north, Kargotich Road to the west, Byford Meadows Drive to the South and to the east is Jersey Road.

Across the site is a 60m easement for the benefit of the State Energy Commission of Western Australia, which contains high-voltage power line infrastructure.

Lot 4 Kargotich Road is affected by a drainage easement for the benefit of the Shire of Serpentine Jarrahdale (the Shire), located along the western boundary, adjacent to Kargotich Road reservation.

The dwelling contained on Lot 4 Kargotich Road is registered as a place of local heritage on the Shire’s Municipal Heritage Inventory, having historic and social significance as one of the earlier homesteads built in the Byford district. The homestead was built by the well-known Bateman family. Bateman was a keen racehorse enthusiast, whom constructed a racecourse on the property and held picnic races there. The site has a management category of ‘2’, which means conservation is highly recommended under the Shire’s Municipal Inventory.



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### Proposed Development

The scheme amendment application seeks to amend the Shire's TPS2 by rezoning the subject site from 'Rural' to 'Rural Living A'. The amendment also includes a number of special land uses and development provisions appropriate in addressing specific site considerations and permissibility. A full copy of the scheme amendment report is contained in attachment OCM145.1/12/18.

A subdivision concept plan accompanying the subject application, proposes to establish lots ranging from 0.4ha to 1.77ha in area, with a total of 57 lots being created over the subject site. These lots seek to propose a transition of lot sizes from the east to the west so as to reduce the potential land use conflicts from traditional rural land uses and practices from the rural zoned land to the west and primary distributor road to the north.

### **Community / Stakeholder Consultation**

The subject application was advertised from 16 August 2018 until 27 September 2018, inclusive, totalling a period of 42 days, in accordance with Part 5, Division 3 of the *LPS Regs*, for a 'Standard' scheme amendment. Consultation was carried out in the following forms:

- Publishing the application on the Shire's website;
- Making available a hard copy at the front counter of the administration building;
- Publishing an advert in the local Examiner Newspaper circulating the Oakford area; and
- Letters being posted to landowner within 300m of the property boundary of the proposal.

A total of 17 submissions were received. 12 being from government agencies or service providers, the remainder were received from surrounding land owners, two of which objected to the proposal. The below is a summary of the concerns raised:

- Buffers to the rural zoned land / agricultural land uses;
- Drainage issues;
- Traffic; and
- Underground water supply.

These concerns will be discussed under the Planning Assessment section of this report. The submissions are contained in attachment OCM145.2/12/18 with responses from Shire Officers and the proponent. It is confirmed that no modifications are required or proposed as a result from the public consultation.

### **Statutory Environment**

#### Legislation

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

#### State Government Policies

- Draft Perth and Peel @ 3.5 Million
- Draft Government Sewerage Policy 2016



- State Planning Policy 1 – State Planning Framework Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- 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 2013 Review
- Draft Local Planning Strategy
- Draft Local Planning Scheme No.3

#### **Planning Assessment**

Shire Officers have undertaken an assessment of the proposal to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from 'Rural' to 'Rural Living A', in accordance with the State and local planning framework.

The proposed rezoning from 'Rural' to 'Rural Living A' complies with the strategic framework, with the site being identified as suitable for 'rural residential' under the Perth and Peel @ 3.5million South Metropolitan Peel Sub Regional Framework. Under the Shire's Rural Strategy 2013 Review the site is classified as 'Rural Living A (4,000sqm to 1ha)', which is also compliant with the Shire's strategic framework.

The scheme amendment report is supported by a preliminary geotechnical investigation, which undertook a number of field tests to determine the capability of the subject site being developed on. The outcomes of which confirm that the site is subject to groundwater perching near or at ground surface in the winter months or following heavy rainfall events, given the clayey materials.

Further detailed design addressing state and local policy framework will need to be addressed as part of a future structure plan application. However, according to the draft concept subdivision layout, the proposal intends to create 57 lots, ranging in area from 4,000sqm to 17,700sqm. The key issues raised in submissions during the advertising of the scheme amendment are discussed as follows.

#### Buffers to the rural zoned land / agricultural land uses

The Department of Primary Industries and Regional Development (DPIRD) did not object to the proposal, though raised comments that State Planning Policy 2.5 Rural Planning (SPP2.5) contains provisions to avoid land use conflicts between rural land uses and residential uses. It was recommended by DPIRD that consideration be given to the provisions of SPP2.5 and that building envelopes meet the Department of Health's guidelines for separating agricultural and residential land uses. To address the provisions of SPP2.5 and potential land use conflicts between agricultural and residential uses, Officers have discussed a transition in lot sizes at the north and west boundary of the subject site, to appropriately manage the interface with the adjoining rural land.



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### Drainage Issues

Concerns were raised about the drainage of the site, given that there are drainage and flooding issues resulting from the development to the east that affect the subject site. The developer is required to ensure the current drainage being discharged on the subject site from the adjacent development is appropriately captured and discharged in a suitable location that will minimise the risk associated with flooding. Further detailed planning associated with how stormwater will be detained and treated from the proposed development site will be provided as part of the structure plan process.

### Traffic Issues

There were some concerns that traffic would increase as a result of this scheme amendment. A traffic impact statement was prepared in support of the scheme amendment. This provides an analysis on the additional traffic impact from the proposed development, confirming the extension of the existing road network is capable of accommodating the additional traffic likely to be generated by the proposed development.

### Underground water supply

Comments were raised regarding the servicing of the subject site during the submission period, noting that discussions had taken place with the developer regarding this issue. It is proposed that the development will be serviced by scheme water, extending from the east. The servicing report also confirms that sewerage infrastructure will be extended from the east to service any lots under 1ha in area.

A full assessment of the proposal is contained in the technical report contained in attachment OCM145.3/12/18.

## **Options and Implications**

With regard to the determination of the application, Council has the following options:

### Option 1

Council may resolve to support the amendment to the local planning scheme, without modifications.

By supporting the amendment as advertised, Council determine that the amendment is appropriate in its current form.

### Option 2

Council may resolve to support the amendment to the local planning scheme, with modifications.

By supporting the amendment with modifications, Council will need to provide reasons for recommending the modifications.

### Option 3

Council may resolve to not proceed to advertise the amendment to the local planning scheme.

Resolving to not advertise the amendment would result in the subject site remaining 'Rural' in line with TPS2.

Option 1 is recommended.



## Conclusion

The Shire received 17 submissions from Government agencies and adjoining landowners. Three submissions raised objections pertaining to the design of the future subdivision of the site. Specifically, issues associated with drainage, traffic, underground water resources and buffers from rural zoned land/agricultural activities. These matters will be addressed in detail at subsequent planning stages, particularly, the structure plan process, as such the proposed amendment is recommended to be supported.

## Attachments

- [OCM145.1/12/18](#) – Scheme Amendment No.206 Report, as Advertised (IN18/4548)
- [OCM145.2/12/18](#) – Summary of Submissions (E18/8716)
- [OCM145.3/12/18](#) – Technical Assessment Report (E18/11776)

## 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)
<b>Approved</b>	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
<b>Not Approved</b>	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassmen	Accept Officer Recommendation





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				t, moderate impact on key stakeholder trust or moderate media profile	
<b>Modify Recommendation</b>	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 is often specified in terms of an event or circumstance and the consequences that may flow from it.

An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of six has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Voting Requirements:** Simple Majority

**OCM145/12/18 COUNCL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Denholm**

**That Council:**

- 1. Considers the submissions received and endorses the Officers comments regarding each of the submissions, as included in the summary of submissions contained in attachment OCM145.2/12/18.**
- 2. Pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)* and regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to support Scheme Amendment No.206 to Town Planning Scheme No.2 (Rezoning from 'Rural' to 'Rural Living A'), as contained in attachment OCM145.2/12/18, without modifications by:**
  - a. Rezoning Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford from 'Rural' to 'Rural Living A' in accordance with the Scheme Amendment Map.**
  - b. Amending the Scheme Map by delineating Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford as 'RLA32'.**



- c. Listing Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford as 'RLA32' in 'Appendix 4A – RURAL LIVING A ZONE' with the following land use controls and special provisions:

DESCRIPTION OF LAND	LAND USE
RLA 32 Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford	<ol style="list-style-type: none"><li>1. Subdivision to be generally in accordance with a Structure Plan approved by the Western Australian Planning Commission.</li><li>2. If reticulated sewer is available to a lot the dwelling on that lot must be connected to it and cannot dispose of effluent onsite.</li><li>3. A Structure Plan shall be prepared over the land addressing the following:<ol style="list-style-type: none"><li>a) A future road connection to the Lot directly abutting the southern boundary, currently Lot 207 Kargotich Road, Oakford;</li><li>b) A notification being placed on subdivided lots advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal units to ensure adequate separation distance to groundwater is maintained;</li><li>c) No direct vehicular access is to be provided to or from Kargotich Road;</li><li>d) A transport noise assessment being prepared to address existing and future traffic noise originating from Thomas Road.</li></ol></li><li>4. The subdivider is to notify prospective purchasers that the land may be subject to seasonal inundation, flooding.</li><li>5. A 10% contribution (cash or otherwise) is to be provided towards district open space.</li></ol>

3. Forward two (2) copies of Amendment No. 206 of Town Planning Scheme No.2 and any other information deemed relevant, in accordance with Part 5 Division 2 Regulation 44(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**CARRIED UNANIMOUSLY 8/0**



<b>OCM146/12/18 – Adoption of the Community Infrastructure Development Contribution Plan and Initiation of Proposed Scheme Amendment No. 207 Community Infrastructure Development Contribution Scheme (SJ2081)</b>	
<b>Responsible Officer:</b>	Acting Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Report Purpose**

The purpose of this report is for Council to adopt the Community Infrastructure Development Contribution Plan and deem the associated Scheme Amendment No. 207 (the amendment) satisfactory for the purposes of advertising.

**Relevant Previous Decisions of Council**

SD071/02/09 – Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020.

OCM106/08/17 - Adoption of the Community Infrastructure Implementation Plan.

OCM217/12/16 - Council adopted the Community Infrastructure and Public Open Space Strategy

**Background**

In 2009, Council endorsed the Community Facilities and Services Plan (CFSP) to fund community infrastructure to 2020. The implementation cost of the facilities and services within the plan was estimated to be a total of \$208 million being capital costs of \$163 million, staffing costs of \$15 million and additional maintenance costs for new infrastructure of \$30 million. The Plan assumed that the Community Infrastructure Development Contribution Plan would be in place by 2008, and would collect \$132 million towards the capital costs in total. By 2020 developer contributions of \$50 million were expected to be collected, resulting in a total funding requirement of \$158 million by the Shire. To achieve this, a funding model proposed allocation of \$85 million municipal funds (25% of Shire revenues each year) and \$30 million as Shire loans. This meant that \$43 million was still left unfunded. The plan also expected that the remaining \$82 million of Developer Contributions would only be received after 2020, and would then repay any loan borrowings and the unfunded component. Up until the recent financial year no municipal funding was set aside to enable the implementation of the Community Facilities and Services Plan. The Shire has also not received any development contributions for the identified community infrastructure to date.

In 2013 Council was presented with the outcomes of the Community Sporting and Recreation Precinct Feasibility Study. Council supported the Serpentine Jarrahdale Community Recreation and Sporting Group Incorporated in their efforts to provide such a precinct, and indicated the preferred location at Keirnan Street on the land then owned and managed by the Western Australian Government in the Mundijong-Whitby urban cell. Council requested the land be vested with the Shire to enable the construction of a multipurpose sporting and recreation precinct on this land. The feasibility study indicated an estimated implementation cost, including contingencies and professional management fees, in order of \$85-\$90 million at 2013 costs. This



facility was considered to be required over and above the \$208 million identified in the CFSP in 2009.

In 2014, Council adopted the Briggs Park Recreation Precinct Master Plan that identified the lower oval upgrade, carpark and recreation centre expansion, new BMX precinct, new pavilion, youth precinct and ancillary items. The Master Plan includes a staged approach with a total construction cost of \$14.6 million (at 2014 costs).

Aecom was appointed in 2015 to undertake background research to provide direction and guidance on future planning, development and funding options, location, and priorities for recreation, public open space and community facilities within the Shire. This background research (see attachment OCM146.1/12/18) was used by CCS Strategic to draft the Community Infrastructure and Public Open Space Strategy, which was presented to and adopted by Council in December 2016.

Council in December 2016 also received the associated Community Infrastructure Implementation Plan, which indicated not only what the community infrastructure requirements were but gave an indication where the facilities could be developed and how it would be funded and in what priority order. Council required that these priorities be tested with the community as part of the 'SJ Real Choices' community consultation process that formed part of the Integrated Planning and Reporting Framework (IPRF) in March 2017. Through this process the Community Infrastructure Implementation Plan was refined and formally adopted by Council in August 2017 that included project sequencing and costs to ensure a practical framework for project delivery aligned with the Shire's long term financial planning.

The outcomes of this were further incorporated and workshopped through the 'Shaping SJ' process (Local Development Strategies) in early 2018 when residents considered the development of the area holistically. Council, in setting the 2018/19 budget for the first time set aside an allocation of \$500,000 to co-contribute towards the construction of these facilities as will be required under this DCP.

Additionally, in July 2018 the Keirnan Street Recreation Reserve was vested in the Shire. This allowed the Shire to revisit the proposed locations and timing of the community infrastructure, including most notably the BMX facility as per Council's resolution in August 2018.

In summary a number of strategic documents addressing community infrastructure have been produced over the past ten years that address community infrastructure provision. These include:

- Community Facilities and Services Plan (2009).
- The Byford Traditional Infrastructure Development Contribution Plan (2011).
- Feasibility Study for a Community Sporting and Recreation Precinct Feasibility Study (2013).
- Briggs Park Recreation Precinct Master Plan (2014).
- AECOM Community Infrastructure Research Paper (2016)
- Community Infrastructure and Public Open Space Strategy (2016).
- Community Infrastructure Implementation Plan refined through 'SJ Real Choices' (2017).
- Shaping SJ (Local Development Strategies); and
- BMX Relocation Feasibility Study (2018).

These documents provide the rationale for the infrastructure required, their priority and their locations.





The reality is that no mechanism or processes were put in place and until recently no municipal funding was set aside to enable implementation of a community infrastructure Development Contribution Plan. The Shire has therefore not received any development contributions for the identified community infrastructure through a developers contribution scheme to date. As the Shire's contribution is calculated based on the existing population at a point in time, the Shire has over the last 10 years not only missed out significantly on contributions for the additional population, but is also now required to co-contribute a significantly higher percentage to new or upgrade of facilities due to the percentage of current lots that have not yet contributed.

This is evident from the following table that shows the impact of this on the Byford contributions requirements using the available census figures from 2006 to 2016 to draw a comparison based on official figures over this ten-year period.

Byford	Population	To full build-out of 45,000 residents (100%)	Shire contribution required for 2006 population	Development contribution
Resident numbers 2006	3,300	41,700	7.3%	92.7%
Resident numbers 2016	17,675	27,325	39.3%	60.7%

Source: id profile based on Census data from ABS

Stated differently in 2006, Byford with a population then estimated at 3,300, has added an additional 14,375 residents or 4,974 lots. At a conservative \$2,000 per lot this means that the Shire has effectively missed out on \$9.95 million contributions for community infrastructure (or well over \$10 million if interest escalation is taken into account). This has resulted in the Shire having to fund upgrades to sporting and community facilities from municipal rates. The Byford Skate Park and the upgrade to the Briggs Park lower oval are two projects that could have attracted development contributions, which were or are currently being solely funded through municipal rates and grants. It is therefore clear that the Shire urgently needs a mechanism to require developers to contribute to the provision of community infrastructure.

### **Community / Stakeholder Consultation**

The original Community Facilities and Services Plan drafted by CCS Strategic Management and Geografia was workshopped with developers and stakeholders at the end of 2007 and middle 2008. The CFSP was updated in 2013/14 but no community engagement was done as it was a desktop study to try to address the funding concerns of the original 2009 Strategy.

The Community Infrastructure and Public Open Space Strategy and Community Infrastructure Implementation Plan process conducted workshops in January and February 2016. These workshops were held in Mundijong, Byford and Serpentine to determine current needs. Additionally, sporting and community groups were contacted either through phone calls and/or email and completed surveys.

Further community consultation was undertaken in March 2017 as part of the Integrated Planning and Reporting Framework Review through the community consultation process known as 'SJ Real Choices' and involved a randomly selected focus group (panel) and the wider community for feedback on the current level of resource allocation to various services and prioritisation of expenditure within asset categories. Various forms of community engagement included the panel,



open workshops, public hard copy surveys, Facebook survey, an online platform and youth surveys.

Residents were given the opportunity to comment on the community infrastructure priorities when considering the Local Development Strategies as part of the Shaping SJ consultation process in early 2018, and again during informal advertising of the Local Development Strategies from May until July 2018.

Should Council resolve to proceed to formal advertising of the Community Infrastructure Development Contribution Scheme, the Planning and Development (Local Planning Schemes) Regulations (2015) requires that development contribution schemes are considered as 'complex' scheme amendments and as such, requires to be advertised for a minimum of 60 days. The Regulations further indicate that the advertising of Amendment No. 207 will require:

- Publishing the amendment on the Shire's website;
- Making available a hard copy at the front counter of the administration building;
- Publishing an advert in a local paper;
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
- advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.
- Letters being posted to large landowners that have significant portion of land that may be required to pay a Community Infrastructure contribution.

This notice will give details of (a) the purpose of the amendment; (b) where the amendment may be inspected; and (c) to whom and during what period submissions in respect of the amendment may be made.

## **Statutory Environment**

### Local Government

- *Local Government Act 1995*

### Planning Legislation

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

### State Government Policies

- State Planning Policy 3.6 Development Contributions for Infrastructure

State Planning Policy 3.6 Development Contributions for Infrastructure as explained through Planning Bulletin 100. Development contribution plans:

- set out development contribution provisions for standard infrastructure items applied by the Western Australian Planning Commission (WAPC) on the subdivision, strata subdivision, or development of land; and
- provide a consistent, accountable and transparent system for local governments to plan and



charge for community infrastructure items which are not included in the standard provisions through development contribution plans.

Community infrastructure is defined as “...*the structures and facilities which help communities and neighbourhoods to function effectively, including:*

- sporting and recreational facilities
- community centres
- child care and after school centres
- libraries and cultural facilities; and
- such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of the policy”.

Development contributions can be sought for:

- a new item of infrastructure;
- land for infrastructure;
- an upgrade in the standard of provision of an existing item of infrastructure;
- an extension to existing infrastructure;
- the total replacement of infrastructure once it has reached the end of its economic life;
- other costs reasonably associated with the preparation, implementation and administration of a development contribution plan.

The policy sets out the principles underlying development contributions for community infrastructure and the form, content and process for the preparation of a development contribution plan. It states that Development contribution plans do not have effect until they are incorporated into a local planning scheme and require that:

- there is a clear and sound basis with linkages to the local government’s strategic and financial planning processes, with all assumptions documented and justified;
- there is justification for the infrastructure identified in the development contribution plan and identifies the authority responsible for providing the infrastructure;
- the costs of infrastructure are appropriate and includes an annual adjustment for inflation;
- there is a commitment to providing the infrastructure in a reasonable period;
- the development contribution area to which the development contribution plan applies is appropriate and the proposed location/s of the infrastructure project/s is/are identified;
- cost sharing arrangements between owners in the development contribution plan area are transparent, fair and reasonable; and
- there is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process.”

Additionally Development contribution plans for community infrastructure must be supported by:

- a community infrastructure plan for the area, identifying the services and facilities required over the next five to 10 years (supported by demand analysis and identification of service catchments);



- a capital expenditure plan (with at least five out years) which identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision;
- projected growth figures including the number of new dwellings to be created at catchment level (suburb or district); and
- a methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.

Officers and Council need to be mindful of the above requirements when projects are identified for inclusion in the contribution scheme. Whilst there are a number of project that may seem more advantageous or important for the Shire, or the extent of the facilities may not look adequate, the requirements of the policy need to be adhered to and only the facilities that have a need and nexus in terms of the policy have (and should) be included.

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
- Draft Local Planning Strategies
- Community I Public Open Space (CIPOS)
- Community Infrastructure Implementation Plan (CIIP)
- Byford District Structure Plan & Development Contribution Plan (BDSP & DCP)
- Mundijong District Structure Plan & Development Contribution Plan (MDSP & DCP)

#### **Comment**

Amendment 207 (SCA207) to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. is attached as OCM146.2/12/18. The amendment proposes that Development Contribution Area 4 (DCA4) be inserted into Appendix 10 of TPS2. This also includes references to other planning instruments, infrastructure and administrative items to be funded along with the methodology for calculating the contributions, the period of operation, the priority and timing of the projects and the review process that will be undertaken on an annual basis.

