



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

7.00pm

Monday 18 December 2017

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In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

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



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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 18 December 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, 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.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Mr A Schonfeldt Director Development Services
Mr P Balley Acting Director Infrastructure Services
Mr P Kocian Acting Director Corporate and Community Services
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Nil

Observers:

Members of the Public – 36
Members of the Press – 1
Shire Officers - 4

2. Public question time:

2.1 Response to previous public questions taken on notice:

Questions asked by Mrs L Bond, Box 44, Armadale, WA 6112, Ordinary Council Meeting 27 November 2017. A letter was sent to Mrs Bond on 7 December 2017 with the following response.

Question 1

What actions have or are being taken with regard to kemmat lv50 escaping from the chicken broiler farm on King Road, Oakford onto the Jandakot water mound, refer to you tube video during cleaning of the containers and what actions have or are being taken with regards to the non approved transport depot on the cnr King Rd and Abernethy Rd, Oakford believed to be servicing their trucks on the property

Response:



Shire Officers have been advised by the then Department of Environment Conservation (DEC) that their Site Contamination Team assessed the site for contamination between June – August 2013. As a result of this, the land owner sought approval from DEC to bio-remediate the site which was subsequently approved. Please note, this is a State matter dealt with by DEC (now DWER).

In regard to the Transport Depot located at 987 Abernethy Road, Oakford, Shire Officers can advise that the site was formerly located within the then Town of Armadale which approved the use of the site as a Transport Depot. Shire Officers can further advise that the use has been operating since 1975. To this end, the Shire has requested a copy of the approval from the City of Armadale to investigate further.

Question 2

Does the Australian native nursery on King Rd Oakford have a nutrient plan, if so, does the Serpentine Jarrahdale Shire council have knowledge or a copy of this plan and does the council have all details and have they given approval of the expansion of this nursery including it being open to the public?

Response

Shire Officers can advise that approval for a Dwelling, Garage and Tree Farm / Nursery was granted in October 1966. Further approvals were also issued in 1976 for a Dwelling, Shade Area and Shed in 2002, (Building approval in 2003), Office and Patio in 2006. In relation to the Nutrient Plan, as the lot was formerly part of the then Town of Armadale, the Shire has requested copies of the previous planning approvals from the City of Armadale to investigate further.

Question 3

Is the Shire aware of where the sulphate acid soils have been moved to from the property on Orton Rd Oakford abutting bio- organics property as these were not remediated?

Response

Shire Officers can advise that this is a State matter which was investigated by the then Department of Environmental Regulation (now called Department of Water Environment Regulation – DWER) in April 2014. To this end, the Shire has not been advised by DWER if the complaint was substantiated or of the location of the removed fill. Please note, this still remains a State Government matter.

Questions asked by Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122, Ordinary Council Meeting 27 November 2017. Letters were sent to Mr Kirkpatrick on 8 December and 14 December 2017 with the following response.

OCM 28/08/17 – Item ARG005/07/17

Allegation 7 is clearly wrong as documents that I have clearly show differently as it shows that the employee in question is clearly responsible for the costs and is in breach of his contract and that the insurance company should not have paid the costs as this was raised in previous public question time when Councillor See was in the chamber

Question 1

Did Councillor See mislead the Council and other Councillors when she stated that the Council had a clean bill of health when documentation would appear to contradict this statement and was Councillor See one of the Councilors' that was investigated in any of the matters r reported on?

Response

The Department of Local Government and Communities investigated a number of allegations against the Shire of Serpentine Jarrahdale. A copy of their report was included in the Minutes of the Ordinary Council Meeting of 28 August 2017. The Departments recommendations/findings were in the main around the requirement to review certain Policies which will occur as part of the Policy Review to be presented to Council in December. There was no adverse findings against the Shire, employees (past or present) or Councillors.

The letter to me from the Director of Planning about LOT 3 837 S/W Highway states that original planning approval for 62 bays still stands and that the 48 bays as accepted on 24-3-2014 were sufficient at the time. Times have changed and we now have al fresco dining on the footpath in both Pitman Way and George Street also the construction of a facility on the corner of George and Pitman which increases the need for parking also the closure of the parking area on the old Byford Country Club site. We can see the illegal parking going further along George Street to the South well past the end of Mr White's property and the closure of the illegal parking opposite the Bendigo Bank.