Based on the needs for urban populations of 45,000 and 50,000 residents respectively the urban cells of Byford and Mundijong have identified locations for the following facilities in each of the areas:

- a library and multi-agency service centre,
- a district community centre,
- three district sports spaces including pavilions at each district sporting space,
- an indoor recreation centre (with four multi-purpose basketball / netball courts);
- a skate park and pump track,
- a youth centre; and
- three themed playgrounds (nature play, adventure play and dog park).

The plan also provides for infrastructure within the Kiernan Park Recreation Precinct, which are considered to be required across both the Byford and Mundijong catchment areas. This includes:

- an aquatic centre; and



- the relocation of the BMX facilities.

#### Adherence to requirements of State Planning Policy 3.6

The policy is the primary source for requirements of a contributions plan. It is specific when it comes to the requirements for the calculation of contributions for community infrastructure. The following section outlines how the process and the proposed Development Contribution Scheme and Plan SCA207 complies with the relevant provisions.

*5.5 Process for determining development contributions for community infrastructure local government requirements for development contributions for community infrastructure should be calculated on the basis of—*

- 1. the need for that infrastructure based on an analysis of the demand;*
- 2. the nexus where the relationship between the need for infrastructure and the new development is clearly established;*
- 3. catchment areas that the infrastructure would service, identifying both existing demand and new demand that is associated with the development; and*
- 4. the cost of providing the infrastructure, which should be based on the latest or best estimates available to the local government and should include provision for regular adjustments to account for cost escalation over time.*

Provisions 1, 2 and 3 have been considered, workshopped and assessed through the Community Infrastructure and Public Open Space Strategy and Community Infrastructure Implementation Plan. The demand is based on the population projections discussed below. The Shire appointed GHD Woodhead and RBB to develop draft generic concept designs and costings for the relevant infrastructure items to satisfy Provision 4. This has been further reworked in order to align elements of the generic designs with the specific community facilities identified in the DCP. Future iterations of the DCP could include more detailed concept designs once better understanding of the design requirements have been established.

#### Summary of the community infrastructure in the Development Contribution Plan

New developments and the growing populations in Byford and Mundijong-Whitby urban cells will create significant demand for new district and neighbourhood facilities. State policy and population projections anticipate approximately 45,000 people in Byford and 50,000 in Mundijong-Whitby in a built-out scenario. Based on draft concept designs the total cost for the upgrading and development of new community infrastructure to service this population is estimated to be around \$115.8 million (2018 cost estimates including administration costs).

The Shire's portion required for this infrastructure is based on the percentage of the current population within the development areas of Byford and Mundijong and estimated to be \$20.3 million (2018 cost estimates). The table below indicate the cost apportionment and therefore the development contributions that will be required from the various areas within the Shire.





Catchment	Contribution Required	Dwellings	Total Cost Per Dwelling
Shire	\$19.7million	6,710	\$3,028
Byford	\$26.8million	9,455	\$2,928
Mundijong	\$66.3million	16,707	\$4,060
<b>Total</b>	<b>\$112.8million</b>	<b>32,872</b>	<b>\$3,524 (average)</b>

All developers will be required to pay the above contribution for each lot developed and new grouped dwelling developments will have to contribute for each additional dwelling created. This contribution will be over and above the traditional infrastructure (roads, drainage and other “hard” infrastructure items) contributions required under any existing or future Development Contribution Plans for traditional infrastructure.

### Timing of Projects

The Shire’s Long Term Financial Plan includes \$500,000 annually for community infrastructure to be put into a reserve fund. This is intended to cover the Shire’s contribution towards the community infrastructure as detailed in the table above. Assuming that this \$500,000 is escalated by 2% annually (to cover construction costs increases) and attracts 2.7% interest on any unspent funds over the life of the contribution plan; the Shire will be able to fund its component if the construction is staged over 38 years until 2055.

In such a staging model the Shire would not have to rely on any borrowings or grant funding in order to fund its component. It should also be noted that under such a model there would also be enough funds received from the relevant Byford or Mundijong developments to fund the developers’ proportions.

It should be noted however, that there is significant demand and pressure on current facilities and as such, a more ambitious staging model is proposed. This staging model aims to deliver the facilities based on population triggers and associated provision standards as and when required. This more ambitious staging model will require grant funding and/or loans in order to supplement both the Shire and Developers’ contributions to fund the projects within the timeframe.

Due to escalating construction costs and uncertainty regarding population growth, this ambitious model will require constant review to ensure that as projects are undertaken, the Development Contribution Plan and contributions required are adjusted. Additionally, this model will require good financial management practices, including the use of loans to bridge finance projects which, are implemented prior to the cash being available through the development contributions.

The model also does not include grant funding. Therefore, any grants received will either reduce both the developers and Shire contributions, or allow additional scope to be included in the relevant project. Alternatively, the grant funding may also be used to expedite the implementation or for additional or expanded projects. Ultimately, the time value of money becomes an important consideration in ensuring projects will be affordable and requires prudent financial management and annual review of the plan to ensure it remains on track to deliver the facilities.

The proposed schedule of works to deliver on the Community Infrastructure Development Contribution Scheme is summarised below



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Service Requirement	Level	Sporting	Date	Community	Level	Service Requirement
District 10,000-30,000. Regional 50,000+	District	Kieman Park BMX Facility	1/07/2021			
District 15,000 - 25,000	District	Briggs Park Pavilion	1/07/2022	Byford Library & Multi-Agency Service Centre	District	25,000-50,000 population
District Basket Ball and Netball 1 : 4,000 people	District	Briggs Park Recreation Centre Extension	1/07/2023			
District 15,000 - 25,000	District	Orton Road District Sport Space – Building & Lights	1/07/2024	Briggs Park Youth Centre	District	20,000-30,000 population
			1/07/2025			
			1/07/2026			
			1/07/2027	Byford Skate Park – Extension & Pump Track	District	Neighbourhood 5,000-10,000. District 10,000-25,000
			1/07/2028	Byford Themed Playground - Adventure Playground (Lindt Street)	Neighbourhood	
			1/07/2029			
District 15,000 - 25,000	District	Whitby District Sporting Space Building & Lights	1/07/2030			
			1/07/2031	Byford Themed Playground - Nature Play (Cardup Brook)	Neighbourhood	
			1/07/2032	Mundijong Whitby Skate Park& Pump Track	District	Neighbourhood 5,000-10,000. District 10,000-25,000
			1/07/2033			
			1/07/2034			
			1/07/2035	Mundijong Whitby Library & Multi-Agency Service Centre	District	25,000-50,000 population
			1/07/2036			
			1/07/2037	Mundijong Themed Playground - Dog Park	Neighbourhood	
			1/07/2038			
			1/07/2039	Byford District Community Facility	District	Neighbourhood 5,000-10,000 population
			1/07/2040			
			1/07/2041			
			1/07/2042	Kieman Park Youth Space	District	20,000-30,000 population
			1/07/2043	Whitby Themed Playground - Adventure Playground	Neighbourhood	
District 15,000 - 25,000	District	Kalimna Sporting Reserve - Ovals, Building & Lights	1/07/2044			
			1/07/2045			
			1/07/2046			
			1/07/2047	Mundijong District Community Facility	District	Neighbourhood 5,000-10,000 population
District 15,000 - 25,000	District	Mundijong District Sporting Space – Building & Lights	1/07/2048			
			1/07/2049	Mundijong Themed Playground - Nature Playground	Neighbourhood	
District 15,000 - 25,000	District	Kieman Park District Sporting Space – Ovals, Building & Lights	1/07/2050			
1 : 100,000	District	Kieman Park Aquatic Centre	1/07/2051			

**Note**  
All land is to be acquired by the Shire through the traditional development contribution plans and are not included in the CIDCP it is important to note that the costs presented in the Community Infrastructure Development Contribution Plan do not have GST added as the Shire is not liable for GST.

## Options and Implications

### Option 1

Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

The statutory advertising process will commence once the Western Australian Planning Commission has agreed to formal advertising.

### Option 2

Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

Imposing modification may result in delays even before presenting it to the Western Australian Planning Commission. This may further delay the receipt of contributions for community infrastructure and impact on the long-term financial situation of Council.

### Option 3

Council may resolve to not proceed to advertise the amendment to the local planning scheme.

Resolving to not advertise the amendment would result in Council deciding not to require contributions for community infrastructure and would require Council to make allowances for this shortfall in the long term financial plan.

Option 1 is recommended.

## Conclusion

The purpose of this report is for Council to consider proposed Council initiated Scheme Amendment No. 207 (the amendment), for the purposes of advertising. The proposed amendment seeks to include a Community Infrastructure Development Contribution Scheme into the Town Planning Scheme No. 2.

Officers recommend that Council support the proposed Scheme Amendment, and advertise it in accordance with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 for a 'Complex' amendment. Putting the scheme amendment out to formal advertising will allow the various stakeholders to provide comment and submissions on the contribution plan in a formal and structured way.

## Attachments

- [OCM146.1/12/18](#) - AECOM Community Infrastructure Plan Research (E16/3495)
- [OCM146.2/12/18](#) – Proposed Scheme Amendment No.207 (E18/14007)

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## Contact Us

### Enquiries

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### In Person

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



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



### 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>Strategy 1.1.2</b>	Provide a healthy community environment
<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 4.2</b>	A strategically focused council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

This document will influence the Forward Capital Works Plan, Long Term Financial Plan, and annual budgets. The total cost of all community infrastructure to be included in the Shire's financial planning is \$115.8 million of which the Shire would co-contribute \$20.3 million. With the Shire's 2018/19 annual budget including \$500,000 towards the relevant reserve and the long term financial planning to continue similar contributions the Shire should be able to fund its portion over a 38-year period. Over this period the Mundijong developers will contribute \$67.8 million and the Byford developers \$27.7 million.

### Risk Implications

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment.

The 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>
Community Infrastructure Implementation is not supported/ adopted	Possible (3)	Catastrophic (5)	High (10-16)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Officer Recommendation



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Stakeholders do not support the funding arrangements in the DCP	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 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 matrix has been prepared and a risk rating of **15** has been determined for this item and as with all items with a risk rating over 10 (considered to be high or extreme risk) **it will be added to the Risk Register.**

Should Council not support the establishment of a Community Infrastructure Development Contribution Plan a specific risk treatment plan will be required to manage the risk.

**Voting Requirements:** Simple Majority

### OCM146/12/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr McConkey, seconded Cr Byas

That Council, 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*:

1. Determines that proposed Amendment No. 207 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM146.2/12/18, is a 'Complex' amendment in accordance with Part 5, Division 1, Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason(s):
  - a. "an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan."





- 2. Resolves to proceed to advertise Scheme Amendment No. 207 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM146.2/12/18 as per Regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 3. Authorises the Chief Executive Officer to make any modifications required by the Western Australian Planning Commission and to advertise the documents accordingly.**

**CARRIED UNANIMOUSLY 8/0**



<b>OCM147/12/18 – Adoption of the Byford District Structure Plan, Byford Development Contribution Plan and Development Contribution Scheme as satisfactory for formal advertising (SJ2362)</b>	
<b>Author:</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> .

### Report Purpose

The purpose of this report is for Council to deem the Byford District Structure Plan, the Byford Development Contribution Plan and Scheme Amendment 208 satisfactory for formal advertising in terms of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers recommend that Council agree to proceed to formal advertising.

### Relevant Previous Decisions of Council

SD021/08/05 - Final Adoption of the Byford Structure Plan.

SD122/06/09 - Byford Structure Plan Review – Operation of the Plan in a Statutory Environment.

SCM005/05/18 - Local Development Strategies for the Four Locales of Byford, Mundijong, Serpentine and Jarrahdale.

### Background

Hames Sharley was appointed to undertake the Shaping SJ project that saw the preparation and delivery of individual Local Development Strategies for the four locales of Byford, Mundijong, Serpentine and Jarrahdale. The Local Development Strategies for Byford and Mundijong also included a statutory District Structure Plan, Development Contribution Scheme, Development Contribution Plan and a visionary strategy that provides the rationale for the future development of the areas.

The Shire of Serpentine Jarrahdale is still one of the fastest growing local government areas in Australia with the quality of life, strong community spirit, solid economic base and low housing costs increasing the attraction for residents in the area. It is expected that 100,000 new residents will call the Shire home by 2050 (Perth and Peel @3.5 Million). This success brings with it a number of challenges, predominantly associated with the pressures of this growth. Whilst land availability is not a constraint in the Shire, the Shire's SJ2050 document clearly highlights that the community wants to retain the existing natural environment and rural living character. The strategy therefore aims to concentrate urban development around the existing centres of Byford and Mundijong.

The Shaping SJ project, reviewed all current structure plans, development contribution plans and other supporting documents to draft documents that align with the SJ2050 vision, the Shire's Strategic Community Plan and Corporate Business Plan as well as the State and Local Planning Frameworks.



The Department of Planning, Lands and Heritage provided comments on the statutory components during this process and recommended that the District Structure Plan and Development Contribution Plans/Scheme be separated from the non-statutory components. The latter was to be included in the Local Planning Strategy or to become informing documents to the Integrated Planning and Reporting Framework. This report focusses on presenting the statutory District Structure Plan, Development Contribution Plan and Scheme Amendment to Council.

### **Community / Stakeholder Consultation**

Council in May 2018 resolved:

***“SCM005/05/18 COUNCIL DECISION / Alternate Councillor Motion:***

*Moved Cr McConkey, seconded Cr Atwell*

*That Council:*

*1. Accepts the draft Byford Local Development Strategy, Mundijong Local Development Strategy, Serpentine Local Development Strategy and Jarrahdale Local Development Strategy as the basis for future development of the four locales.*

*2. Agrees that the consultation process as outlined in the report should commence for Byford Local Development Strategy, Mundijong Local Development Strategy, Serpentine Local Development Strategy and Jarrahdale Local Development Strategy for a period of two months after which submissions to be presented to Council for its consideration and the initiation of a formal advertising process in accordance with Town Planning Regulations.”*

The consultation process has now concluded. A summary of the submissions relating to the Byford District Structure Plan is included as attachment OCM148.1/12/18. The main issues that were raised in the process are:

1. Subdivision potential of 2ha lots in Darling Downs;
2. The design and configuration of the Byford Town Centre Precinct Plan;
3. The proposed location of the second high school in Byford;
4. The proposed location of the Orton Road district open space;
5. Protection of Bush Forever sites, threatened species and communities and wetlands;
6. Requirement for traffic impact assessment/modelling/technical studies to support the District Structure Plan;
7. Lack of clarity regarding where the District Structure Plan is inconsistent with an approved Local Structure Plan, which plan prevails;
8. The land categorisation of the Cardup Business Park; and
9. The land use of Lot 2 (#640) South Western Highway, Byford.



The modifications resulting from the submissions above are summarised in the Comment section of the report under the heading Proposed Modifications. To enable the formal statutory process to continue officers recommend that the Byford District Structure Plan, the Byford Development Contribution Plan and Development Contribution Scheme be formally advertised.

### **Statutory Environment**

The District Structure Plans and Development Contribution Plans were drafted in accordance with the following statutory requirements:

- *Planning and Development Act 2005*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)*

The following state and local strategic and policy documents necessitated changes to the documents.

#### *State Planning Framework*

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Draft Government Sewerage Policy 2016;
- Perth and Peel @ 3.5 Million - The South Metropolitan Peel Sub-regional Planning Framework and Perth Transport Plan @ 3.5 Million;
- Lower Serpentine hydrological studies Conceptual model report and State strategic infrastructure decisions;
- Metronet and Westport and related studies; and
- Structure planning Guidelines.

#### *Local Planning Framework*

- The Rural Strategy Review 2013, Draft Local Planning Strategy and Draft Local Planning Scheme No.3;
- Community Infrastructure and Public Open Space Strategy and Community Infrastructure Implementation Plan;
- New Local Structure Plans and Council decisions regarding planning matters in the TPS2 area;
- District Water Management Strategy study and Infrastructure provisioning and changes in staging;
- Shifting on policy positions regarding rail-crossings being required to be grade-separated as the default option;
- Economic Development Strategy; and
- Strategic Land Use Management Plan.



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**Comment**

*District Structure Plans* are statutory documents that provide proposed land uses for the various areas – a plan for the coordination of future subdivision and zoning of an area of land.

*Development contributions* are payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of the community. Generally, the development contribution plans are linked to district structure plans as it provides the mechanism for the funding of infrastructure. The two plans therefore cover the same area and address the same district level infrastructure.

**Byford District Structure Plan**

The reviewed Byford District Structure Plan 2018 is a minor adaptation of the current district structure plan. It does not vary the intent or broad land uses included in the original Byford District Structure Plan (BDSP 2009) and utilises the technical information from the previous District Structure Plan to address the implementation issues associated with them. The Byford District Structure Plan 2018 is based on a number of important strategic plans and documents, that include amongst others:

- Current District Structure Plans for Byford (including BDSP 2009) and their supporting technical plans;
- The Byford District Water Management Strategy Review 2018;
- The Traffic Impact Assessment Study completed by Cardno – November 2018;
- Current Local Structure Plans for the Byford District Structure Plan area with their supporting studies;
- The Shire of Serpentine Jarrahdale's Activity Centres Strategy;
- Byford Parking and Access Strategy with their supporting technical studies; and
- Development Contribution Plans for Byford.

The Byford District Structure Plan 2018, once adopted, will consolidate the abovementioned planning documents. It better reflects a number of State and local policy changes and incorporates a significant number of strategic documents that have been produced since the current Byford District Structure Plan was adopted, and some strategic decisions that impact on the district structure plan.

**Proposed Modifications**

The modifications that have been made to the Byford District Structure Plan 2018 to address the above policy changes and comments received during the preliminary community engagement process are provided below:

1. Redefined urban growth boundary which delineates an urban core and rural-residential fringe. This will accommodate future growth in a defined area and protect existing rural-residential areas.





2. Increased residential density in the Byford Town Centre and establishment of it as an example of a Transit Orientated Development based around the proposed Byford Railway Station.
3. Identification of development investigation areas DIA1 (description as per 1.5.11), DIA2 (description as per 1.5.11) and DIA3 (description as per 1.5.11).
4. Increased area of the Byford Town Centre.
5. Identification of neighbourhood centres to provide local services in close proximity to urban growth areas, in accordance with the relevant approved local structure plans.
6. Identification of the Cardup Business Park within the Byford District Structure Plan area.
7. Cardup Business Park changed from Industrial to Service Commercial.
8. Provision of a new district open space in the southern portion of the Byford District Structure Plan area.
9. Extension of internal north-south road linkages to the west of Soldiers Road to provide for through connection between San Simeon Road and Turner Road;
10. Extension of Orton Road through to South Western Highway to reduce traffic congestion on Soldiers Road;
11. Extension of internal east-west linkage at Clara Street to facilitate internal movements around the Town Centre providing ease of access to parking and drop-off zones;
12. Extension of the Tonkin Highway providing a major freight route to Mundijong.
13. Identification of character protection areas.
14. Identification of Local Structure Plan precincts and the main considerations within each Local Structure Plan area.

The formal advertising process for the Byford District Structure Plan 2018 is determined by the provisions contained in Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015. Clause 18 requires the formal advertising of a structure plan for a period between 14 and 28 days unless permission is received from the Commission to exceed this period. It is recommended that the Commission be requested to extend the period to 60 days to start and end at the same time as the advertising for the Byford Development Contribution Plan scheme amendment.

#### Byford Development Contribution Plan and Scheme Amendment

The Shire has prepared the five year revision of the Byford Development Contribution Plan and associated Scheme amendment in line with the Byford District Structure Plan 2018. The Byford Development Contribution Plan will require an amendment to Town Planning Scheme No.2 which will be referred to as the Development Contribution Scheme (Amendment 208).

The Byford Development Contribution Scheme and Plan have been drafted to conform to clause 73 of the Regulations.

- 73. (4) A development contribution plan must set out the following —*
- (a) the development contribution area to which it applies;*
  - (b) the infrastructure and administrative items to be funded through the plan;*



- (c) the method of determining the contribution of each owner of land in the development contribution area;*
- (d) the priority and timing for the provision of the infrastructure;*
- (e) whether costs of providing infrastructure and administrative items are to be reviewed annually and if so, the method proposed for the annual review of the costs;*
- (f) the term for which the plan is to have effect.”*

The *Regulations* also set out the framework for the assessment of scheme amendments and therefore determine the method by which the Development Contribution Scheme and Plan need to be formally advertised. Under the *Regulations*, scheme amendments are categorised as either basic, standard or complex, and follow different processes accordingly. The proposed amendment is considered a complex amendment, as per clause 72:

***“72. Development contribution area and plans are complex amendments***

*The identification of a development contribution area and the preparation of a development contribution plan, or the amendment of an area or plan, are to be prepared as part of the preparation or adoption of a local planning scheme or as a complex amendment to a local planning scheme.”*

The proposed amendment therefore is required to follow the statutory process set out under the *Regulations* for complex amendments. This process will commence once the amendment is assessed by the Western Australian Planning Commission and deems it is satisfactory for advertising.