Question 2

With the change of usage and the obvious need for the full number of parking bays will the Director of Planning please review the parking situation as commercial parking should be at the cost of the owner not the ratepayers and is the new development outside the bakery in the Road Reserve?

Response

Shire Officers can advise that all development provisions including commercial car parking provisions are currently under review as part of the preparation of the Shire's new draft Local Planning Scheme No.03 which is being presented to the Ordinary Council Meeting on 18 December 2017 for adoption for the purpose of public consultation. As such, subsequent to this process, once the Western Australian Planning Commission agrees that the draft Scheme is appropriate to be advertised, it will be available to the public to review and to provide comments accordingly.

In addition to the above, the Local Structure Plan for the Town Centre of Byford will also be under review as part of the Shire's Local Development Strategy process for Byford. As such, the car parking requirements designated within the existing Structure Plans for Byford will be considered as part of the new Strategy. Furthermore, to compliment the new draft Scheme and relevant Strategies, Shire Officers have prepared a new Local Planning Policy for Cash in Lieu contributions where there are shortfalls for car parking. The Policy will be available for public comment in the near future and may be subject to change subject to submissions received from the public.

With regards to the particular issues along Pitman Way, the development is compliant with existing approvals and Council resolutions. As such, no further specific action is required regarding the car parking provisions for the development at this stage. The alfresco area outside of the bakery extends outside of the lot boundary onto an area designated as road reserve under the Structure Plan. A condition of approval requires a public access way to be maintained for this area at all times.

With the original development of the area known as Darling Downs it was all zoned Rural with various uses approved for the area. A number of areas were allocated as POS and zoned for Parks and recreation for all residents of the Shire as is all POS. Part of the original



agreement was for transfer of the land to the Shire and an amount of money with it. There was to be a committee formed to manage this but it does not state from the Darling Downs necessarily to manage the reserves and the money. There was a temporary arrangement made for the Darling Downs residents to manage it for a period of time but that is no longer the case.

Question 3

Was that committee ever formed and what were its terms of reference as it was managing monies vested in the Shire?

Response

The Darling Downs Management Committee was originally formed as a result of a public meeting held by Council at the Byford Hall on 18 February 1987. Council called a public meeting on 18 February 1987, seeking input and direction from the local community on how the Darling Downs area should be further developed, due to the developer not completing the development. The developer paid a contribution per lot to Council in lieu of the completing the development.

It was agreed at the Public Meeting that a Committee should be formed to assist the Council with the development of the area. No purpose, role or responsibilities were established for the Committee when it was first formed. There was no resolution by the Council formally constituting the Committee as a Committee of Council, as per Sections 179, 180 or 181 of the Local Government Act 1960 (as amended).

Council resolved at its Ordinary Meeting of 24 July 2006 (CGAM002/07/06) to negotiate a licence agreement. During this negotiation, the Darling Downs Management Committee became the Darling Downs Resident's Association as an Incorporated entity on 10 January 2008.

In 2008, the Shire entered into a licence agreement with the DDRA for one year to formalise the working relationship and identify the responsibilities and obligations of the Shire and the DDRA in the management of the area. At the end of the licence period, the instrument of agreement was reviewed and a Memorandum of Understanding (MOU) developed between the parties. CGAM031/10/08 – Council endorsed the Licence Agreement between the Shire of Serpentine Jarrahdale and the DDRA for a period of one year. CGAM023/10/11 - Council endorsed the Memorandum of Understanding between the Shire of Serpentine Jarrahdale and the DDRA for a period of two years.

At its Ordinary Meeting of 27 November 2017, Council endorsed a new Memorandum of Understanding in relation to the maintenance of the reserves.

2.2 Public questions:

Public question time commenced at 7.01pm

Mrs Lee Bond, Box 44, Armadale WA 6112

Question 1

When are council employees or volunteers going to have regular drug and alcohol tests, especially if they use Council equipment or vehicles?

Response

*Random monthly drug and alcohol testing is scheduled as per Council Policy "G923 – Fitness for work (P255-256) : "...**Scope** This policy applies to all employees, contractors, labour hire employees, temporary employees, volunteers and work experience volunteers....."*



Question 2

Is the ratepayer paying for damage to council vehicles when they are being used for private use and who determines whether it was due to council use or private use?