Part 5 Division 2 Section 38 (2) requires the amendment to be advertised in a specific manner:

*“(2) On completion of the preparation of the notice, the local government must advertise the complex amendment to a local planning scheme as follows —*

- (a) publish the notice in a newspaper circulating in the scheme area;*
- (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;*
- (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;*
- (d) publish a copy of the notice and the amendment on the website of the local government;*
- (e) advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.”*

Part 5, Division 2, s38 (4) of the *Regulations* indicates that the period for submissions for the Development Contribution Scheme (Amendment 208) set out in a notice must not be less than a period of 60 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area.

The Byford Development Contribution Plan and associated Scheme incorporate the following:

1. *Alignment of the development contribution plans with the revised district structure plan* – a number of modifications have been made to the Byford District Structure Plan 2018 and the impacts of those changes have been incorporated into the contribution plan.



2. *Design and costing of the district level roads in the Byford District Structure Plan* – a traffic study has been done that updated the road designs of the important district level roads and their costs, which have been included in the development contribution scheme.

### **Options and Implications**

#### Option 1

Resolve to deem the Byford District Structure Plan 2018 and Scheme Amendment 208 Byford Development Contribution Scheme satisfactory for advertising.

This option would result in the Byford District Structure Plan being advertised and Scheme Amendment 208 Byford Development Contribution Scheme being advertised, subject to the consent of the WAPC.

#### Option 2

Resolve to deem the Byford District Structure Plan 2018 and Scheme Amendment 208 Byford Development Contribution Scheme satisfactory for advertising, subject to modifications.

This option would result Officers undertaking modifications to the Byford District Structure Plan and Scheme Amendment 208 Byford Development Contribution Scheme prior to advertising. Council would need to provide reasons for recommending the modifications.

#### Option 3

Resolve not to deem the Byford District Structure Plan 2018 and Scheme Amendment 208 Byford Development Contribution Scheme satisfactory for advertising.

This option would result in the current Byford District Structure Plan remaining in place and the current Byford Development Contribution Plan remaining as the district level infrastructure contribution mechanism.

Option 1 is recommended.

### **Conclusion**

The item to Council presents the Byford District Structure Plan 2018 and the Byford Development Contribution Plan and Scheme and requests that Council deem them acceptable for formal advertising to the stakeholders and community. Officers recommend that Council deem the Byford District Structure Plan 2018 and the Byford Development Contribution Plan and Scheme acceptable for formal advertising in terms of the Regulations.

### **Attachments**

- [OCM147.1.12/18](#) - Outcomes of the Engagement on the District Structure Plan (E18/6125)
- [OCM147.2.12/18](#) – Byford District Structure Plan 2018 (IN18/27615)
- [OCM147.3.12/18](#) – Byford Development Contribution Scheme and Plan (E18/14137)
- [OCM147.4/12/18](#) – Draft Byford Traditional Infrastructure Development Contribution Plan Report No. 5



### 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 direct financial implications in deeming the District Structure Plans satisfactory for advertising.

### Risk Implications

An important aspect that needs consideration with any large project are the risks associated with the project.

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)
Delay in DCP 5 yearly review.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

The risks in the Risk Matrix can be mitigated with the risk management methodologies indicated and they allow the project to continue with a relatively low risk. Continued reporting on the progress of the project and following project management protocols will be required. Officers are satisfied that the risks presented can be mitigated through the outlined project management procedures. The Reputational risks and Financial risk are considered 9, and therefore are not required to be included in the Risk Register.

### 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)



**Voting Requirements:** Simple Majority

OCM147/12/18 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 Byford 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 208 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 208 Byford Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
4. Requests that the Western Australian Planning Commission allow the Byford District Structure Plan 2018 to be advertised for a period exceeding the maximum prescribed, to allow it to be advertised alongside Scheme Amendment 208.

**Voting Requirements:** Simple Majority

**OCM147/12/18 COUNCIL RESOLUTION / Amended Officer Recommendation:**

**Moved Cr Byas, seconded Cr Coales**

**That Council:**

1. Pursuant to Schedule 2, Part 4, Clause 17 of the *Planning and Development (Local Planning Schemes) Regulations 2015* deems the Byford 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 208 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 208 Byford Development Contribution Scheme to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2.
4. Requests that the Western Australian Planning Commission allow the Byford District Structure Plan 2018 to be advertised for a period exceeding the maximum prescribed, to allow it to be advertised alongside Scheme Amendment 208.





- 5. Adopt the Draft Byford Development Contribution Plan No. 5 as per in attachment OCM147.4/12/18 for the purposes of advertising for a period of 30 days and presented back to Council for the Ordinary Council Meeting in February 2019.**

**CARRIED UNANIMOUSLY 8/0**

*Reason for Amended Officer Recommendation:*

*The annual review of the Byford DCP based on 2018 costs and land values is included in attachment OCM 147.4.12/18, it was missed as an oversight in preparing the report. Council is requested to adopt DCP 5 to go out for advertising for 30 days, which will be separate process to Scheme Amendment 208. The DCP associated with Scheme Amendment 208 will eventually become DCP 6 and will be updated to reflect 2019 costs and land values, and will also reflect the elements contained in Scheme Amendment 208.*



<b>OCM148/12/18 – Adoption of the Mundijong District Structure Plan, Mundijong Development Contribution Plan and Development Contribution Scheme as satisfactory for formal advertising (SJ2362)</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> .

### Report Purpose

The purpose of this report is for Council to deem the Mundijong District Structure Plan 2018, the Mundijong Development Contribution Plan and Development Contribution Scheme Amendment 209 satisfactory for formal advertising in terms of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers recommend that Council agree to proceed to formal advertising.

### Relevant Previous Decisions of Council

SD017/08/11 – Mundijong Whitby District Structure Plan – Final Adoption.  
SCM005/05/18 - Local Development Strategies for the Four Locales of Byford, Mundijong, Serpentine and Jarrahdale.

### Background

Hames Sharley was appointed to undertake the Shaping SJ project that saw the preparation and delivery of individual Local Development Strategies for the four locales of Byford, Mundijong, Serpentine and Jarrahdale. The Local Development Strategies for Byford and Mundijong also included a statutory District Structure Plan, Development Contribution Scheme, Development Contribution Plan and a visionary strategy that provides the rationale for the future development of the areas.

Shire of Serpentine Jarrahdale is still one of the fastest growing local government areas in Australia with the quality of life, strong community spirit, solid economic base and low housing costs increasing the attraction for residents to the area. It is expected that 100,000 new residents will call the Shire home by 2050 (Perth and Peel @3.5 Million). This success brings with it a number of challenges, predominantly associated with the pressures of this growth. Whilst land availability is not a constraint in the Shire, the Shire's SJ2050 document clearly highlights that the community wants to retain the existing natural environment and rural living character. The strategy therefore aims to concentrate urban development around the existing centres of Byford and Mundijong.

The Shaping SJ project, reviewed all current structure plans, development contribution plans and other supporting documents to draft documents that align with the SJ2050 vision, the Shire's Strategic Community Plan and Corporate Business Plan as well as the State and Local Planning Frameworks.



The Department of Planning, Lands and Heritage provided comments on the statutory components during this process and recommended that the District Structure Plan and Development Contribution Plans/Scheme be separated from the non-statutory components. The latter was to be included in the Local Planning Strategy or to become informing documents to the Integrated Planning and Reporting Framework. This report focusses on presenting the statutory District Structure Plan, Development Contribution Plans and Schemes Amendment to Council.

## **Community / Stakeholder Consultation**

Council in May 2018 resolved:

***“SCM005/05/18 COUNCIL DECISION / Alternate Councillor Motion:***

*Moved Cr McConkey, seconded Cr Atwell*

*That Council:*

- 1. Accepts the draft Byford Local Development Strategy, Mundijong Local Development Strategy, Serpentine Local Development Strategy and Jarrahdale Local Development Strategy as the basis for future development of the four locales.*
- 2. Agrees that the consultation process as outlined in the report should commence for Byford Local Development Strategy, Mundijong Local Development Strategy, Serpentine Local Development Strategy and Jarrahdale Local Development Strategy for a period of two months after which submissions to be presented to Council for its consideration and the initiation of a formal advertising process in accordance with Town Planning Regulations.”*

The consultation process has now concluded. A summary of the formal submissions relating to the Mundijong District Structure Plan 2018 is included in attachment OCM147.1/12/18. The main issues that were raised in the process are:

1. Lack of information on the species and strategies of protecting existing environmentally sensitive landscapes and vegetation communities.
2. Lack of information surrounding the sub precincts supported by Council in the Implementation strategy.
3. Alignment and reservation of the future freight rail infrastructure.
4. Timing and planning around the passenger rail.
5. Requirements for a traffic impact assessment/ modelling/ technical studies to support the District Structure Plan.
6. Stakeholder consultation process on the District Structure Plan.
7. Accuracy of population assumptions.
8. The threat to the development liability arising Development Contribution Arrangement.
9. Lack of clarity around existing Local Structure Plans compared to the draft District Structure Plan.



10. Specific issues /concerns relating to existing and/or proposed Local Structure Plan precincts.

The modifications resulting from the submissions above are summarized in the Comment section of the report under the heading Proposed Modifications. To enable the formal statutory process to continue Officers recommend that the Mundijong District Structure Plan 2018, the Mundijong Development Contribution Plan and Development Contribution Scheme be formally advertised.

### **Statutory Environment**

The District Structure Plans and Development Contribution Plans were drafted in accordance with the following statutory requirements:

- *Planning and Development Act 2005*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)*

The following state and local strategic and policy documents necessitated changes to the documents.

#### *State Planning Framework*

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Draft Government Sewerage Policy 2016;
- Perth and Peel @ 3.5 Million - The South Metropolitan Peel Sub-regional Planning Framework and Perth Transport Plan @ 3.5 Million;
- Lower Serpentine hydrological studies Conceptual model report and State strategic infrastructure decisions;
- Metronet and Westport and related studies; and
- Structure planning Guidelines.

#### *Local Planning Framework*

- The Rural Strategy Review 2013, Draft Local Planning Strategy and Draft Local Planning Scheme No.3;
- Community Infrastructure and Public Open Space Strategy and Community Infrastructure Implementation Plan;
- New Local Structure Plans and Council decisions regarding planning matters in the TPS2 area;
- Infrastructure provisioning and changes in staging;
- Shifting on policy positions regarding rail-crossings being required to be grade-separated as the default option;
- Economic Development Strategy; and
- Strategic Land Use Management Plan.



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**Comment**

*District Structure Plans* are statutory documents that provide proposed land uses for the various areas – a plan for the coordination of future subdivision and zoning of an area of land.

*Development contributions* are payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of the community. Generally, the development contribution plans are linked to the district structure plan as it provides the mechanism for the funding of infrastructure. The two plans therefore cover the same area and address the same district level infrastructure.

**Mundijong District Structure Plan 2018**

The reviewed Mundijong District Structure Plan 2018 is a minor adaptation and combination of the approved plans for Mundijong-Whitby and West Mundijong. It does not vary the intent or broad land uses of the originals and utilises the technical information from the two previous District Structure Plans to address the implementation issues associated with them. The draft Mundijong District Structure Plan 2018 is based on a number of strategic plans and documents, that include amongst others:

- Current District Structure Plans for, Mundijong and West Mundijong and their supporting technical plans;
- The Traffic Impact Assessment Study completed by Cardno – November 2018;
- Current Local Structure Plans for the Mundijong District Structure Plan area precincts A, E, G with their supporting studies;
- The Shire of Serpentine Jarrahdale's Activity Centres Strategy;
- Mundijong and West Mundijong Implementation Strategy with their supporting technical studies; and
- Development Contribution Plans for West Mundijong and draft Development Contribution Plan for Mundijong.

The Mundijong District Structure Plan 2018, once adopted, will consolidate the abovementioned planning documents. It better reflects a number of State and local policy changes and incorporates a significant number of strategic documents that have been produced since the current Mundijong District Structure Plan was adopted, and some strategic decisions that impact on the district structure plan.

**Proposed Modifications**

The modifications that have been made to the Mundijong District Structure Plan 2018 to address the above policy changes and preliminary community engagement process are provided below:

1. Consolidating previous plans for the area and improving the response to the State planning frameworks (most notably the Perth and Peel @ 3.5 Million and its South Metropolitan sub-regional framework), new State planning policies and local planning frameworks;
2. Expansion of the Mundijong District Structure Plan boundary to include strategic sites in the surrounding area;





3. Providing more emphasis on the redevelopment around the Mundijong town centre and railway station for the civic function and expressly encouraging the establishment of two larger activity centres, one in Mundijong (civic/ governance) and one in Whitby (retail);
4. Leveraging off the Tonkin Highway extension by establishing an employment hub in the Mundijong Industrial area;
5. Improved local distributor road network including realignment of future roads to improve connectivity to and within the Mundijong District Structure Plan area;
6. Identification for two proposed transit nodes for further investigation;
7. A less schematic and realistic re-alignment of freight rail based on more detailed studies;
8. Residential density ranges included on the structure plan map;
9. Identification of three development investigation areas;
10. Providing a rural residential transition zone between urban settlement and rural areas south of the Mundijong Town Centre;
11. Co-location of education and recreation facilities to make more efficient use of land and improve social cohesion in line with the Shire's approved community infrastructure strategies and plans;
12. Identification of locations for district and neighbourhood level public open space;
13. Relocation of the existing wastewater pump station (further south) and establishment of a new one in the Mundijong Industrial area;
14. More accurate delineation of multiple use corridors;
15. Relocation of the proposed neighbourhood centre on the western side of the Mundijong District Structure Plan area to respond to practical realities;
16. Identification of locations for a University Campus and cemetery east of South Western highway; and
17. Relocation of the proposed TAFE to a site north of the District centre as per the approved Local Structure Plan.

The formal advertising process for the Mundijong District Structure Plan 2018 is determined by the provisions contained in Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 18 requires the formal advertising of a structure plan for a period between 14 and 28 days unless permission is received from the Commission to exceed this period. It is recommended that the Commission be requested to extend the period to 60 days to start and end at the same time as the advertising for the Byford Development Contribution Plan scheme amendment.

#### Mundijong Development Contribution Plan and Scheme Amendment

The Shire has prepared the Mundijong Development Contribution Plan and associated Scheme amendment in line with the Mundijong District Structure Plan 2018. The Mundijong Development Contribution Plan will require an amendment to the Town Planning Scheme No.2 which will be referred to as the Development Contribution Scheme (Amendment 209).



The Mundijong Development Contribution Scheme and Plan have been drafted to conform to clause 73 of the Regulations.

*73. (4) A development contribution plan must set out the following —*  
*(a) the development contribution area to which it applies;*  
*(b) the infrastructure and administrative items to be funded through the plan;*  
*(c) the method of determining the contribution of each owner of land in the development contribution area;*  
*(d) the priority and timing for the provision of the infrastructure;*  
*(e) whether costs of providing infrastructure and administrative items are to be reviewed annually and if so, the method proposed for the annual review of the costs;*  
*(f) the term for which the plan is to have effect.”*

The *Regulations* also set out the framework for the assessment of scheme amendments and therefore determine the method by which the Development Contribution Scheme and Plan need to be formally advertised. Under the *Regulations*, scheme amendments are categorised as either basic, standard or complex, and follow different processes accordingly. The proposed amendment is considered a complex amendment, as per clause 72:

***“72. Development contribution area and plans are complex amendments***

*The identification of a development contribution area and the preparation of a development contribution plan, or the amendment of an area or plan, are to be prepared as part of the preparation or adoption of a local planning scheme or as a complex amendment to a local planning scheme.”*

The proposed amendment therefore is required to follow the statutory process set out under the *Regulations* for complex amendments. This process will commence once the amendment is assessed by the Western Australian Planning Commissions and deems it is satisfactory for advertising.

Part 5 Division 2 Section 38 (2) requires the amendment to be advertised in a specific manner:

*“(2) On completion of the preparation of the notice, the local government must advertise the complex amendment to a local planning scheme as follows —*  
*(a) publish the notice in a newspaper circulating in the scheme area;*  
*(b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;*  
*(c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;*  
*(d) publish a copy of the notice and the amendment on the website of the local government;*  
*(e) advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.”*

Part 5, Division 2, s38 (4) of the *Regulations* indicates that the period for submissions for the Development Contribution Scheme (Amendment 209) set out in a notice must be not less than a period of 60 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area.



The Mundijong Development Contribution Plan and associated Scheme incorporate the following:

1. *Combining the West Mundijong Development Contribution Plan with the draft Mundijong-Whitby Development Contribution Plan* – this allows for certainty regarding district level infrastructure and costs sharing mechanisms
2. *Alignment of the development contribution plans with the district structure plan* - a number of modifications have been made to the Mundijong District Structure Plan 2018 and the impacts of those changes have been incorporated into the contribution plans.
3. *Finalisation of the concept design's and cost estimates* – for all district level roads in the Mundijong District Structure Plan 2018 that allow a contribution plan to be completed and advertised.
4. *Land values calculated for compensation towards land requirements* - for district roads above 20m width, grade separated crossings and public open space.

## **Options and Implications**

### Option 1

Resolve to deem the Mundijong District Structure Plan 2018 and Scheme Amendment 209 Mundijong Development Contribution Scheme satisfactory for advertising.

This option would result in the Mundijong District Structure Plan being advertised and Scheme Amendment 209 Mundijong Development Contribution Scheme being advertised, subject to the consent of the WAPC.

### Option 2

Resolve to deem the Mundijong District Structure Plan 2018 and Scheme Amendment 209 Mundijong Development Contribution Scheme satisfactory for advertising, subject to modifications.

This option would result Officers undertaking modifications to the Mundijong District Structure Plan and Scheme Amendment 209 Mundijong Development Contribution Scheme prior to advertising. Council would need to provide reasons for recommending the modifications.

### Option 3

Resolve not to deem the Mundijong District Structure Plan 2018 and Scheme Amendment 209 Mundijong Development Contribution Scheme satisfactory for advertising.

This option would result in the current Mundijong District Structure Plan remaining in place and the West Mundijong Development Contribution Plan and the draft Mundijong-Whitby Development Contribution Plan remaining as the district level infrastructure contribution mechanisms.

Option 1 is recommended



## Conclusion

The item to Council presents the rationale for the Mundijong District Structure Plan 2018 and the Mundijong Development Contribution Plan and Scheme and requests that Council deem them satisfactory for formal advertising. Officers recommend that Council deem the Mundijong District Structure Plan 2018 and the Mundijong Development Contribution Plan and Scheme acceptable for formal advertising in terms of the Regulations.

## Attachments

- [OCM148.1.12/18](#) - Outcomes of the Engagement on the District Structure Plan (E18/6969)
- [OCM148.2.12/18](#) – Mundijong District Structure Plan 2018 (IN18/27616)
- [OCM148.3.12/18](#) – Mundijong Development Contribution Scheme and Plan (E18/14138)

## 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 direct financial implications in deeming the District Structure Plans satisfactory for advertising.

## Risk Implications

An important aspect that needs consideration with any large project are the risks associated with the project.

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)
Delay in having a DCP in place	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

The risks in the Risk Matrix can be mitigated with the risk management methodologies indicated and they allow the project to continue with a relatively low risk. Continued reporting on the progress of the project and following project management protocols will be required. Officers are satisfied that the risks presented can be mitigated through the outlined project management procedures. The Reputational risks and Financial risk are considered 9, and therefore are not required to be included in the Risk Register.



### 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)

Voting Requirements: Simple Majority

### OCM148/12/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Byas, seconded Cr McConkey

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.

**CARRIED UNANIMOUSLY 8/0**





<b>OCM149/12/18 – Draft Local Planning Strategy (SJ203)</b>	
<b>Responsible Officer:</b>	Acting Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Shire of Serpentine Jarrahdale
Lot Area:	Various
Town Planning Scheme No 2 Zoning:	Various
Metropolitan Region Scheme Zoning:	Various

### **Report Purpose**

The purpose of this report is for Council to consider the Shire of Serpentine Jarrahdale draft Local Planning Strategy (LPS) following the Western Australian Planning Commission (WAPC) decision to certify the LPS for advertising subject to modifications. Shire Officers have reviewed the WAPC modifications and consider that modifications relating to three key issues represent a significant change to the intent of the draft LPS. These issues include:

- Rural Enterprise
- Special Residential
- Byford Train Station

Given Council's previous decisions and policy on these issues, this report is presented to Council to make a decision on how to proceed with the draft LPS in light of these modifications.

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

OCM170/12/17 – Council resolved to proceed to advertise the draft LPS.

SCM005/05/18 – Council resolved to accept the Local Development Strategies as the basis for future development and agree to an informal consultation period.

### **Background**

The *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) require the preparation of a Local Planning Strategy (LPS) that provides the long-term direction for the Shire and informs the preparation of the new Local Planning Scheme (Scheme) by providing the rationale for the statutory provisions and zonings included within the new Scheme. At the Ordinary Council Meeting held on 11 April 2016, Council initiated the preparation of the draft LPS and a draft Local Planning Scheme No.3 (LPS3).

At the Ordinary Council Meeting held on 18 December 2017, Council resolved to proceed to advertise the draft LPS. Under Part 3 Regulation 12 of the Regulations, the WAPC is required to certify a draft local planning strategy prior to advertising. Following the Council's decision on 18 December 2017, a copy of the draft LPS was provided to the WAPC. The draft LPS was certified for advertising by the WAPC on 14 August 2018, subject to modifications being satisfactorily undertaken. Officers have since worked with the Department of Planning, Lands



and Heritage (DPLH) Officers to undertake modifications and to seek clarification regarding the required modifications.

## **Community / Stakeholder Consultation**

### Local Profile Workshops

As a part of the preparation of the draft LPS, a series of stakeholder consultation workshops were undertaken as guided by Section 2.6.4 of the WAPC's Local Planning Manual. These workshops were undertaken to gain feedback on the local profile of the Shire, which included the environmental, socio-economic and planning profiles of the Shire. The local profile of the Shire is an integral component of Part 2 of the draft LPS, which largely informs the long-term direction, objectives and strategies contained within the draft LPS, and consequently the provisions of draft LPS3. These local profile workshops involved the presentation of the environmental, socio-economic and planning profiles of the Shire and discussions with various stakeholder groups to ensure that all relevant planning considerations would be addressed in the draft LPS. Four workshops were undertaken during April and May 2016 with the following stakeholder groups:

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

### Rural Strategy Review 2013

The draft LPS is the culmination of the previously prepared and publicly advertised Shire strategies, such as the Rural Strategy Review 2013. The preparation of the Rural Strategy Review 2013 has been subject to extensive community consultation. This included various community workshops held in different locations within the Shire as well as the formal public advertising period during November 2013 to January 2014. As the primary land use strategy, which has guided the Shire's development since 1994, the Rural Strategy Review 2013 is a key strategic document that has informed the preparation of the draft LPS and LPS3. The feedback received from the community as a part of the Rural Strategy Review 2013 process has been reflected and consolidated into the LPS and LPS3.

### SJ2050 Workshops and Consultation

Significant community consultation was undertaken for the preparation of SJ2050 as the vision for the Shire. Council endorsed SJ2050 at the Ordinary Council Meeting held on 24 October 2016. SJ2050 has been an important informing document for the draft LPS, and consequently the draft LPS3. Community consultation for SJ2050 included several community workshops, an online survey, postcards and media releases to capture the views and aspirations of the community. The draft LPS and LPS3 reflects these community aspirations, which were identified in SJ2050.



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### Policy Concept Forum

The progress of the draft LPS and LPS3 was presented to Council at a Policy Concept Forum held in August 2016.

<b>Meeting Date</b>	8 August 2016
<b>Councillors in Attendance</b>	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See, Cr Urban

The draft LPS and LPS3 was presented to Council at two workshops held in August 2017.

<b>Meeting Date</b>	14 August 2017 and 17 August 2017
<b>Councillors in Attendance</b>	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See

The draft LPS and LPS3 was presented to Council at a workshop held in November 2017.

<b>Meeting Date</b>	25 November 2017
<b>Councillors in Attendance</b>	Cr Atwell, Cr Rich, Cr See, Cr Coales, Cr Denholm, Cr McConkey, Cr Byas

### Statutory Advertising Requirement

Part 3 Regulation 13 (3) of the Regulations requires the public advertising of a Local Planning Strategy for a period not less than 21 days. Part 4 Division 2 Regulation 22 (4) of the Regulations requires the public advertising of a new Local Planning Scheme for a period not less than 90 days. Should the WAPC consent to the public advertising of the draft LPS following reconsideration and also consent to the public advertising of LPS3, both draft documents will be formally advertised for a period not less than 90 days.

### **Statutory Environment**

#### Legislation

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

#### State Government Policies

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



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### Local Planning Framework

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

### **Planning Assessment**

Under Part 3 Regulation 11 (1) of the Regulations, local governments are required to prepare a Local Planning Strategy for each Local Planning Scheme. The intent of a Local Planning Strategy is outlined under Part 3 Regulation 11 (2) of the Regulations, which states the following:

*'A local planning strategy must –*

- (a) set out the long-term planning directions for the local government; and*
- (b) apply any State or regional planning policy that is relevant to the strategy; and*
- (c) provide the rationale for any zoning or classification of land under the local planning scheme.'*

The LPS will guide the future development and growth within the Shire, identifying the Shire's position on strategic matters, addressing key issues and providing a range of objectives, strategies and actions. A LPS is comprised of two parts including Part 1 – Strategy and Part 2 – Background Information and Analysis. The WAPC's Local Planning Manual states that Part 1 should include a vision and planning principles to inform future planning decisions, objectives to guide the strategic plan, the strategic plan, and strategies and actions which demonstrate how the objectives and strategic plan will be implemented. Part 2 of the LPS should include background information and analysis of key issues to provide the rationale for Part 1 of the LPS.

### WAPC Modifications to draft LPS

Under Part 3 Regulation 12 of the Regulations, the WAPC is required to certify a draft Local Planning Strategy prior to advertising. On 14 August 2018, the Statutory Planning Committee of the WAPC considered the draft LPS that was supported by Council on 18 December 2017. The WAPC certified that, subject to modifications being satisfactorily undertaken, the draft LPS should be advertised for public submissions for not less than 21 days.

A total of thirty-six (36) modifications were required by the WAPC, comprised of fifteen (15) modifications to Part 1, eight (8) modifications to Part 2, six (6) modifications to the Strategy Map, two (2) general modifications and five (5) administrative modifications. The schedule of modifications required by the WAPC is contained within attachment OCM149.1/12/18.

The majority of the modifications required by the WAPC do not change the intent of the draft LPS, relating to structural elements, providing further clarification and updating the document. Shire Officers have worked with Officers of the DPLH to make these modifications to the draft LPS in accordance with the WAPC decision. However, some of the required modifications, which relate to three key issues, would significantly alter the intent of the LPS. As such, Shire Officers do not support these modifications, and therefore requests Council's direction regarding these matters to enable the LPS to be progressed. The matters are discussed below:



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*Rural Enterprise*

WAPC modifications no.11 and no. 25 require the references to the Rural Enterprise zone to be removed from the draft LPS and for Rural Enterprise areas to be depicted as Rural on the Strategy Map. The Rural Enterprise zone was included within the draft LPS to provide the opportunity for landowners to develop light industrial and rural enterprises on the same lot as their primary residence. This enables landowners to contribute to the local economy and consolidates light industrial and rural enterprises in designated areas to prevent these uses from developing in rural areas and adversely affecting amenity. The WAPC's State Planning Policy 2.5 Rural Planning provides for the Rural Enterprise zone and contains a policy under section 5.5 (b) to support rural communities by providing for rural enterprise zones which combine light industry and housing. This zone has an important function within the Shire and describes the existing lots sizes and land uses that have developed within a portion of Oakford.

WAPC modification no.26 requires the Rural Enterprise Investigation Area north of the West Mundijong Industrial Area to be removed from the Strategy Map. This Investigation Area was included within the draft LPS as Rural Enterprise is considered to be a suitable interface between industrial and rural residential areas. Shire Officers therefore recommend that Council do not support WAPC modifications no.11, no.25 and no.26 and consider that Rural Enterprise is an important element of the draft LPS.

Additionally, the draft LPS has also been revised to include the portion of land south of Mundijong Road, which is currently zoned Farmlet under Town Planning Scheme No.2, as Rural Enterprise. This land, including Shire Reserve 2166, has been identified as Rural Enterprise as Shire Officers consider this land use to be more appropriate, given the identification of the freight rail realignment through this site.

*Special Residential*

WAPC modification no.10 requires Special Residential to be relocated from the Rural Living section to the Urban section as Special Residential is considered to be an Urban zone under the WAPC's Sub-Regional Planning Frameworks. Shire Officers strongly object to this modification as the Special Residential zone has been applied to existing estates within the Rural Living A zone. The Rural Living A zone is not included as a zone under the Regulations. Under the Regulations, the Special Residential zone, which allows for lot sizes in the range of 2,000m<sup>2</sup> – 1ha, is the most appropriate and closely aligned zone to the Rural Living A zone, which allows for lot sizes in the range of 4,000m<sup>2</sup> – 1ha.

The draft LPS does not identify any new areas as Special Residential, only reflecting existing Rural Living A areas. Shire Officers consider the Special Residential zone should be classified as Rural Living instead of Urban to reflect the rural lifestyle character of this type of development. Shire Officers also consider that the classification of Special Residential as Urban would create significant pressure for the further subdivision, development and densification in the future. This is particularly important in the Shire where the Special Residential areas have been developed as Rural Living estates outside of the defined Urban areas. Urban development within the Shire is configured in a nodal development pattern interspersed by rural forms of development. Maintaining this development pattern, which includes Special Residential areas classified as Rural Living, is crucial in managing development pressure, containing urban sprawl, preserving vegetation and the distinct rural living character, which the community values.





Further to this issue, Officers from the DPLH have recently provided advice to the Shire that while the Special Residential zone is currently included in the Regulations, including additional areas within the Special Residential zone would be unlikely to be supported by the WAPC under LPS3. This would mean that Rural Living A areas within the Shire would be unlikely to be supported by the WAPC within the Special Residential zone under LPS3.

DPLH have however provided two options regarding how the Shire's Rural Living A areas could be addressed. Option 1 is to identify Rural Living A areas within the Rural Residential zone. This would result in existing lots smaller than 1ha being identified in this zone and would require the inclusion of provisions to clarify that existing lots and local structure plans may provide for lots between 4,000m<sup>2</sup> and 1ha. Option 2 is to identify Rural Living A areas within the Residential zone and apply the appropriate R-Code of R2.5, which would allow subdivision to 4,000m<sup>2</sup>. Shire Officers consider that option 2 would lead to increased subdivision pressure, loss of rural character and unplanned urban sprawl. As such, Shire Officers support option 1 to preserve the Shire's nodal settlement pattern, unique rural lifestyle character and diversity of housing choice. It is recommended that Council support option 1.

Given that this information from DPLH has only been recently received on 26 November 2018, the revised draft LPS contained in attachment OCM149.2/12/18 has not been updated to reflect the Shire Officers preferred option to identify Rural Living A areas as Rural Residential RR1. Shire Officers recommend that Council support the modification of the revised draft LPS contained in attachment OCM149.2/12/18 to depict all existing and proposed land within the Rural Living A zone under Town Planning Scheme No.2 as Rural Residential RR1.

### *Byford Train Station*

WAPC modification no.12 states that the location of the Byford passenger rail station be indicated as subject to confirmation. Shire Officers do not support this modification as the preferred location of the Byford passenger rail station is within the Byford Town Centre. Locating the rail station within the Byford Town Centre would enable a transit-oriented development that facilitates increased residential densities and maximises walkability. Additionally the WAPC's Perth and Peel @ 3.5 Million South Metropolitan Peel Sub-Regional Planning Framework identifies the passenger rail station within the Byford Town Centre. Shire Officers recommend that Council continue to support the Byford Town Centre as the location of the rail station to reflect the Shire's strong preference for this location and the South Metropolitan Peel Sub-Regional Planning Framework.

## **Options and Implications**

### Option 1

Resolve to proceed to advertise the revised draft LPS contained within attachment OCM149.2/12/18, which incorporates all of the WAPC modifications except for modifications 10, 11, 12, 25 and 26.

This option would result in the revised draft LPS being reconsidered by the WAPC's Statutory Planning Committee to receive certification for the purposes of advertising. There would likely be discussions and negotiations with the WAPC with regard to the modifications that have not been undertaken. Further modifications may be required as a result of the reconsideration by the WAPC's Statutory Planning Committee.

**Option 2**

Resolve to proceed to advertise the revised draft LPS, which incorporates all of the WAPC modifications.

This option would result in Shire Officers undertaking all of the WAPC modifications, including modifications 10, 11, 12, 25 and 26. The draft LPS would be provided to DPLH for review and public advertising would be able to commence.

**Option 3**

Resolve to proceed to advertise the draft LPS, which does not incorporate any of the WAPC modifications.

This option would result in the WAPC's Statutory Planning Committee reconsidering the draft LPS to receive certification for the purposes of advertising. This would very likely result in many of the same modifications that were required by the WAPC's decision on 14 August 2018 again being required prior to the draft LPS being certified for public advertising. This option would likely result in delays to the progression of the draft LPS.

Option 1 is recommended.

**Conclusion**

This report provides Council with the opportunity to consider the modifications required by the WAPC to the draft LPS. Shire Officers do not support modifications relating to three key issues, including Rural Enterprise, Special Residential and the Byford Train Station. Council is requested to make a decision on how to proceed with the draft LPS in light of these modifications.

**Attachments**

- [OCM149.1/12/18](#) – WAPC consent to advertise draft LPS subject to modifications (IN18/19281)
- [OCM149.2/12/18](#) – Revised draft LPS (E18/13945)

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.1</b>	Recognise local heritage
<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 2.2</b>	A sustainable natural environment
<b>Strategy 2.2.1</b>	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district



<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### Financial Implications

There are no direct financial implications relating to this matter. Consultation and additional modifications that may be required to the LPS will either be undertaken in house or from existing operational budgets.

### 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>
<b>That Council support officer recommendation</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
<b>That Council do not support officer recommendation</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

### OCM149/12/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Byas, seconded Cr McConkey

That Council:

1. Acknowledges that the Planning and Development (Local Planning Schemes) Regulations 2015 do not provide for a further decision to be made by the Shire and that the Shire is required to make the Western Australian Planning Commission modifications. As such, notes that the Chief Executive Officer to make any future modifications required by the Western Australian Planning Commission to the draft Local Planning Strategy prior to advertising.
2. Notwithstanding, resolves to proceed to advertise the revised draft Local Planning Strategy contained within Attachment OCM149.2/12/18, which incorporates all of the Western Australian Planning Commission modifications except for modifications 10, 11, 12, 25 and 26, with the following additional modifications:
  - a. The draft Local Planning Strategy being modified to depict all existing and proposed land within the Rural Living A zone under Town Planning Scheme No.2 as Rural Residential RR1, and provisions being included to clarify that existing lots or local structure plans may provide for lots between 4,000m<sup>2</sup> and 1 hectare.
3. Pursuant to Part 3 Regulation 12 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provides a copy of the revised draft Shire of Serpentine Jarrahdale Local Planning Strategy to the Western Australian Planning Commission



Continued

## Ordinary Council Meeting Minutes Monday 17 December 2018

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and request the Western Australian Planning Commission to reconsider modifications 10, 11, 12, 25 and 26.

**CARRIED UNANIMOUSLY 8/0**





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**10.2 Infrastructure Services reports**

<b>OCM150/12/18 - Award Contract for RFT12/2018 Building Cleaning</b>	
<b>Responsible Officer:</b>	Manager Operations
<b>Senior Officer:</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> .

**Report Purpose**

To advise Council of submissions received in relation to RFT 12/2018 Building Cleaning recommending the best value for money tenderer and ask Council to award the contract to the preferred respondent for a period of 3 years, subject to rise and fall each year in line with CPI.

**Relevant Previous Decisions of Council**

OCM207/11/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Rich

1. Award tender RFT 06/2016, for Provision of General Cleaning Services, to Iconic Property Services, for a one (1) year period, from 1 December 2016 to 30 November 2017, in accordance with the submitted tender as contained in confidential attachment OCM207.2/11/2016; and
2. Authorise the Chief Executive Officer to extend the contract for a period of twelve (12) months, from 1 December 2017, should the Chief Executive Officer be satisfied with Iconic Property Services' performance, under the contract, in accordance with the tendered contract provisions.

**Background**

As part of the Shire's facility cleaning requirements, a tender was prepared and advertised seeking suitable contractors to provide this service. The previous contract expired on 30 November 2018 and therefore a new agreement is required by Council to meet our purchasing policy requirements. The new contract is recommended for 3 years to ensure value for money for the Shire through consistency of service and scheduled pricing with a CPI increase. The Shire also gains the advantage of continuity of services with the same Contractor without a long term extended contract period. The Contractor receives a three year guaranteed term which offers security over that term and allows them to minimise costs.

The cleaning contract includes 3x Administration Centre buildings and transportables, 4x Operations Centre buildings, 5x pavilions, 13x toilets, 1x change room, 6x halls, 1x library, 4x Kindy / Child Health Clinic, 1x Club, and 1x Landcare Building.



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**Community / Stakeholder Consultation**

N/A

**Submissions**

The Request for Tender RFT 12/2018 Building Cleaning, was advertised on 17 October 2018 and closed at 2.00pm on 1 November 2018.

Ten submissions were received and summarised in the request for tender evaluation is included in the confidential attachment OCM150.1/12/18 - **Confidential** – RFT12/2018 Building Cleaning – Evaluation Report.

Submissions were received from the following companies:

Company Name
ALLclean Property Services Plus
Alpha Corporate Property Services Pty Ltd
Bell Rock Cleaning
Brigade Facilities Management Pty Ltd
Bright Mark Cleaning Services
DMC Cleaning
Iconic Property Services
Mission Impossible Group Services
Spick Span Commercial Property Maintenance
Wilson Property Service

**Evaluation Panel**

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

- Manager Operations
- Manager Community Development
- Building Maintenance Supervisor

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

**Evaluation Criteria**

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
Relevant experience with: <ul style="list-style-type: none"><li>• Details of similar work (type, size and budget);</li><li>• Tenderers involvement including details of outcome;</li><li>• Details of issues and how these were managed;</li><li>• Any additional information.</li></ul>	20%
Tenderers Resources, Key Personnel, Skills and Experience with <ul style="list-style-type: none"><li>• Key personnel's role in the performance of the contract, including their experience in similar projects;</li><li>• Curriculum Vitae of key personnel;</li><li>• Plant, equipment and materials;</li><li>• Resources availability schedule, including any contingency measures or back up of resources;</li><li>• Details of subcontractors and major suppliers of goods and services.</li></ul>	10%
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>• Occupational Health and Safety Management Plan;</li><li>• Critical assumptions; and</li><li>• Any additional information.</li></ul>	10%

**Comment**

Based on the evaluation report (OCM150.1/12/18 - **Confidential** – RFT 12/2018 Building Cleaning – Evaluation Report), the recommended submission is:

- Bright Mark Cleaning Services for a period of 3 years, subject to rise and fall each year in line with CPI.

**Statutory Environment**

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



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## Options and Implications

The following options have been identified:

### Option1

Award the contract as recommended in the Confidential Evaluation Report to Bright Mark Cleaning Services.

### Option 2

Not award the contract and retender.

Option 1 is recommended.

## Conclusion

Bright Mark Cleaning Services has been assessed as meeting the requirements for Relevant Experience; Key Personnel, Skills and Resources; and Demonstrated Understanding and resulted in the best value for money when taking price into account as per Confidential Evaluation Report and as such meet the requirements of the contract. It is recommended that Council award the Tender to Bright Mark Cleaning Services.

## Attachments

- OCM150.1/11/18 - **Confidential** – RFT12/2018 Building Cleaning – Evaluation Report (E18/13134)
- OCM150.2/11/18 – **Confidential** – RFT12/2018 – Pricing Schedule Itemised by Buildings and Facilities (E18/14025)

## Alignment with our Strategic Community Plan

<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.1.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

## Financial Implications

The proposed contract is a Schedule of Rates Contract. The volume of work historically has been up to the value of approximately \$217,000 per annum. Operations have the ability to ensure that costs associated with this service is retained within Council's 2018/19 budget allocation. It is expected that this cost will reduce to approximately \$191,853.96 ex GST in alignment with the tenderer's proposed fee structure.