Response

Vehicles form part of the total remuneration package for staff, and as such, staff are entitled to private usage. The extent of private use will depend on the position level, and will be in accordance with Council Policy and Contracts of Employment.

All Shire vehicles are insured by the Shire as they are listed on the Shire's Asset Register. The Shire's insurance policy will apply whether the vehicle is being used for business or private purposes. The amount of excess payable per claim is \$300. The Shire has submitted 15 claims since the beginning of 2016, indicating that occurrences of damage are infrequent.

Question 3

Why are council employees or volunteers using council vehicles or equipment for private use which includes towing caravans, boats and using council vehicles and equipment for the benefit of their private business and their private shopping trips?

Response

Vehicles that are provided to staff with private use are permitted to use them for private purposes in accordance with their employment contracts.

Mr Mike Dagostino, address withheld by request

Question 1

Why does the Shire not believe, as they did believe only 2-3 years ago that Oakford should have a community hub via the Oakford Village?

Response

The Western Australian Planning Commission (WAPC) in 2015 released the State's Planning Framework called Perth and Peel @ 3.5 million by 2050. As part of this framework WAPC identified the area around the previously proposed Oakford Rural Village to remain Rural. The Shire at the time had already completed the Rural Strategy 2013 review, which was presented to WAPC in December 2016 for consideration. WAPC approved the Strategy but removed the investigation area from the Oakford Rural Village. Despite further requests from the Shire to reinstate the development investigation area, the WAPC in August resolved that this area was to remain rural.

Additionally it should be noted that in 2016, the Shire in response to the Perth and Peel @ 3.5 million, undertook a visioning process through SJ2050. This process again considered the potential for urban development across the shire. During this process the community indicated that there is a preference for urban development to be contained within the existing urban cells of Byford, Mundijong, Serpentine and to a lesser extent Jarrahdale. Therefore whilst the node was identified previously it is no longer supported based on State planning policies and frameworks.

Question 2

Why are the Councillors not requiring the Rural Strategy to come back to them for approval as part of considering and approving an overall planning strategy for the Shire. Is there a legal basis for this?

Response

Yes there is a legal basis for this. Regulation 15(1)(c) of the Planning and Development (Local Planning Scheme) Regulations 2015 which provides that the Commission may require a local government to modify the strategy, but it does not provide a mechanism for



the local government to challenge this. IT also does not allow the local government to make a further decision on the matter and simply requires the modifications to be effected as an administrative process.

Question 3

Why was the only residential stables area identified in the Rural Strategy – selected as an area south of Mundijong as being the preferred area for an equestrian hub?

Response

The Residential and Stables Policy Area south of Mundijong was included in the Rural Strategy Review 2013 and Local Planning Strategy to provide an equestrian precinct in close proximity to the Mundijong Whitby urban area, similar to the location of the Darling Downs equestrian precinct, directly north of the Byford urban area. The site south of Mundijong was considered to be suitable to accommodate an equestrian precinct for the following reasons:

- To provide an equestrian precinct in close proximity to the Mundijong Whitby urban area.*
- To facilitate the graduation of lot sizes between the Mundijong Whitby urban area and the rural uses further south.*
- To accommodate demand for equestrian properties south of Mundijong.*
- The site is strategically located and well-connected with access to South Western Highway and the future Tonkin Highway.*
- The site will be in close proximity to the services and facilities within the Mundijong Whitby urban area.*

Mr W John Kirkpatrick, 77 Mead Street, Byford WA 6122

On the notice paper and agenda for the November OCM there was a notice of motion to rescind the appointment of Councillor Gossage as a Shire Deputy Chief bushfire Control officer.

Question 1

This matter was not dealt with at the OCM. Why is this? And no explanation was given as to the withdrawal of the item.

Response

Councillor Gossage did not formally nominate for the position of Deputy Chief Bushfire Control Officer and advised the CEO prior to the date of the meeting that he did not want to be considered for the position. Hence, the notice of motion was withdrawn.

As a result of the allocation of delegations and appointment's to various committees and other community groups at the November 2017 OCM it would appear that Councillor Gossage does not represent the Council on any committees or community groups.

Question 2

Is this correct?