Cleaning costs are spread out over the individual buildings and facilities and will be monitored to ensure that they fall within the allocated operations budgets.

It is not one single account – it is an amalgamation of many



### 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.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Financial Impact - 3 Moderate - \$250,000 - 500,000	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

### Voting Requirements: Absolute Majority

OCM150/12/18 Officer Recommendation:

That Council awards RFT12/2018 Building Cleaning to Bright Mark Cleaning Services as per the Confidential attachment OCM150.1/12/18 – RFT12/2018 Building Cleaning – Evaluation Report for a period of 3 years, subject to rise and fall each year in line with CPI.





**Voting Requirements: Absolute Majority**

**OCM150/12/18 COUNCIL RESOLUTION**

**Moved Cr Denholm, seconded Cr Coales**

**That Council awards RFT12/2018 Building Cleaning to Bright Mark Cleaning Services as per the Confidential attachment OCM150.1/12/18 – RFT12/2018 Building Cleaning – Evaluation Report for a period of 1 + 1 + 1 years, subject to rise and fall each year in line with CPI.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

*Reason for difference to Officers Recommendation*

*An annual review will allow for contractor accountability and ongoing contract management for the next 12 months if satisfactory service.*



<b>OCM151/12/18- Petition Request Regarding Installation of Splitter Islands on the first bends on Mead Street immediately east of Warrington Road, Byford (SJ2609)</b>	
<b>Responsible Officer:</b>	Manager Infrastructure and Assets
<b>Senior Officer:</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> .

### **Report Purpose**

The purpose of the report is for Council to consider the petition presented at the Ordinary Council Meeting of 26 November 2018 (OCM4.1/11/18) petitioning for splitter islands on Mead Street, Byford based on traffic and safety concerns.

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

The Shire received a petition dated 19 October 2018, requesting Council consider constructing a dual splitter island on the first two bends of Mead Street, Byford immediately east of Warrington Road.

Through its resolution OCM4.1/11/18– Council accepted the petition in accordance with clauses 3.6(1) (a) – (f), 3.6(4) (a) and (d) of Council's *Standing Orders Local Law 2002 (as amended)*, and requests the Chief Executive Officer include the petition in a report to a subsequent meeting of Council allowing the petition request to be further considered.

### **Background**

At the Ordinary Council meeting of 26 November 2018 Cr See presented a petition dated 19 October 2018 by Paul Evans of 82 Mead Street, Byford with 21 signatures.

The petition stated:

*It is respectfully requested that the Council consider the installation of central splitter islands on the first two bends immediately east of Warrington Road, along Mead Street, Byford to due to ongoing concerns of abutting residents, relating to unsafe driving practices around the aforementioned bends.*

### **Community / Stakeholder Consultation**

Not Applicable.

### **Statutory Environment**

*Section 55(2) Land Administration Act 1997* – care, control and management of roads.

Subject to *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road. This includes the construction of a central splitter island within the road. Decisions on modification to road geometry in the road reserve rest with the local government.



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**Comment**

In deciding on modifying the road environment by incorporating a new infrastructure that might affect traffic, consideration is given to:

- Traffic safety for all road users;
- Compliance with standards and guidelines dictated by Main Roads Western Australia and AustRoad which are the lead road design standard utilised in Western Australia;
- Current traffic volume and speed zone of the road;
- Traffic attractors and initiator to the road;
- The last five years reported crash statistics; and
- The road hierarchy and functionality.

Upon receiving the petition, Shire Officers utilised a warrant system generated by Main Roads Western Australia that determines whether a requested modification of the road geometry to satisfy traffic safety is required. The warrant system is a system developed for use to maintain consistency of approach to incorporation of traffic safety management devices into the road and to ensure any measure meets regulatory requirements for road signage and marking.

The warrant system was applied to Mead Street between Warrington Road and Gordin Way and the following results are listed.

Mead Street, Byford between Warrington Road and Gordin way is classified as Local Access Road under Council's adopted Functional Road Network Hierarchy. It is designed to carry local traffic and through traffic up to 3,000 vehicles per day. Crash data over the last 5 years shows one collision involving property damage. The preliminary assessment undertaken showed the following:

- the volume traffic of 1,556 vehicles per day indicates only half of the road capacity is utilised.
- the 85% percentile vehicle speed also termed the operational speed is 55.8km/h and only slightly above the legal speed limit of 50km/h.
- the crash statistic – one crash over the last five years.
- the existing traffic management treatment in the form of:
  - narrow road reserve and lane width of 3.5m (to cater for buses)
  - centre line marking
  - regulatory 1.5m wide cycle lane – narrowing the existing bicycle lane to 1.0m will depart from compliance with legislative requirements and will put the Shire and vulnerable road users at risk
  - gentle curve in the road alignment – the two gentle bends immediately east of Warrington Road
  - roundabout within 700m – between Warrington Road and Gordin Way
  - footpath on the school side of the road

provides safeguards for most road users and acts as speed control.

The results derived from the warrant system indicate a rated outcome of “low” safety and amenity concern for which no action is recommended. Consequently, there are no extenuating circumstances that would warrant any action from the Shire.



The petition by Paul Evans alleges unsafe driving practices along Mead Street between Warrington Road and Gordin Way. It further alleges that many vehicles have at various times witnessed speeding and crossing onto the opposite lane to maintain their dangerous speeds. This is dangerous for vulnerable road users and other road users alike. It is to be noted that the anti-social driving behaviour by motorists as alleged is a matter for law enforcement, which is dealt with by the WA Police. Speeding motorist can be reported directly to the Police. It is recommended that the petition be forwarded to the Police for their information.

The petition initiated by Paul Evans requests the construction of central raised splitter islands at the first two bends on Mead Street, immediately east of Warrington Road, to stop motorists crossing out of their lane due to speed and to alleviate safety concerns of residents. The supporting documentation sent to the Shire by Paul Evans suggested the splitter island be 0.5m wide, which is non-compliant with the regulatory minimum of 1.8m wide for raised medians which would lead to an unsafe road environment for motorists. The requested solution of the petition is not supported due to:

- The recorded traffic volume is below the design volume for the road;
- The recorded speed is within tolerance and only 5km/h over the legal speed limit of 50km/h;
- Raise median island will not assist in curbing motorists dangerous behaviour; and
- Anti-social driving behaviour by motorists as alleged comes under Law Enforcement, which is dealt with by the WA Police and not the local government.

## **Options and Implications**

### Option One

That Council not implement the request of the petition.

Should Council resolve to adopt the above option, there will be no modification to the road environment as requested by the petition and maintaining a road environment compliant with design standard and regulatory road requirements. There will be no budget implication outside the already approved capital budget. The road will continue to be monitored and when required innovative measures will be taken to ensure a road safety treatment measure.

### Option Two

That Council accepts the petition's request for the construction of central raised splitter islands at the first two bends on Mead Street immediately east of Warrington Road.

This will have budget implications as no budget is allocated to splitter islands on Mead Street. This will also have concern regarding a non-regulatory device in the road environment thus making the road unsafe for motorists.

Should Council resolve to approve the petition's request, a budget implication will apply with an additional \$160,000 to be added to the already approved 2018-2019 capital budget. Note that investigation into traffic safety indicates a rated outcome of "low" safety and amenity concern for which no further action is recommended. To ensure compliance with the minimum width of the splitter island, the road pavement will have to be widened. The widening will involve the relocation of streetlight, realignment of drainage pipeline, realignment of footpath potentially into the Department of Education land and potential loss of car parking bays.



Council Officer recommends Option 1 based on the investigation into traffic safety that indicates a rated outcome of “low” safety and amenity concern for which no further action is recommended. Therefore, construction of the central raised splitter island at the first two bends on Mead Street immediately east of Warrington Road as requested by the petition is not justified.

### Conclusion

The Shire of Serpentine Jarrahdale is currently experiencing urban growth through new residential and commercial developments. It is anticipated that this growth will continue into the future with corresponding increase in vehicular, pedestrian and cyclist traffic on existing and new roads throughout the Shire as a whole. The road will be actively monitored and appropriate and innovative safety measures implemented where and when required.

### Attachments

- [OCM151.1/12/18](#) - Petition – Traffic Calming Splitter Islands on Mead Street, Byford (IN18/27523)

### 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

Adoption of Option 1 will have no other financial implications.

Adoption of Option 2 will require additional budget of \$160,000 to construct a central raised splitter island at the first two bends on Mead Street immediately east of Warrington Road and relocation of streetlight, drainage pipeline and footpath and loss of car parking bays. It is worth noting that no budget has been allocated for the project in the current Long Term Financial Plan.





### 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)
Installing raise pavement median as per petition	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
Not Adopting officer recommendation	Unlikely (2)	Minor (2)	Low (1-4)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Voting Requirements:** Simple Majority

OCM151/12/18 Officer Recommendation:

That Council not implement the request of the petition and forward concerns raised about dangerous driving to the Western Australia Police.

**Voting Requirements:** Simple Majority

**OCM151/12/18 COUNCIL RESOLUTION**

**Moved Cr Coales, seconded Cr Atwell**

**That Council**

- 1. Not implement the request of the petition and forward concerns raised about dangerous driving to the Western Australia Police and**
- 2. Advise everyone by letter who signed the petition the outcome of the Council Resolution and the reason why.**

**CARRIED UNANIMOUSLY 8/0**

*Reason for difference to Officer Recommendation*

*To ensure those that signed the petition are aware of why the Shire is not implementing the request.*



OCM152/12/18 – Kargotich Road Pavement Rehabilitation Project (SJ1299)	
<b>Responsible Officer:</b>	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> .

### Report Purpose

The purpose of the report is to:

- Advise Council of an opportunity to accept a grant funding offered by the State Government through the Regional Road Group, to undertake pavement rehabilitation works on Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00).
- Request Council to approve the allocation of the \$167,800 to implement the project.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

### Background

As part of its commitment to ensure safe road environments for residents and visitors and to ensure road pavement that is deteriorating is repaired to extend its life and minimise the Council reputation and financial risks, officers lodged an application for grant funding for the 2018/19 road rehabilitation program.

The application for road rehabilitation project for Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00) (although it meets all the requirements of the grant body) was short-listed on the reserve list. This means that although the project was, in the first, not allocated a budget in the 2018/19 capital budget of both the Shire and the Regional Road Group budget, it will be considered for implementation if funds become available.

The Shire received a written notification from the Regional Road Group that funds have now become available and that due to its ranking on the reserve list, the Kargotich Road project can be allocated the full available funds. The funding however, is conditional to the Shire confirming that the project can be delivered within the 2018/19 financial year with a Shire's contribution of one third (1/3) funding requirement, in accordance with the State Road Funds for Local Government Agreement. The funds available through the State Road Funds for Local Government Agreement is \$335,600 and the Shire needs to match the fund by \$167,800.

There is capacity to undertake and complete the works through the 2018/19 capital works program, but the approval and reallocation of \$167,800 within the budget is a decision that requires Council approval. These works will be contracted out which will require Council staff to only manage contractors. The design is at stage that it is not a major task to have it finalised.



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## Community / Stakeholder Consultation

### Consultation with Stakeholders

Nil.

## Statutory Environment

- *The “State Road Funds for Local Government Agreement -2018/19 to 2022/23” provides a mechanism for local governments to apply for grant funding under the Local Government Managed Programs.*

*Consistent with Section 9 of the “State Road Funds to Local Government Procedures”, a project is eligible to be approved if it meet the following requirements:*

*Project where road Average Annual Daily Traffic (AADT) exceeds 2,000 vehicles per day or the design exceeds 10,000,000 Equivalent Standard Axles (ESA) for a 20 year design life, and which may be classified as District Distributors, Local Distributors and Access Roads.*

- Section 3.53 (2) of the *Local Government Act 1995 - Control of Certain Unvested Facilities* assigns responsibility for the control and management of local roads to local governments.

The Shire has authority to control and manage every otherwise unvested facility (thoroughfare) within its district and therefore can apply for fund to rehabilitate road pavement.

- *Local Government Act 1995 - Section 6.8 (1)(b) – Expenditure from municipal fund not included in annual budget.*

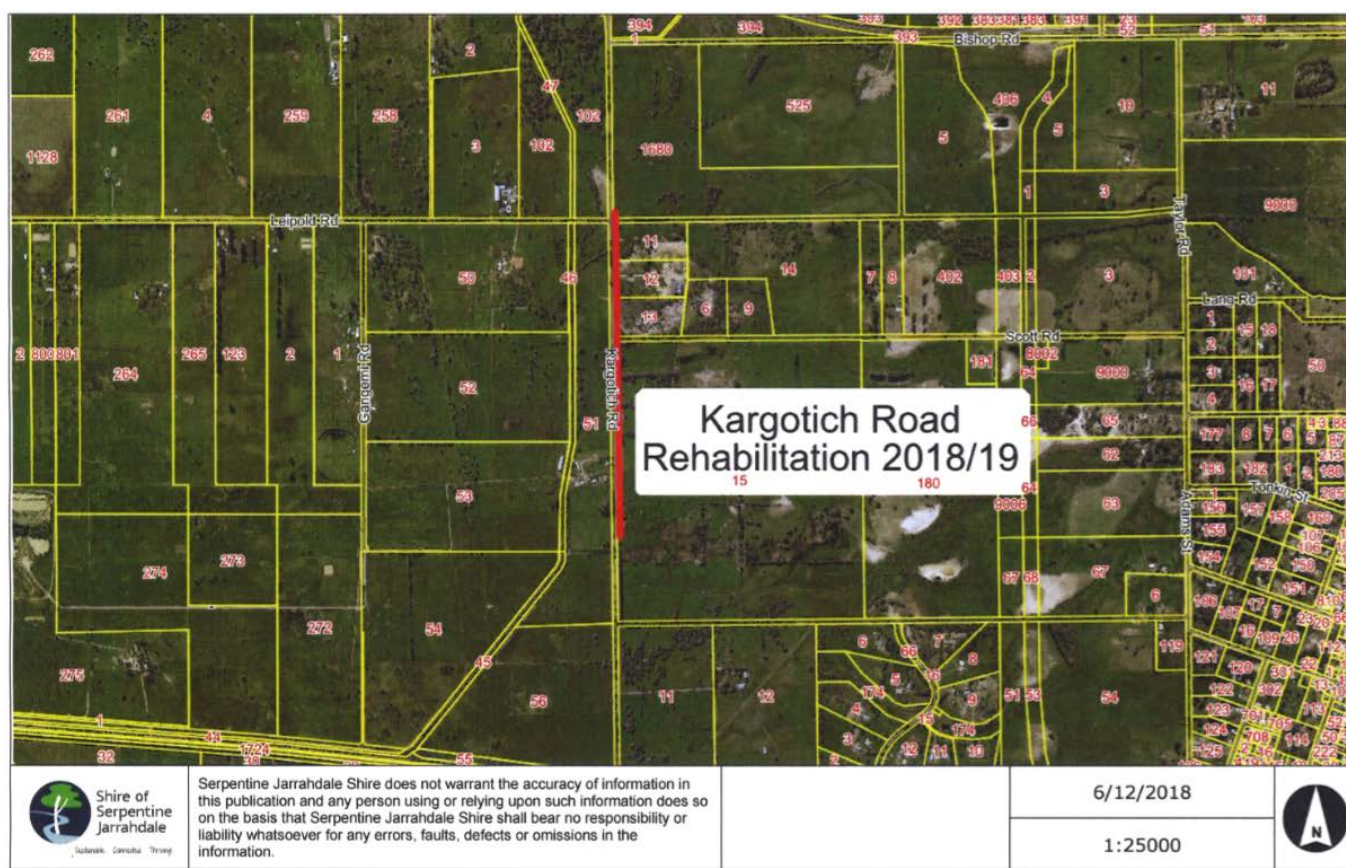
## Comment

Funding to rehabilitate a section of Kargotich Road pavement that has substantially deteriorated is made available by the State Government through its State Road Funds for Local Government Agreement -2018/19 to 2022/23, managed by the Regional Road Group. It is advisable that Council seize the opportunity of the fund to undertake the rehabilitation of the road's pavement to ensure a safe road for motorists (residents and visitors) and extend the life of the road thus minimising its risk and complying with a commitment to ensure a safe road environment.

Under Section 3.53 (2) of the *Local Government Act 1995 - Control of Certain Unvested Facilities* assigns responsibility for the control and management of local roads, Council is assigned responsibility to manage the road in its district. To fulfil that responsibility the following options are proposed for Council consideration.

Under Section 6.8 (1)(b) – Expenditure from municipal fund not included in the annual budget of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority resolution. Therefore, Council is required to determine the benefit of accepting the offer and authorise the reallocation of funds to implement the works.





## Options and Implications

### Option One

Receive and accept the offer of the funds and undertake the rehabilitation of Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00). Not accepting the offer would see loss of funding opportunity and delay repair to a road pavement that has substantially deteriorated. The deterioration will continue further with water seeping into the pavement, requiring full pavement reconstruction at greater cost.

### Option Two

Receive but not accept the offer of the funds and not undertake the rehabilitation of Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00). The deterioration of the road pavement will continue further with water seeping into the pavement, requiring full pavement reconstruction at greater cost to Council. This will lead to high financial and reputational risk to the Council.

Option 1 is recommended.

## Conclusion

The Shire received a grant-funding offer of \$335,600 from the Regional Road Group through the "State Road Funds for Local Government Agreement -2018/19 to 2022/23" to repair the pavement of Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00). The funding offer, is conditional to the Shire confirming that the project can be delivered within the 2018/19 financial year with a Shire's





contribution of to meet the one third (1/3) funding requirement, in accordance with the State Road Funds for Local Government Agreement.

The project can be delivered within the 2018/19 capital work program should Council accept the offer and contribute the 1/3 funds in accordance with the State Road Funds for Local Government Agreement, Officer recommendation is that Council accepts the offer.

### Attachments

Nil

### 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 following budget variation is recommended;

Account Number	Type	Account Description Details	Debit (\$)	Credit (\$)
<b>RRG009</b>	Increase Expenditure	Kargotich Road – Pavement Rehabilitation (from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00)).	503,400	
<b>CDA100</b>	Increase Income	Regional Road Group Grant Funding		335,600
<b>MOR303</b>	Increase Income	Direct Grants		99,779
<b>OGC560</b>	Decrease Expenditure	Employee Expenses		68,001

**Reason:**

Increase to Kargotich Road expenditure and the associated grant funding being provided by the Regional Road group for reasons discussed above. Direct grants actually received are \$226,779, compared to the budgeted amount of \$127,000, creating additional income of \$99,779. Employee expenses are proposed to be reduced by \$67,221.



### Risk Implications

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

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 accepting the grant funding offer	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **6** has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements: Absolute Majority****OCM152/12/18 COUNCIL RESOLUTION / Officer Recommendation:****Moved Cr Byas, seconded Cr Coales****That Council:**

- 1. Receives and accept the offer of the road rehabilitation funds and undertake the repair of Kargotich Road from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00).**
- 2. Pursuant to section 6.8 of the *Local Government Act 1995*, approves the schedule of variations to the 2018/19 budget as presented below resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:**

<b>Account Number</b>	<b>Account Description Details</b>	<b>Debit (\$)</b>	<b>Credit (\$)</b>
<b>RRG009</b>	<b>Kargotich Road – Pavement Rehabilitation (from Leipold Road (SLK10.62) to about 900m north of its intersection with Mundijong Road (SLK 12.00).</b>	<b>503,400</b>	
<b>CDA100</b>	<b>Regional Road Group Grant Funding</b>		<b>335 600</b>
<b>MOR303</b>	<b>Direct Grants</b>		<b>99,779</b>
<b>OGC560</b>	<b>Employee Expenses</b>		<b>68,001</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**



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**10.3 Corporate Services reports**

<b>OCM153/12/18 - Confirmation of Payment of Creditors (SJ801)</b>	
<b>Responsible Officer:</b>	Acting 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> .

**Report Purpose**

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

**Relevant Previous Decisions of Council**

Nil.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

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

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

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 November 2018 to 28 November 2018 is provided in attachment OCM153.1/12/18.

**Attachments**

- [OCM153.1/12/18](#) – Creditors List of Accounts 1 November 2018 to 28 November 2018. (E18/13733)
- [OCM153.2/12/18](#) – Purchasing Card Report 8 October 2018 to 5 November 2018. (E18/13734)

**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<sup>st</sup> November to 28<sup>th</sup> November 2018 totalled \$1,839,463.33.

**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>
<b>That Council does not accept the payments.</b>	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
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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item.