Response

Councillor Gossage was an apology for the November 2017 OCM and as such was not nominated for appointment to any Committees, Works Groups or Organisations.



At a previous Council meeting a Question was raised about all the expenses being paid by the Shire for Councillor Gossage to attend an emergency service conference on the Gold Coast. As Councillor Gossage is not on any emergency committee's for this Shire, having I understand resigned the appointment of Deputy Shire fire control officer, but is a paid private consultant for the Shire of Waroona.

Question 3

Will Councillor Gossage have to refund the cost of his attendance at this conference on the Gold Coast as it is not giving any value to the residents and ratepayers of this Shire? When he is not in a position to use any knowledge gained.

Response

The conference attendance was pre-approved by the Chief Executive Officer, and funded out of the Councillor training budget allocated to Cr Gossage. Cr Gossage will not be requested to refund the cost of this training.

Mr Warren Robinson, 52 Lawrence Way, Byford WA 6122

Question 1

On the 1st December 2017, the West Australian reported that the SJ Shire paid Ex-Councillor Barry Urbans Council Local Government Diploma which he did not complete. Is this correct, yes or no?

Response

This question will be taken on notice and a response provided to Mr Robinson

Question 2

I have been a ratepayer since 2003 so I have paid a lot of rates, now it seems to have been thrown away on a course not taken. Are you going to get my ratepayer money back from Mr Urban?

Response

This question will be taken on notice and a response provided to Mr Robinson

Question 3

What changes to policies to ensure this is not repeated?

Response

This question will be taken on notice and a response provided to Mr Robinson

Mr Shane Rowley, 332 Gobby Road, Serpentine WA 6125

Question 1

When will gravel be available for resheeting Gobby Road?

Response

The Shire is currently undertaking a gravel study to look for a suitable gravel source for resheeting gravel roads. With a gravel source identified, Gobby Road will be considered for resheeting.

Question 2

With Gobby Road being considered a dangerous road, what is Council doing to make it safer?

Response

The Shire is committed to providing the highest level of protection reasonably possible, and within the Shire's authority, for its residents and all users of the road environment under the Shire's control against risks to their health and safety. To that effect Shire officers undertake



planned road maintenance works, and in July 2017, Shire officers undertook maintenance road works on Gobby Road, including the reshaping and grading of the Road.

The Shire is currently developing a road hierarchy model to incorporate all classifications of roads, as the Shire has approximately 650 kilometres of sealed roads and 160 kilometres of unsealed roads over an area of 900km². The Shire will continue to lobby and investigate new opportunities to expand and improve the road network for the community in a challenging fiscal environment.

Question 3

When can we expect the road to be sealed as council isn't doing anything about reducing the unsealed amount of the roads within the area?

Response

There are no current plans to seal Gobby Road as it is classed as a low volume Road. Feedback from Shire's residents during the SJ Real Choices and SJ2050 processes, showed they wanted the Shire to focus on heavier volume roads. In this year's budget the Shire has invested \$2.3million on routine road maintenance as well as \$18.9million, with the assistance of grant funding, on new road, drainage and footpath construction.

Public question concluded at 7.16pm.

3. Public statement time:

Public statement time commenced at 7.16pm.

Mrs Lee Bond, Box 44, Armadale WA 6112

For many years now, people of this Shire have been persecuted by certain employees of this council for a variety of reasons. It is not unheard of that these people have gone into Courts of Law and openly lied to the detriment of innocent members of the community. Some have been distressed right up to the point of the Magistrate entering the court room and only then the matter is withdrawn. Today the same behaviour exists and a bullying mentality by particular employees. There needs to be a clear line of what powers a Ranger has and they should be trained in communication skills. That doesn't appear to be the situation at this time for some. Perhaps some of that training should come from members of the public at an open public forum, this is the best form of learning.

Wouldn't it be refreshing if the ratepayer was spending less on court action and more on communication.

It is time that council put a stop to real estate agents telling any lie to sell a property in this shire. There are those real estate agents telling people the property is a truckies dream, once you put a truck in a shed council can't see it, there aren't too many neighbours close to see what you are doing, there is already permission to have trucks or operate a business (although this can be untrue) or you can apply for retrospective approval. There are those agents that rely on the purchaser of the property to be held accountable when they have steered people into a contract they avoid giving full disclosure on. Outright lies appear to be normal in this business and while a purchaser should do their own checking with council these agents must be held accountable for their behaviour.