**Voting Requirements:** Simple Majority

### OCM153/12/18 COUNCIL RESOLUTION / Officer Recommendation:

**Moved Cr Byas, seconded Cr Denholm**

**That Council receives the Schedule of Accounts as paid under delegated authority from 1 November to 28 November 2018, totalling \$1,839,463.33 as attached, covering:**

- 1. EFT Vouchers EFT53399 to EFT53738 including purchasing card payment totalling \$1,716,939.12**
- 2. Municipal Cheque Vouchers CHQ45949 to CHQ45952 totalling \$972.25**
- 3. Municipal Direct Debits DD46818.1 to DD46878.32 totalling \$121,551.96**

**CARRIED UNANIMOUSLY 8/0**



<b>OCM154/12/18 – Monthly Financial Report – November 2018 (SJ801)</b>	
<b>Responsible Officer:</b>	Acting 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>

### **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 November 2018.

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

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

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

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

### **Background**

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

### **Community / Stakeholder Consultation**

Nil.

### **Statutory Environment**

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



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

### Comment

#### Monthly Financial Report

The attached report shows the month end position as at the end of November 2018. The municipal surplus for the month ending 30 November 2018 is \$18,739,124, which is favourable, compared to a budgeted surplus for the same period of \$11,810,586. The reasons for the variances are discussed below.

Description	YTD Budget	30 November 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2018	441,441	1,126,999	685,558
Proceeds from sale of assets	147,225	79,322	(67,903)
Changes to net transfers to and from Reserves	(645,852)	(645,852)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(118,270)	(118,270)	-
Capital expenditure	(5,635,802)	(1,896,676)	3,739,126
Capital revenue (cash items)	537,500	1,287,840	750,340
Operating revenue (cash items)	30,322,619	30,099,959	(222,660)
Operating expenditure (cash items)	(13,238,275)	(11,194,198)	2,044,077
	<b>11,810,586</b>	<b>18,739,124</b>	<b>6,928,538</b>

### Attachments

- [OCM154.1/12/18](#) – Monthly Financial Report November 2018 (E18/14074)

### 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 1 November 2018, the Shire's respective cash position was as follows:

Municipal Fund:     \$3,593,714

Trust Fund:         \$1,451,637

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 \$667,763 due to timing differences related to payment of grant funding, significant budgeted amounts unpaid at reporting date include untied Financial Assistance Grants - \$631,385.

### **Fees and Charges**

No variance analysis required favourable variance less than 10%.

### **Interest Earnings**

Favourable variance of \$226,602 due to timing differences relating to payment of interest earned on Term Deposits. Payments made based on maturity dates of these investments.

### **Other Revenue**

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

## **Operating Expenses**

### **Employee Costs**

Favourable variance of \$634,581 due to timing differences related to new positions not recruited yet and positions currently vacant.

### **Materials and Contracts**

Favourable variance of \$1,177,890 due to timing differences in relation to provision of services across all programs and business units the most material of which is Waste Services at \$614,648. Consulting fees are also \$431,171 under the year to date budget, due to the timing of various strategy and planning initiatives across the organisation.

### **Utility Charges**

Favourable variance of \$82,696 due to timing differences in relation to utility charges across the organisation, the most significant component being electricity costs associated with Street Lighting - \$61,866.



**Depreciation on Non-Current Assets**

Favourable variance of \$2,641,410 due to the fact that no depreciation has been processed as the asset module is yet to be rolled over.

**Interest Expenses**

Favourable variance of \$25,903 due to timing differences relating to loan repayment dates.

**Insurance Expenses**

Favourable variance of \$38,305 due to timing differences related to dates on which insurance premiums fall due.

**Other Expenditure**

Favourable variance of \$84,704 primarily in relation to timing of Community funding programs - \$77,298.

**Other**

**Profit on Asset Disposals**

No variance analysis required as no variance to budget.

**Loss on Asset Disposals**

Favourable variance of \$72,975. Although several vehicles have been disposed of and proceeds received for them, they have not been able to be processed through the assets module due to the year end roll over not yet being complete, and accordingly no profits/losses on disposal have been realised.

**Non-Operating Grants, Subsidies and Contributions**

Favourable variance of \$750,340 due to timing of grant funding, specifically Blackspot funding - \$386,400 and Regional Road Group funding - \$330,650.

**Proceeds from Disposal of Assets**

Unfavourable variances of \$67,903 due to timing differences on disposal of vehicles.

**Repayment of Debentures**

No variance analysis required as no variance to budget.

**Proceeds from New Debentures**

No variance analysis required as no variance to budget.

**Transfers (to)/from Cash Backed Reserves (Restricted Assets)**

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.

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)
<b>That Council not accept the Officer's recommendation</b>	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Voting Requirements:** Simple Majority

**OCM154/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Denholm**

**That Council receives the Monthly Financial Report for November 2018, 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 OCM154.1/12/18.**

**CARRIED UNANIMOUSLY 8/0**



OCM155/12/18 – Budget Adjustment for Library Building Air Conditioning	
<b>Responsible Officer:</b>	Acting 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> .

**Report Purpose**

Council is requested to approve an adjustment to the 2018/19 budget for the replacement of the Air Conditioning system in the Library.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this report.

**Background**

The original 2018/19 budget was adopted by Council in June 2018. This is an unplanned breakdown that was not considered in the original budget, and therefore requires adjustment.

**Community / Stakeholder Consultation**

There has been no community / stakeholder consultation regarding this recommendation.

**Statutory Environment**

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government;
- Is authorised in advance by Council resolution; and
- Is authorised in advance by the President in an emergency.

**Comment**

Approval is sought for the following budget adjustments for the reasons specified:

Account Number	Type	Description	Debit \$	Credit \$
LIB903	Increase Expenditure	Library Building Air Conditioning	15,950	
011003	Increase Transfer	Transfer from Buildings Asset Management Reserve		15,950

**Reason:**

The air conditioner in the Library building requires urgent replacement. The system has been assessed and found that it has a faulty compressor by way of mechanical seizure. The existing air conditioning system is now 25 years old and all associated componentry is in very poor condition. Quotes have been received and on review of the various options it is considered that the best option is to replace the current system with a Ducted System at a capital cost of \$15,950.

It is recommended that council approve the requested adjustments to the 2018/19 budget.

**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.

**Financial Implications**

The financial implications are detailed in this report.

**Risk Implications**

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



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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 not accept the Officer's recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	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
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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item.



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**Voting Requirements                      Absolute Majority****OCM155/12/18      COUNCIL RESOLUTION / Officer Recommendation:****Moved Cr Coales, seconded Cr McConkey****That Council pursuant to section 6.8 of the *Local Government Act 1995*, approves the schedule of variations to the 2018/19 Budget as presented below:**

<b>Account Number</b>	<b>Description</b>	<b>Debit \$</b>	<b>Credit \$</b>
<b>LIB903</b>	<b>Library Building – Air conditioning</b>	<b>15,950</b>	
<b>011003</b>	<b>Transfer from Buildings Asset Management Reserve</b>		<b>15,950</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**





<b>OCM156/12/18 – Proposed Volunteer Bush Fire Brigades Local Law (SJ2448)</b>	
<b>Responsible Officer:</b>	<i>Manager Governance / Manager Rangers and Emergency Services</i>
<b>Senior Officer:</b>	<i>Director Development Services</i>
<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> .

### **Report Purpose**

To propose that Council adopt a draft Volunteer Bush Fire Brigades Local Law for public comment.

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

There is no previous Council decision relating to this application/issue.

### **Background**

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

### **Community / Stakeholder Consultation**

#### Policy Concept Forum

Not Applicable.

Section 62 of the *Bush Fires Act 1954* provides that a local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the proposed *Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades Local Law* is:

#### Purpose

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

#### Effect

The appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of bush fire brigades in the district is prescribed, as are their respective duties.

As part of the process, local governments are also required to send a copy of the proposed local law to the Ministers for Local Government and Emergency Services.



The results of the community consultation and feedback from the Minister(s) are to be considered by Council before it makes the local law.

### Statutory Environment

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

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

Sections of the Bush Fires Act where a local government may make local laws are:

- Under s33(5a) to require land owners to make fire breaks. Section 33(1) though allows this to be done simply by publishing a notice in the Gazette or a newspaper circulating in the district; and where a local government does so the provisions of the notice override the local law. The Shire's practice is to publish a notice in The Gazette, the local newspaper and the Shire's website.
- Under s41(1), to establish and maintain one or more bush fire brigades and equip them with appliances, equipment and apparatus; and
- Under s62, make local laws in relation to —
  - the appointment, employment, payment, dismissal and duties of bush fire control officers; and
  - the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
  - any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

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

- Part 2 of the Bush Fires Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
  - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;



- Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
- Section 39 sets out the powers of bush fire control officers;
- Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
- Section 41 provides that Act, a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
- Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1).
- Section 43 is the only area of the Bush Fires Act that requires a local government to make a local law (discussed below); and
- Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, 'CALM' and bush fire control officers.
- Part 5 deals with miscellaneous matters and among other things:
  - Allows a local government to delegate any of its powers and duties to its CEO; and
  - Provides for penalty and prosecution provisions.

## **Comment**

Other than dealing with the matters for which a local government must include in a local law about bush fire brigades the use of a local law to regulate other matters is unnecessary. All of the matters for which local governments may make local laws can be better dealt with by other means.

Local laws are usually used to regulate activities in local communities generally. They typically set out a set of requirements and include provisions for non-compliance such as notices, infringements or prosecution. Services run by volunteers are not usually regulated by local laws, such as surf lifesaving or Meals on Wheels volunteers for example.

The question here is the extent to which a local law is useful when it comes to assisting and encouraging a service provided by volunteers; and what could be better dealt with by other means. In this regard the Shire is better able to manage its funding and/or support to volunteer brigades in a more flexible manner, not by use of a local law.

A draft Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades Local Law is attached. It deals only with those matters required by the Bush Fires Act 1954.

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

Note that as required, it prescribes the duties of a captain of a bush fire brigade, one of which is to ensure a bush fire brigade complies with the Rules. These are intended to be widely scoped



but are to deal with the operation of Bush Fire Brigades as adopted by the local government and amended from time to time. This includes:

- The constitution of bush fire brigades (membership, structure, meetings, elections, etc);
- How funding, facilities and equipment provided by the Shire is to be dealt with and any associated requirements;
- Record, book keeping, asset management and accounting requirements;
- Office bearers such as a secretary, treasurer, training, and/or equipment officers;
- Grievance processes and membership issues;
- How and with whom liaison with the Shire is to occur (day to day, longer term);
- What reporting might be required in terms of brigade activities, membership lists, acquittal of funds provided, etc; and
- Operational matters or standards.

The rules can be more easily changed than a local law, by council resolution and/or by the CEO acting under delegated authority from Council.

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

- Withhold funding from a brigade; and/ or
- Seek return of assets and/or equipment; and/ or
- Ultimately, deregister a brigade under s41(3) of the Bush Fires Act 1954. This provision is wide ranging and is used mainly when a brigade merges with another or disbands, but can be applied for any reason a local government see fit.

## **Options and Implications**

### Option 1

Council adopts the proposed Volunteer Bushfire Brigades Local Law for advertising.

### Option 2

Council not adopt the proposed Volunteer Bushfire Brigades Local Law for advertising.

Option 1 is recommended.

## **Conclusion**

An approach which recognises the valuable contribution made by volunteer bush fire brigades in the community and their role while providing a framework within which they can efficiently operate, via a draft new local law which deals only with what must be included and other matters by more flexible means is considered appropriate.

## **Attachments**

- [OCM156.1/12/18](#) - Draft *Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades Local Law*. (E18/13503)



### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

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

### Risk Implications

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

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 adopting Officer's Recommendation	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4



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

**Voting Requirements:** Simple Majority

**OCM156/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr McConkey**

**That Council:**

- 1. Authorises the Chief Executive Officer in accordance with s62 of the *Bush Fires Act 1954* and sections 3.12(3)(a) and (3a) of the *Local Government Act 1995*, to give State wide and local public notice stating that:**
  - a. It is proposed to make a Volunteer Bush Fire Brigades Local Law, and a summary of its purpose and effect;**
  - b. Copies of the proposed local law may be inspected at the Shire offices;**
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;**
- 2. Directs the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Emergency Services;**
- 3. Directs the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and**
- 4. Notes that that the results will be presented to Council for consideration of any submissions received.**

**CARRIED UNANIMOUSLY 8/0**



**10.4 Community Services reports**

<b>OCM157/12/18 – Community Grants Policy (SJ2309)</b>	
<b>Responsible Officer:</b>	Manager Community Development
<b>Senior Officer:</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> .

**Report Purpose**

The purpose of this report is for Council to consider adoption of revised Council Policy 5.2.2 – Community Grants.

**Relevant Previous Decisions of Council**

OCM080/06/17 Community Grants Program

OCM098/07/17 Community Grants Guidelines

**Background**

Prior to August 2017, funding to the community, both groups and individuals, was dealt with under a mix of policies and ad hoc processes via the operating budget. It was identified that a new funding framework was required to streamline processes, inform the budget process and meet community need and expectations.

The Community Grants program consolidated the provision of funding to the community under a single policy but it was recognised that further refinement of the policy would be required in time.

The Community Grants program was launched to the community in August 2017 and Officers have been continuously evaluating its success and ability to provide a clear framework to support the objectives of Council and respond to community requests for assistance.

**Community / Stakeholder Consultation**Policy Concept Forum

<b>Meeting Date</b>	3 September 2018
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See

**Statutory Environment**

Section 2.7(2)(b) of the *Local Government Act 1995*

Council is to have due regard to its policies to be able to govern its affairs and performance.



## **Comment**

Requests from community groups and various organisational bodies to provide financial assistance are regularly received and have led Officers to consider some of the opportunities, challenges and limitations of the community grants program outlined within the current Community Grants Policy.

Having implemented the Community Grants Policy for 12 months, Officers see further opportunities for continual improvement, to assist in providing an effective mechanism to consider requests received from the community.

It is recommended that the Community Grants Policy be amended to include only those opportunities that can be accurately defined as a grant, and that all other requests for financial and in-kind assistance made by the Shire (and made to the Shire) such as sponsorships and donations be captured in a separate Community Contributions Policy. Officers intend to present this new policy to Council at the February OCM, which will include the Sporting Travel Grant and Youth Leadership & Training grant categories.

As the Major Grant round is due to open in January for a February assessment round, the revised Grant Policy is being presented for Council consideration.

In response to community feedback, the revised Community Grants Policy has been amended to combine the minor and events grants into a single General Grant with the amount available to be applied for increased to \$5,000 (per application and/or per organization per financial year). The increase aims to simplify the application process for grants between \$1,500 and \$5,000 and encourage more groups to consider an application at intervals more frequent than the major grant rounds allow.

An amendment has been made to the Major Grants scheme to remove the requirement of a 50% contribution from applicants. The current policy does not articulate what this co-contribution is to be (such as cash, in-kind support, secured funding from other sources, volunteer labour), which can be challenging for the applicant and assessment panel to concur the criteria has been met. As each community group differs in their capacity to meet this criteria and with the historically low uptake rate for major grants, Officers recommend removing the requirement so each application can be assessed on its individual merits and set of circumstances. Co-contributions from applicants are still actively encouraged and are part of the assessment criteria. Hence, those that propose a co-contribution (regardless of project value percentage or type of contribution) are considered to be more favourable.

The amended Policy also includes the removal of the ability to apply for Shire funding for projects on other Federal/State Government owned or controlled land. This clearly defines that the investment of Shire funds will only be considered for projects or programs on land owned, controlled by or vested in the Shire.



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## **Options and Implications**

### Option One

Adopt the revised Council Policy 5.2.2- Community Grants Policy (Officers Recommendation).

In order for Officers to effectively and efficiently deal with requests for assistance received from the community suitable policies are required, as well as providing guidance for the Shire to seek and receive in-kind, sponsorship and donations.

### Option Two

Adopt the revised Council Policy 5.2.2- Community Grants Policy with amendment(s).

Council may opt to adopt the policies with amendment(s).

## **Conclusion**

Council is requested to consider adopting a revised Council Policy 5.2.2 - Community Grants to provide a clear framework for providing financial assistance to the community.

## **Attachments**

- [OCM157.1/12/18](#) – Council Policy 5.2.2 - Community Grants (E18/14032)
- [OCM157.2/12/18](#) – Revised (Proposed) Council Policy - Community Grants (E18/13670)

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

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.
<b>Outcome 1.2</b>	A recognised culture and heritage
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas

## **Financial Implications**

Funding for the Community Grants scheme is allocated in the 2018/2019 financial year budget in account CDO528.



### 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 adopt revised Council Policy 5.2.2-Community Grants	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Voting Requirements: Absolute Majority**

**OCM157/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr McConkey**

**That Council:**

- 1. Revokes Council Policy 5.2.2 – Community Grants;**
- 2. Adopts revised Council Policy - Community Grants as contained within attachment OCM157.2/12/18.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**



<b>OCM158/12/18 – 2018/19 Major Grant Scheme (Round One)</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> .

### **Report Purpose**

The purpose of this report is for Council to consider approving recommendations of the Major Grants Assessment Panel relevant to round one of the 2018/19 Major Grants Scheme.

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

OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisations.

### **Background**

The Shire of Serpentine Jarrahdale is committed to providing financial assistance to projects from community groups for that build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

Major Grants are available to incorporated associations for infrastructure and programmes on land owned by, or vested to the Shire or other Government agency. Major Grants are limited to a maximum of \$50,000 for up to 50% of the total project cost. Applications are open year round and assessed twice a year in August and February by the Major Grants Assessment Panel.

Round One for the 2018/19 Major Grant Scheme closed on 13 August 2018 (Round Two is currently open and will close February 2019).

Three applications were received. Five other enquiries were made by community groups but did not result in an application.

The three applications were assessed by the Major Grants Panel consisting of Councillor Byas, Councillor McConkey and Councillor Denholm who were assisted through the assessment process by the Manager Community Development.

### **Community / Stakeholder Consultation**

The 2018/19 round one major grant application period was promoted via:

- Facebook post - 9 July at 4.12pm. The post reached 407 people, received 27 likes, 14 comments and 10 shares.
- SJ Matters e-newsletter that was sent to 1,130 residents on 30 July 2018 at 4.01pm.
- Club Corner e-newsletter that is being sent to 522 residents on 1 August 2018 at 4pm.





- Community/sporting groups were advised via direct email on 10 July with a reminder sent 1 August.

### **Statutory Environment**

The Register of Delegations and Sub-Delegations (Section 1.1.28 - Execution of Documents) outlines that the Chief Executive Officer has delegation to sign sponsorship or grant agreements and acquittals where the Shire's contribution falls within budget or is consistent with a Council resolution.

Policy – 5.2.2 Community Grants indicates that the recommendations of the Community Grants Assessment Panel will be presented to Council for approval.

### **Comment**

Officers undertook an assessment process of the three grants received. These results were sent to the Major Grant Assessment Panel Friday 24 August for consideration prior to the assessment panel meeting on Monday 27 August 2018.

The recommendations from the Major Grant Assessment Panel are now presented to Council for final approval. There has been some delay in this process due to further consultation and work undertaken by officers with the two groups recommended for support in-principally by the panel. The objective of this was to reach an agreed design with those organisations to ensure recommendations could meet ongoing operational and maintenance requirements.

A summary of the three applications received (including general comments and recommendations) is provided below.

### ***Byford Community Kindergarten***

Project summary: Landscape and irrigation improvements. Group aims to develop a green area/turf and pathway suitable for Kindergarten children to access and enjoy the outside environment. Project directly benefits kindergarten children are aged 3.5 – 4.5years (max capacity 40; current enrolments for 2019 are 13) and indirectly benefits population of 45 adults/parents/teachers.

Total project value: \$10,747

Amount requested from Council: \$5,373.50 ex GST

#### General comments:

- The project did not score highly due to the limited number of children/community members directly benefited; its alignment to the Shires Community Strategic Plan; and lack of demonstrated community support (no letters of support etc supplied).
- As the project value is over \$10,000, the group should have a Strategic Plan to accompany the application, which they do not. Given project is only \$700 above the value, panel agreed to consider the application regardless.
- Despite the low score, the intent to improve the premises for a relatively low value contribution is seen as a positive outcome for the community and Shire. The Kindergarten is (anecdotally) known to have a great reputation within the community, with a long history of local service provision.



- Option to defer the application to February was considered, however due to the kindergartens operations, it would be more beneficial to have the works complete prior to the 2019 school year.

Recommendation: Advise Byford Community Kindergarten that in-principle support to the project and requested amount of \$5,373.50 has been provided, conditional upon an agreed design and endorsed schedule of works for ongoing maintenance purposes (Shire facility).

Current status: Officers have liaised with the Kindergarten to maximise outcomes within the project budget. There is currently an agreed design and the Kindergarten is ready to proceed with the works subject to Council approval for the funding allocation.

### ***Sports Aircraft Builders Corporation WA (Inc) (SABC)***

Project summary: Install an aircraft refuelling facility at Serpentine Airfield to dispense Avgas 100 LL and Mogas 95 aviation fuels. This provides safety benefits to Club members (reduction of fuel stored in hangars) and benefits to the broader community via an improved ability to support emergency services and regional aviation. Project to be managed by qualified contractors and would be subject to ordinary regulatory processes.

Total project value: \$152,424

Amount requested from Council: \$50,000 ex GST

#### General comments:

- Scored well across criteria, although is unclear as to whether the types of fuel indicated are utilised by emergency services.
- Is a significant piece of infrastructure for a Council reserve, however is a substantial contribution for a niche (relatively exclusive) community organisation. Not particularly accessible for the broad range of local community members and ratepayers.
- Project not known to be urgent or time sensitive.

Recommendation: Defer application to February. Further consideration will be given at that time, once all other community grant applications for the FY are known.

Current status: The Shire (as the management body) has provided a letter to the Sport Aircraft Builders Club lending support towards the submission of a funding application to the Regional Airport Development Scheme for the project. SABC are seeking 50% contribution from that funding body towards the total project cost – proactively seeking to progress the project via a range of funding sources.

### ***Serpentine Horse and Pony Club***

Project summary: Improve arena area:

- Priority One - Improve stability of the ground surface within the arena area.
- Priority Two (budget provided in application) – as above plus extend the perimeter fence approx. 15m.

Project includes blue metal fines (compacted); fencing; and sprinkler system. 50% of current riding membership (4 – 24yo) are under age of 12 years, with a current wait list.

Total project value: \$24,500



Amount requested from Council: \$8,200 ex GST

General comments:

- Scored well across all criteria. Significant number of support letters, strong membership (with wait lists), aligns with Shire's Strategic Community Plan and pending equine strategy.
- Concerns were raised as to whether the proposed approach to "stabilise" sandy areas would provide best outcome. In particular, use of blue metal fines did not seem appropriate.
- Queries also raised regarding overall cost/benefit of removing and relocating fence line (as indicated in the application). Perhaps better value could be achieved by creating a second arena entirely. Similar amount of materials required but would not require removal of current infrastructure. The ability to do this is currently unknown and would require further consultation with the Club and other user groups of the area before the final approach could be confirmed.

Recommendation: Advise Serpentine Horse and Pony Club that in-principle support to the project and requested amount of \$8,200 has been provided, conditional upon an agreed design and endorsed schedule of works for ongoing maintenance purposes (Shire facility). Officers to further liaise with Serpentine Horse and Pony Club and other stakeholders regarding the project, with an intent to maximise outcomes such as functionality and use within the project budget.

Current status: Officers are actively working with the Serpentine Horse and Pony Club to ensure there is an adequate water supply for the proposed reticulation design. Once this is finalised the group will be ready to proceed with works subject to Council approval for the funding allocation.

Officers did discuss with the applicant the option of creating a second arena, rather than extending the current arena footprint (based on feedback from the Major Grants Assessment Panel). Further project investigations have determined that this would not result in any cost savings as the posts are being reused, and the current arena footprint is not suitable for their future requirements. Hence an extension provides the best project outcome with the project budget.

The Register of Delegations and Sub-Delegations (Section 1.1.28 - Execution of Documents) outlines that the Chief Executive Officer has delegation to sign sponsorship or grant agreements and acquittals where the Shire's contribution falls within budget or is consistent with a Council resolution. Policy – Community Grants indicates that the recommendations of the Community Grants Assessment Panel will be presented to Council for approval.

There is ambiguity between these two documents, creating confusion for Officers as to whether recommendations need to be presented to Council if they are within the budget allocation and financial delegation of the CEO. To make this clear in the future and to expedite response times to applicants, Officers recommend removing the requirement to present the Major Grant Assessment Panel recommendations to Council where

- a. The application meets all Policy requirements;
- b. The allocation is within Council's budget allocation; and
- c. The contribution is within the financial delegation of the CEO.



## Options and Implications

### Option One

That Council

1. Approve the recommendations of the Major Grants Assessment Panel for Round One of the 2018/19 Major Grant Scheme, being:
  - a. Approve \$5,373.50 ex GST to Byford Community Kindergarten for landscape and irrigation improvements.
  - b. Approve \$8,200 ex GST to Serpentine Horse and Pony Club for improvements to the arena area.
  - c. Defer Sports Aircraft Builders Club Inc WA grant application to Round Two of the 2018/19 Major Grant Scheme.
2. Delegate authority to the Chief Executive Officer to approve all recommendations of the Major Grants Assessment Panel where the:
  - a. The application meets all Policy requirements;
  - b. The allocation is within Council's budget allocation; and
  - c. The contribution is within the financial delegation of the CEO.

### Option Two– Approve all three applications.

Contrary to the Major Grants Assessment Panel recommendation, Council may determine to approve all three applications. This would commit \$63,573.50 of the \$150,000 budget allocation, leaving \$86,426.50 for Round Two.

As the SABC project is not known to be urgent or time sensitive, Officers do not see any significant benefit in approving the application as part of Round One. Once all applications are known for the Financial Year, a considered approach to maximise community benefits within the budget allocation can be determined across all applications.

Option One is recommended.

## Conclusion

The first round of the 2018/19 Major Grants closed on 13 August 2018 and resulted in three applications being received.

The Major Grants Assessment Panel recommended financial allocations to two of the three applications, conditional upon an agreed design as both projects are to occur on Shire land:

1. \$5,373.50 ex GST to Byford Community Kindergarten for landscape and irrigation improvements.
2. \$8,200 ex GST to Serpentine Horse and Pony Club for improvements to the arena area.



Officers have undertaken further consultation with the two groups in-principally supported by the Major Grants Assessment Panel regarding their project designs, and are now presenting recommended allocations to Council for final approval.

The panel also recommended deferring consideration of the third application (Sports Aircraft Builders Club Inc WA) until round two (closing February 2019) which is supported by Officers.

### Attachments

- [OCM158.1/12/18](#) – Policy 5.2.2 – Community Grants (E18/14032)

### 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>Action 1.1.1.5</b>	Provide funding options to support sporting and community groups and projects as well as individuals.

### Financial Implications

The recommendation commits \$13,573.50 ex GST from the \$150,000 Major Grants budget allocation (LFP528).

\$136,426.50 remains available for round 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>
Projects recommended for funding are unable to be completed to agreed standards.	Unlikely (2)	Minor (2)	Low (1-4)	Property - 2 Minor - Localised damage rectified by routine internal procedures	Accept Risk  As Officers have worked with recommended applicants to finesse designs, and will continue to work with groups throughout implementation period, risk



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					deemed minimal.
Recommended allocations declined by Council, resulting in negative sentiments from community groups (due to time invested in design discussions)	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.





**Voting Requirements: Absolute Majority**

**OCM158/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Denholm**

**That Council**

- 1. Approve the recommendations of the Major Grants Assessment Panel for Round One of the 2018/19 Major Grant Scheme, being:**
  - a. Approve \$5,373.50 ex GST to Byford Community Kindergarten for landscape and irrigation improvements.**
  - b. Approve \$8,200 ex GST to Serpentine Horse and Pony Club for improvements to the arena area.**
  - c. Defer Sports Aircraft Builders Club Inc WA grant application to Round Two of the 2018/19 Major Grant Scheme.**
- 2. Delegate authority to the Chief Executive Officer to approve all recommendations of the Major Grants Assessment Panel where the:**
  - a. Application meets all Policy requirements;**
  - b. Allocation is within Council's budget allocation; and**
  - c. Contribution is within the financial delegation of the CEO.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**



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**10.9 Confidential reports**

<b>OCM159/12/18 - Confidential – Purchase of Land (SJ2448)</b>	
<b>Responsible Officer:</b>	Director Corporate Services
<b>Senior Officer:</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> .

Shire President, Councillor Rich advised Councillors and Members of the Public that Confidential item OCM159/12/18 had been withdrawn from the Agenda.

**11. Urgent business:****COUNCIL RESOLUTION**

Moved Cr McConkey, seconded Cr Denholm

That the meeting be closed to members of the public whilst item OCM161/12/18 is discussed pursuant to section 5.23(2)(c) of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY 8/0**

At 8.56pm the meeting went behind closed doors. All Members of the Public left the Chambers.

Shire President, Councillor Rich declared a Financial Interest in OCM161/12/18 and left the Chambers at 8.56pm prior to this item being discussed.

The Presiding Member, Councillor Rich vacated the chair and Deputy Shire President, Councillor Atwell assumed the chair as Presiding Member at 8.56pm.

OCM161/12/18 – Confidential - Award of contract for Tenders – RFT14/2018 Abernethy Road Work and Streetlights (SJ2797)	
<b>Responsible Officer:</b>	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> .

**Confidentiality Provisions**

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

**Voting Requirements: Absolute Majority**

**OCM161/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

Moved Cr Coales, seconded Cr Byas

1. That the history relating to the Abernethy Road project be noted.
2. That Council award all Separable Portions 1 and 2 and the Streetlight construction works contract per officer's recommendation to Wormal Civil Pty Ltd for \$8,257,608.76 excluding GST.

**3. The following budget variation be processed:**

	Nature of transaction	Job Name	Debit	Credit
DCP133	Increase expenditure	Abernethy Road Construction	\$1,750,000	
BPP900	Decrease expenditure	Briggs Park Oval Upgrade		\$1,750,000

**4. That the change of loan purpose be advertised in accordance with 6.20(3)(b) of the *Local Government Act 1995*.****CARRIED BY ABSOLUTE MAJORITY 7/0**

Cr Rich returned to the Chambers at 8.58pm and resumed the Chair as Presiding Member.

**COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr Denholm

That the meeting be reopened to members of the public.

**CARRIED UNANIMOUSLY 8/0**

At 8.58pm, the doors were reopened to Members of the Public. The Shire President, Councillor Rich advised Members of the Public that the Officers Recommendation for OCM161/12/18 was carried by Absolute Majority 7/0.

Councillor Rich read the Council Resolution to Members of the Public.



<b>OCM160/12/18 – Ward Boundary Review (SJ172)</b>	
<b>Responsible Officer:</b>	Manager Governance
<b>Senior Officer/s:</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> .

### **Report Purpose**

For Council to consider the submissions received into the review of the Shire of Serpentine Jarrahdale ward boundaries and Elected Member representation and recommend to the Local Government Advisory Board that an order be made to change the ward boundaries in accordance with option 4.

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

OCM 115/10/18 – Council resolves to undertake a review of its current ward representation pursuant to Schedule 2.2 of the Local Government Act 1995, and resolved to endorse the discussion paper.

### **Background**

Local governments with ward representation are required to carry out reviews of:

- Ward boundaries; and
- The offices of councillor for each ward

from time to time, but so that not more than eight years elapse between successive reviews.

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of councillors on a council; and
- Specifying or changing the number of offices of councillor for a ward.

The Local Government Advisory Board encourage Councils to complete their review so that any changes can be in place within the eight-year period. It is appropriate for Councils to undertake reviews on a more frequent basis when the district is experiencing changes to its population that may impact on representation.

Council last conducted a review in 2010 for implementation for the 2011 Local Government Ordinary Elections. Given 8 years has now elapsed and two of the three wards are outside the required +/-10% deviation factor, a review must be undertaken.



In carrying out the review, the Council must develop options and assess those options against the following life factors:

- Community of interest
- Physical and topographical features
- Demographic
- Economic Factors
- The ratio of Councillors to Electors in the various wards

The board considers that the ratio of Councillors to Electors is the most significant of the above options. It is expected that each Councillor will have similar ratios of Electors to Councillors across the wards of its district. To that end, only under very exceptional circumstances will the Board consider deviations to this ratio greater than plus or minus 10%. Growth corridors and rapidly changing populations are not considered exceptional circumstances. Where Councils are experiencing rapid changes in population like the Shire of Serpentine Jarrahdale, the board recommends the use of more frequent Ward reviews as the solution.

The Shire of Serpentine Jarrahdale currently has nine Councillors spread across three wards. North ward has four Councillors, North West Ward has two, and the Southern Ward has three.

<b>Wards</b>	<b>Number of Electors</b>	<b>Number of Councillors</b>	<b>Councillor/ Elector Ratio</b>	<b>Ratio Deviation %</b>
North	8817	4	2204	-13.68%
North West	3792	2	1896	+2.21%
Southern	4840	3	1613	+16.80%
<b>Shire</b>	<b>17449</b>	<b>9</b>	<b>1939</b>	

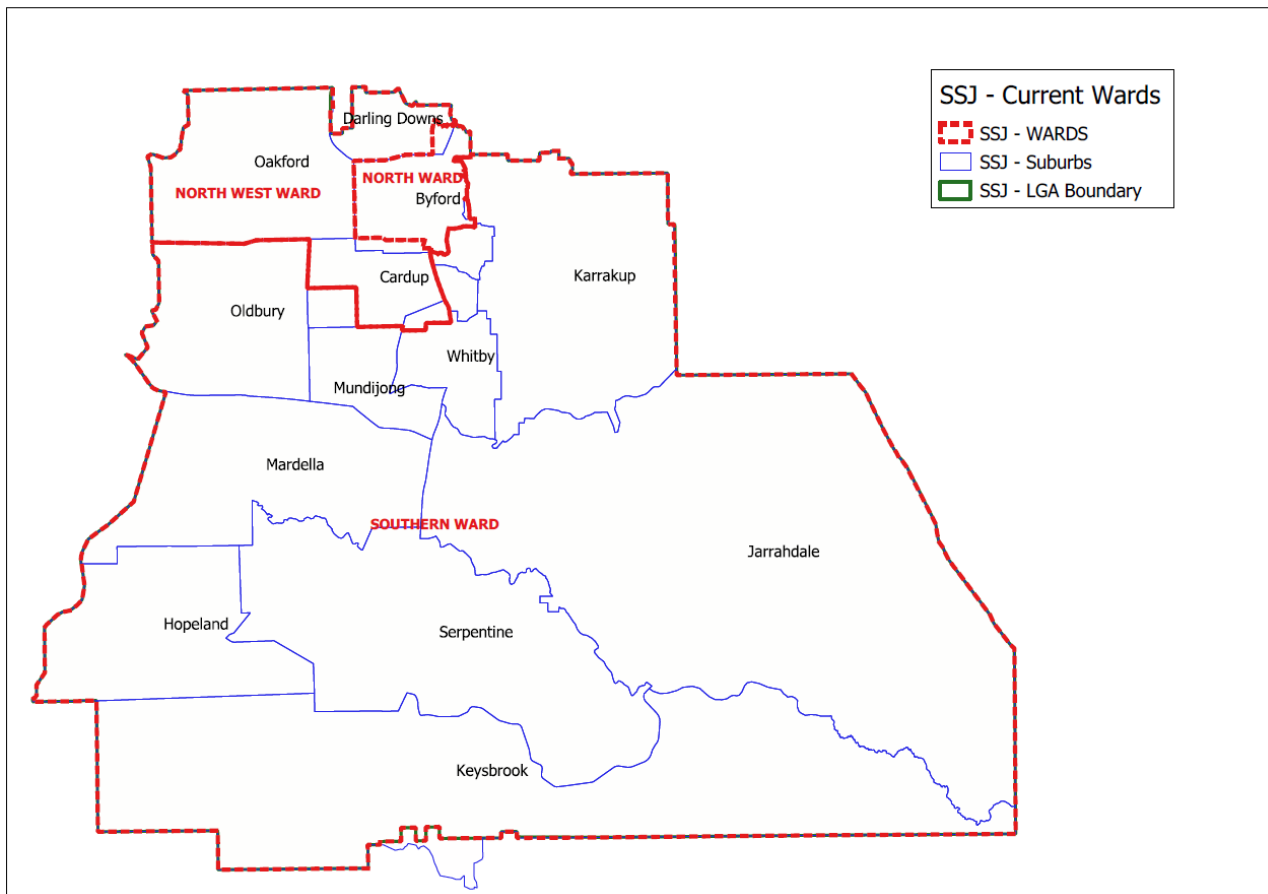
**Table 1: Shire of Serpentine Jarrahdale elector to Councillor ratios – situation as at 21 October 2017.**

It can be readily seen in the above table that there is currently an in balance in ward representation with the North ward being underrepresented and the Southern Ward being overrepresented.





The current ward boundaries are shown below:



A review of ward boundaries takes several months to complete. The Board has informed the Shire that the review must be completed and be lodged with the Board by the end of January 2019 at the latest.

The review process (as explained in the Board's guide on How to conduct a review of Ward and Representation) involved a number of steps:

- Council must firstly resolve to undertake a review of its wards representation (i.e. the purpose of this report)
- Before conduction / determining the review, a council is to give local public notice that a review is to be carried out. The notice must also advise that submissions may be made to the Council by a date at least 42 days (six weeks) from the date of the first public notice.
- The purpose of the public notice is to inform the community that the Council intends to conduct a review – it is not to try to “sell” the Council's preferred option. A range of alternatives to the current ward structure will be developed so that all options can be considered. Whilst Council may have a preferred option, the public notice must not limit the possible responses and suggestions from the community.
- In addition to giving public notice, Council may undertake other initiatives to promote community discussion including public meetings, media articles, sending information to ratepayers or progress associations.



- A discussion or information paper will be prepared to outline the various options and explain the five factors against which the options will be assessed. The availability of the discussion paper will be included in the public notice. Maps clearly showing the current ward boundaries and possible options are essential.
- Council must consider all submissions it receives and record this in the minutes of its meeting.
- All options must be assessed against the following five factors-
  - Community of interest
  - Physical and demographic features
  - Demographic trends
  - Economic factors
  - The ratio of Councillors to Electors in the various wards
- In reaching a Council decision, it needs to be clear from the consideration of submissions and the assessment of options against the factors why an option has been chosen as the best option for the district.
- Council cannot propose to maintain the status quo given the current elector deviation numbers. The changes that Council does make is required to be made by an absolute majority, and the resolution of Council must propose the making of an order under S2.2(1), S2.3(3) and / or S2.18(3) and schedule 2.2 of the *Local Government Act 1995*.
- Once Council has completed its review, it must provide a written report about the review to the Board. The report must outline the process and outcome of the review and include any recommendations for change.
- The board will consider the review report submitted by council and assess it against the requirements of the *Local Government Act*. If the Board determines that some part of a review does not meet the requirements of the Act, then Council may be requested to undertake another review (or part of a review) that does meet the requirements.
- The Board makes recommendations to the Minister, who has the final decision and may accept or reject the Board's Recommendations.
- If the Minister accepts the Board's recommendations, then several other processes follow. Changes to wards and representation are subject to an order to be signed by the Governor and then published in the Government Gazette. The order will include the date of implementation of changes, which may be the date of gazettal or the next ordinary Election Day, and any resulting elections arising from the changes. Where there are changes to boundaries, the order will also include a new technical description of the ward boundaries (prepared by Landgate, at Council's expense). If a boundary change affects electors, then the WA Electoral Commission will prepare new rolls for those affected wards.

A proposed project plan / timetable, to assist in the management of the required process for the review is as follows:

- 22 October 2018 Council meeting – Council decision to undertake a Ward Review
- 24 October 2018 Public notice period commences inviting submission – 6 week minimum statutory advertising



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- 7 December 2018 Public notice period finishes. Officers finalize accessing public submissions and prepare report and recommendation.
- 17 December 2018 Council meeting – Council to resolve preferred ward representation option for forwarding to the Local Government Advisory Board.

Following this process, the Board will determine if the review has been carried out in the appropriate manner and either recommend to the Minister the making of Orders (if the review is deemed to have been done in an appropriate manner) or instruct Council to complete the process in accordance with the requirements (if the review is deemed not to have been done in the appropriate manner)


### Community / Stakeholder Consultation

#### Policy Concept Forum

<b>Meeting Date</b>	8 October 2018
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr See

In accordance with Clause 7 of schedule 2.2 of the Act an advertisement was placed in the Examiner on 25 October 2018. In addition, an advertisement was placed in the West Australian on 24 October 2018. The advertisement was also placed on the Shire's Website, facebook page and on the notice board at the Shire's administration centre and the library on 23 October 2018.

A copy of the advertisement as it appeared in the Examiner is below:

**Public Notice****Shire of Serpentine Jarrahdale**

**Ward and Council Representation Review**

The Shire of Serpentine Jarrahdale is conducting a review of its Wards and Council Representation, and invites public participation in this review.

The number of Wards, Ward Boundaries and Elected Members will all be reviewed.

A discussion paper outlining the current situation, together with possible options for consideration is available at [www.sjshire.wa.gov.au/your-say/public-comment/](http://www.sjshire.wa.gov.au/your-say/public-comment/).

Public submissions must be submitted to the Shire of Serpentine Jarrahdale by 4pm Friday 7 December 2018 to:

Manager Governance  
Email: [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au), or  
Mail: 6 Paterson Street, Mundijong WA 6123

For further information, please contact the Manager Governance on 9526 1111.

**KR Donohoe**  
**Chief Executive Officer**



### Statutory Environment

#### Local Government Act 1995

- Section 2.2 – districts may be divided into wards
- Section 2.3 – names of districts and wards
- Section 2.18 – fixing and changing the numbers of councillors
- Schedule 2.2 – provisions about names, wards and representation

### Comment

At the close of the submission period on 7 December 2018, a total of 12 submission were received.

A summary of the public submissions are as follows:

- 83% of all the submission support option 4
- 83% of all the submission support 9 Councillors
- All of the submissions support ward names to remain as is (south, north west etc)

The submissions are included in attachment OCM160.3/12/18.

A summary of the submissions received are below:

Date	No.	Submission	Officer Comment
6/11/2018	1.	<p>1. Ten. With the Shire's growing population and the size of the area it covers the residents need to have more Councillors representing them. It is not a small metropolitan Council but takes in an agricultural and metropolitan electorate.</p> <p>2. Option 2B. 2B represents a more balanced representation on Council but still requires a total of 10 Councillors.</p> <p>3. With preference to a four ward split to be fair to all suburbs North, South, East and West would best describe the names otherwise people for instance in say Mardella area would not like their ward called Oldbury.</p> <p>4. Yes. Four wards with representation of Councillors. 4 in North ward, 2 in the South, 2 in the East and 2 in the West. (Mundijong and Whitby have an intended growth with the Whitby area scheduled for another 5,000 homes).</p>	<p>- 83% of submissions support 9 Councillors.</p> <p>- This submission preference is option 2B, but with 10 Councillors, the Councillor to Elector ratio would be outside the plus or minus 10%, and as such, is non-compliant and cannot be considered.</p> <p>- Future growth expectations cannot be a consideration with the advisory board</p>



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Date	No.	Submission	Officer Comment
		5. Yes. We definitely need wards as residents need to be able to have a personal connection with a person that is familiar with their own area. This does not prevent all Councillors from representing all areas. So it is for the electorates benefit.	stating that growing Councils or areas within Councils simply require a more frequent Ward Review.
7/11/2018	2.	<p>1. Nine. The Shire is large and diverse and requires representation from many facets of the community.</p> <p>2. Option 4. In my opinion, Byford should be split to create a better representation of the diversity within the Shire. I would not like to see a Byford majority Council.</p> <p>3. North West, North East, Southern.</p> <p>4. 3 Wards with 3 Councillors.</p> <p>5. I believe that the interest of rural areas within the Shire need to be represented as strongly by Council as urban. The Shire is diverse which is part of the character and charm of the area and should be maintained.</p>	<p>- Recommend ed option.</p> <p>- It should be noted that the suburb of Byford currently has more than 50% of the Electors of the Shire.</p>
23/11/2018	3.	<p>1. Nine. Equal Elected Members for each ward, thus eliminating any bias decisions.</p> <p>2. Option 4. The first three options are not suitable or appropriate for our community. Option 4 provides a balance of rural/semi-rural and the suburb of Byford.</p> <p>3. The ward names are to remain as is. The Shire has 13 individual named locations/regional areas. Thus North West, North and Southern Ward encompasses these 13 regional areas without any preferential naming.</p> <p>4. Three wards to remain, with boundary changes as indicated on Option 4.</p> <p>5. The Discussion Paper has been well prepared with a format that is easy to follow allowing an informed decision.</p>	- Recommend ed option.
23/11/2018	4.	1. Nine. Each ward to have equal Elected members. A fairer distribution of opinions.	- Recommend ed option.



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Date	No.	Submission	Officer Comment
		<p>2. Option 4. The only option for an overall balance between rural/semi-rural and suburbs (Byford etc).</p> <p>3. Ward names to remain same.</p> <p>4. Three wards to remain, with boundary changes. As stated in Option 4.</p> <p>5. Wards and Representation Discussion Paper – clear and precise – able to make an informed decision.</p>	
4/12/2018	5.	<p>1. Nine.</p> <p>2. Option 4. Most closely represents Shire population evenly.</p> <p>3.</p> <p>4. 3 Wards. 9 Councillors. 3 each Ward.</p> <p>5.</p>	- Recommend ed option.
4/12/2018	6.	<p>1. Less than nine. A reduction in Ward B to 2 members would be best option.</p> <p>2. Option 4. As with above comments – Ward B in option 4 to comprise 2 Elected Members.</p> <p>3.</p> <p>4.</p> <p>5.</p>	<p>- Option 4 is the recommended option.</p> <p>- To comply with the Councillor to Elector ratio of plus or minus 10%, Ward B is required to have 3 Elected Members.</p>
6/12/2018	7.	<p>1. Nine. We feel that the fairest would be divided evenly three in each electorate.</p> <p>2. Option 4.</p> <p>3. North – Three, North West – Three, because it is a growing part of Byford, South – Three Because the Western Side of the railway line is growing so fast it is time to share the load evenly. In time when Mundijong has a bigger development, boundaries may have to change again in the future.</p>	- Recommend ed option.
7/12/2018	8.	<p>1. Nine. I think we have had 9 Councillors for some time and they seem to be able to handle the areas pertinent to them. Some of course don't do anything, and I guess this will not change unless they are voted out.</p>	- Recommended option.





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Date	No.	Submission	Officer Comment
		<p>2. Option 4. Just change the boundaries of the existing option 4 so that the numbers of residents in each ward is roughly equal.</p> <p>3. Keep the names the same, less confusion. 3 wards as outlined in Option 4 with boundary changes.</p> <p>4. I think 3 wards as outlined in Option 4 is ideal. I also believe that each ward should have equal representation on Council, i.e.3, and ideally they should be residents of that ward.</p> <p>5. I think that the CEO should keep a much greater eye on the work done by Elected Councillors to make sure they attend appropriate number of meetings and actually do represent their constituents adequately.</p>	<p>- The number of Electors within each Ward are within the permitted plus or minus 10% ratio.</p> <p>- The <i>Local Government Act 1995</i> requires Elected Members to be an Elector of the district only.</p> <p>- Not applicable to the Ward Review.</p>
7/12/2018	9.	<p>1. Nine. I think that the current number of councillors serves the community well. Fewer than Nine Councillors may, with the growth in population lead to a reduction in the access that the community has to their representatives. There may come a time when more Councillors are needed, but not yet.</p> <p>2. I don't like any of the options presented. There appears to be a focus on giving the town of Byford the biggest number of Councillors, which will mean that the rural areas in the Shire, with smaller populations will not be fairly considered. Serpentine Jarrahdale covers a large area and much of it is, and will remain Rural in character. If these portions of the Shire are to prosper and maintain their rural character it is important that the configuration of the Wards provides an equal balance in population between the Rural and Urban areas.</p> <p>3. I don't think the names matter too much, but maybe they could</p>	<p>- Nine Elected Members is the recommended number.</p> <p>- With over 50% of Electors residing in the suburb of Byford, the representation from Byford will be high.</p> <p>- Ward boundaries do not go on land mass, but by population and must be within Councillor to Elector ratio of plus or minus 10%.</p>



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Date	No.	Submission	Officer Comment
		<p>be named after one of the early families that settled within the Ward.</p> <p>4. I believe there should be 3 wards of roughly equal populations. These could be:</p> <p>North-West Ward: comprising Darling Downs, Oakford, Oldbury and the portion of Byford North of Abernethy Rd and West of the SW Highway.</p> <p>West Ward: comprising Hopeland, Oldbury, Cardup, Mundijong, Mardella as far South as Hopelands Rd, and the portion of Byford South of Abernethy Rd and West of the railway line.</p> <p>East Ward: comprising Whitby, Karrakup, Jarrahdale, areas South of Hopelands Rd - Serpentine, Keysbrook and the portion of Byford East of the SW Highway.</p> <p>Given the populations shown in the discussion document this would give roughly equal population numbers within the 3 Wards, and also a balance between the Urban and Rural composition of the Wards.</p> <p>5. Separating the highly urban area of Byford as one Ward, and giving it the majority of Councillors would inevitably cause distrust and dissatisfaction within both the Rural and Urban areas of the Shire as the focus of Byford Councillors would naturally be Byford. Making up wards with portions of both Rural &amp; Urban areas would have a better chance of maintaining harmony and a feeling of balance between these two differing types of land use.</p> <p>Having no Wards would be a disaster. The workings of the Council would be dominated by the Urban areas with greatest population. This might work in a perfect world, but we still have some way to go to achieve that.</p>	<p>- Elected Members of Wards must represent the entire Shire and not just the interests of the Ward they are Elected to.</p> <p>- Noted.</p>



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Date	No.	Submission	Officer Comment
7/12/2018	10.	1. Nine 2. Option 4	- Recommend ed option.
7/12/2018	11.	1. Nine. 2. Option 4. Although there has been a lot of small lot development in the North Ward area, there has also been development in the Northwest ward on the west side of the railway line with more planned. Excising some of the densely populated part of Byford from the North Ward and adding this to the Northwest ward will mean each ward will have included some of the new developments. 3. So 3 wards with 3 elected members each then makes sense at this time. It can be reviewed in the future when the developments around Mundijong and Whitby are completed.	- Recommend ed option.
7/12/2018	12.	1. Nine. 2. Option 2 (B) Appears to be the fairest option based on electors. 3. – - A - Byford or North Ward - B - North West Ward - C - South Ward - D - East Ward 4. 5. The balance has been out of proportion for a while.  1. Nine. Nine Councillors should be able to effectively cover the Shire into the new future. 2. Option 2(B) 3. – - A – North Ward (Traditional) - B – North West - C – South - D – East 4. 5.Overdue	- Recommend ed number of Elected Members. - Option 4 is the more supported option.



Which option is the best one?

Option	Community of Interest	Physical and demographic features	Demographic Trends	Economic factors	Ratio of Councillors to Electors
1	No	No	No	No	Yes
2A	No	No	No	No	Yes
2B	Yes	No	No	No	Yes
3	No	No	No	No	Yes
4	Yes	No	Yes	No	Yes

The best option is option 4. This is slightly better option than option 2B as it also takes into consideration demographic trends.

Option 4 has been identified by the majority of those that made a submission together with officers as the best option for a number of reason including but not limited to the following:

- Three wards with equal representation (3 elected members per ward)
- Except for the suburb of Byford, all suburbs are contained entirely within one ward only.
- Allows for some expected growth in the suburb of Whitby
- Allows for 9 elected members – which has been identified as the ideal number of Councillors for the Shire of Serpentine Jarrahdale
- Allows for most of the rural area to be in one ward
- Allows for the continuation of councillors whose term is not expiring in 2019.

In addition as it is recommended that the ward boundaries be amended, albeit with fairly small changes, Council needs to resolve that those Councillors not up for election at the October 2019 elections are to continue in their term, and in which ward. Given the ward names and majority of the land mass of each ward has not changed significantly there is no benefit in declaring all positions vacant. More importantly there is a need to ensure consistency and minimise changes to promote stability and good governance.

Section 2.35 of the *Local Government Act 1995* deals with vacancies on the restructure of districts, wards and representation. This section provides that offices of council can be declared vacant where it is necessary to effect changes in ward boundaries or wards. It is very rare that a change in local government's ward structure or boundaries and or representation will require any offices of councillor to become vacant, as councillors with terms continuing beyond the next ordinary election have a right to complete their terms in office.



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## Options and Implications

### Option 1

That Council proposes to the Local Government Advisory board a change in it wards boundaries as per option 4 of the discussion paper

### Option 2

That Council not propose to the Local Government advisory board a change in it wards boundaries as per option 4 of the discussion paper

Option one is the preferred option.

## Conclusion

That Council, pursuant to Schedule 2.2 proposes to the Local Government Advisory Board that the ward boundaries be changed as detailed in option 4 of the discussion paper.

## Attachments

- [OCM160.1/12/18](#) - Discussion Paper (OC18/20340)
- [OCM160.2/12/18](#) - Department of Local Government, Sport and Cultural Industries – Guide for Local Governments – How to conduct a review of wards and representation for local governments with and without a ward system.(IN18/23336)
- OCM160.3/12/18 – CONFIDENTIAL - Submissions received (E18/14308)

## 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

There will be some financial implications in amending ward boundary maps and implementing the changes once approved by the Local Government Advisory Board. These costs will be incorporated into the Shire day to day operating expenditure.



### 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 Officers Recommendation	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10





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

**Voting Requirements: Absolute Majority**

**OCM160/12/18 COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Denholm**

- 1. That Council receives the public submissions on the ward boundary review.**
- 2. That Council notes the assessment of options against the prescribed matters as detailed in this report.**
- 3. That, in accordance with Clause 9 of schedule 2.2 of the *Local Government Act 1995*, Council proposes to the Local Government Advisory Board that:-**
  - a) An order be made under section 2.2(1)(c) of the *Local Government Act 1995* to change the ward boundaries as detailed in option 4 of the Discussion Paper;**
  - b) An order be made under Section 2.3 of the *Local Government Act 1995*, that the Wards names be: North West Ward (A); North Ward (B); and South Ward (C);**
  - c) An order be made under Section 2.18 of the *Local Government Act 1995* to designate the following number of offices of Councillor for each ward; North West Ward (3); North Ward (3) and South Ward (3).**
- 4. That Council endorses those Councillors whose term of office does not expire in October 2019 to continue as elected members as follows:**
  - a) Cr Morgan Byas to continue as North West Ward Councillor;**
  - b) Cr Rob Coales to continue as North Ward Councillor;**
  - c) Cr Bill Denholm to continue as North Ward Councillor;**
  - d) Cr Keira McConkey to continue as South Ward Councillor.**
- 5. That the changes be implemented from the Ordinary Council Elections to be held on 19<sup>th</sup> October 2019.**
- 6. That Council forwards the Ward Boundaries and Elected Members Representation Review 2018 – Discussion Paper and Public Submissions to the Local Government Advisory Board for its consideration.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**



<b>OCM162/12/18 – Award of contract for Tenders – RFT16/2018 Abernethy Road Upgrade - Electrical Works (Separable Portion 3) (SJ2798)</b>	
<b>Responsible Officer:</b>	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> .

### **Report Purpose**

The purpose of this report is for Council to consider the Officer's recommendation to award tender RFT16/2018 for the electrical service undergrounding between Gordin Way and the South Western Highway as part of Abernethy Road Upgrade Project, after consideration of the financial implications.

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

SCM001/04/17 – Award of Tender – Abernethy Road Upgrade Construction Project, resolution as follow:

That Council:

1. Award contract RFT05/2017, for the Abernethy Road Upgrade Construction project, to WBHO Infrastructure Pty Ltd for Separable Portions 1, 2 and 3 for the value of \$9,207,248.05 excluding GST, in accordance with the tender submitted and attached at OCM050.1/04/17;

### **Background**

As part of Council's obligations, under the Byford Developer Contribution Plan (DCP), Officers have been progressing the upgrade of Abernethy Road. The electrical works completed to date include:

- about 80% of power undergrounding works. The already completed works cover the area between Kardan Boulevard and Gordin Way.

Following Council resolution SCM001/04/17 – Award of Tender – Abernethy Road Upgrade Construction Project, an initial contract was entered into for the civil construction works for the road and drainage and the undergrounding of electrical services between Kardan Boulevard and the South Western Highway. The initial contract included values allocated to electrical work:

- \$1,629,512.02 for the power undergrounding and streetlight construction between Kardan Boulevard and the South Western Highway.

During the performance of the original contract, approximately 80% of the power undergrounding works were completed. A new tender has been called to complete the remaining 20% of electrical power services.



Prior to re-tendering, a Civil Contractor provided a preliminary price, so that Officers could confirm that the project could be completed within the scope of the budget. The total project cost, and the financial implications of tender options, are discussed below.

### **Community / Stakeholder Consultation**

The project itself has been known in the community realm for many years, and has been advertised by the Shire, in different forms, over the past several years.

Developers fronting Abernethy Road (Byford Tavern, Byford IGA and the Public Transport Authority), were consulted, because there will be a need to enter their land or there will be an impact on traffic that will affect their business operation.

### **Submissions**

Tender RFT 16/2018, for the Abernethy Road Electrical Works, was advertised in the West Australian newspaper on Saturday 17 November 2018. The tender closed at 2:00pm on Monday 3 December 2018.

Three (3) submissions were received and summarised in the request for tender evaluation included in confidential attachment OCM162.1/12/18 - Confidential - RFT16/2018 Abernethy Road Electrical Works - Evaluation Report.

Submissions were received from the following companies:

<b>Company Name</b>
Anser Group Pty Ltd
Complete Underground Power Installations
Wormall Civil Pty Ltd

Of the received submissions only two complied with the request for tender guidelines.

### **Evaluation Panel**

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

- Director Infrastructure Services
- Senior Project Manager - Infrastructure and Assets
- Manager – Infrastructure and Assets
- Director Corporate Services

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

<b>EVALUATION CRITERIA</b>	<b>WEIGHTING</b>
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"><li>• Details of similar work (type, size and budget)</li><li>• Tenderers' involvement including details of outcome</li></ul>	15%



EVALUATION CRITERIA	WEIGHTING
<ul style="list-style-type: none"><li>Details of issues and how these were managed</li><li>Any additional information</li></ul>	
Tenderers' Resources, Key Personnel, Skills and Experience with <ul style="list-style-type: none"><li>Key personnel's role in the performance of the contract, including their experience in similar projects</li><li>Curriculum Vitae of key personnel</li><li>Plant, equipment and materials</li><li>Resources availability schedule, including any contingency measures or back up of resources</li><li>Details of subcontractors and major suppliers of goods and services</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>Occupational Health and Safety Management Plan</li><li>Critical assumptions</li><li>Any additional information</li></ul>	15%

**Comment**

Overall, the tender process has resulted in tenders received from two high-quality, large contractors, with proven records in the delivery of similar projects, providing offers. Accordingly, the award of a contract is recommended.

Based on the request for tender, best value for money assessment, the evaluation panel recommended submission is Anser Group Pty Ltd (see attachment OCM162.1/12/18 - Confidential - RFT16/2018 Abernethy Road Electrical Works - Evaluation Report). The assessment of all tenders was based on a lump sum price.

**Statutory Environment**

- Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services. However the *Local Government (Functions and General) Regulations 1996* states:
- Local Government Act 1995* - Section 6.8 (1)(b) – Expenditure from municipal fund not included in annual budget.

**Options and Implications**

The initial tendered cost for the undergrounding of electrical power line was \$1,629,512.02, but when the initial contract was terminated, only approximately 80% of the works were completed with all the allocated budget expended.

The new tender cost for the remaining 20% of the works is \$225,575.48.



The following options are considered:

*Option 1 –*

Award RFT 16/2018 Abernethy Road Electrical Works contract per officer's recommendation to Anser Group Pty Ltd as per attachment OCM162.1/12/18 - Confidential - RFT 16/2018 Abernethy Road Electrical Works - Evaluation Report.

*Option 2 –*

Not award the contract to Anser Group Pty Ltd as recommended by officer and make alternative decision or delay the projects until such time a new request for tender is undertaken and a new tenderer is selected.

### **Conclusion**

It is recommended that Council approve Option 1 and award RFT 16/2018 for the construction of civil works for Abernethy Road Electrical Works between Gordin Way and the South Western Highway project to Anser Group Pty Ltd with overall ranking of 1.

### **Attachments**

- OCM162.1/12/18 - **Confidential** - RFT16/2018 Abernethy Road Electrical Works - Evaluation Report (E18/14301)

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

<b>Objective 2.1</b>	Responsible Management
<b>Key Action 2.1.1</b>	Undertake best practice financial and asset management
<b>Outcome 3.3</b>	An innovative, connected transport network
<b>Strategy 3.1.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

### **Financial Implications**

Funding the \$225,575.48 excluding GST for the payment of the proposed awarding of RFT16/2018 Abernethy Road Electrical Works to Anser Group Pty Ltd.



### 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 tender	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
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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.





**Voting Requirements: Absolute Majority**

**OCM162/12/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr McConkey**

**That Council award RFT16/2018 Abernethy Road Electrical Works contract per officer's recommendation to Anser Group Pty Ltd for \$225,575.48 excluding GST.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**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 9.01pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on the 18 February 2019.

.....  
Presiding Member

.....  
Date