Mr Mike Dagostino, address withheld by request, regarding Local Planning Strategy

I would like to raise 2 issues:

1. The Lack of Vision for Oakford
2. The Governance and approval process for the Rural Strategy

Oakford

As an Oakford landowner I am very disappointed at the lack of vision and planning for the Oakford area in the LPS.

I believe there could be a real Equestrian focus in the Oakford area and a locality hub with the Oakford Village - however there is no vision for Oakford. Many localities are mentioned such as Mardella, Keysbrook, Serpentine in the LPS. But where is the vision for Oakford?

There does not appear to be any - Oakford does not have a community hub.

Approval of the Rural Strategy

I understand the amendments to the Rural Strategy proposed by the WAPC have not come back to the Councillors for review and approval.

I understand from Officers that legally the Councillors do not have to approve these changes. However, given the high community involvement and interest in this matter surely the Councillors should have required this important matter with great community interest to have come back to Council to approve.

I think that it is disappointing that (as it appears by the recommendations being proposed by the Officers) we are simply accepting the demands of the WAPC instead of evaluating and approving what is in the interests of our Shire and what provides the most opportune economic and strategic benefit for our shire.

If the Officers recommendations on the Rural strategy are reasonable and defensible - why not continue the open and transparent process - and send it to Council? Why make it all clandestine and undercover?

Two good examples of how the Rural strategy is deficient are:

1. Oakford Village

Why are we just letting the Oakford Village concept go - because the WAPC said no! Surely the Oakford Village makes sense in every respect. The Oakford community deserves a hub and it doesn't make sense not to have one. The Shire for years have agreed to the Oakford Village but now WAPC say no - so we just accept their position?

2. The lack of Equestrian area focus

There is only one residential stables area identified in the Rural Strategy- an area south of Mundijong and I would submit this area.

Far south in the Shire

Is not a suitable area for an equestrian hub. I am a strong believer in the Shire improving its Equestrian facilities and profile and I believe to achieve that our planning strategy should support more Equestrian properties and facilities.

In the 2050 Vision Equestrian is noted in the north of the Shire.

My Position

I am a landholder at the corner of Kargotich and Thomas Rd Oakford and myself together with Vince Borello (my adjoining landowner) have been pushing for there to be a natural and timely progression of rural residential zoning one road further south ie from Thomas Rd to Abernethy



Rd, but west of Kargotich Rd - see attached map.

Our Vision

We believe there needs to be another Equestrian residential stable area identified in the Shire's planning strategy. We believe our area which we have called the Oakford Equine Precinct is well positioned for many reasons to be developed into a quality equestrian estate with an indoor arena and cross country facilities and bridle paths.

It is already used for equestrian activities and has a very well established and supported cross country facility which is internationally renowned and having another equine area near Darling Downs makes sense. This is where the WAPC have got it wrong - they don't think more small acreage properties are needed but the empirical evidence would suggest otherwise.

Let's show some vision and plan for another quality equestrian estate like Darling Downs as a vision.

The Benefit for the Shire of more Equestrian areas are:

Economic Benefit - as has been well established there is significant economic benefit for our Shire in having more equestrian properties - that will mean more vets and farriers and feed stores and the economic multiplier effect goes on.

Funding Benefit - as you may be aware the Murray Shire received a large amount of Government funding to develop equestrian facilities. We should have been more pro active and received that funding, but Murray have been successful in presenting themselves as the equestrian hub. We should be doing everything we can and addressing that misperception and a key step to that is having more smaller acreage properties supporting horses.

Required Action

Please when you are considering the Local Planning Strategy have a long hard think about:

1. Why the Councillors are not requiring the Rural Strategy to come back to them for approval as part of considering and approving an overall planning strategy for the Shire?
2. And why we are not supporting The Oakford Village and another specifically designated Equestrian area as represented by the Oakford Equine Precinct?
3. And why we are simply acting as directed by the WAPC and not what many would say is in the best interest of the Shire?

Mr Paul Gangemi, PO Box 108, Armadale WA 6992 regarding OCM166/12/17

Regarding OCM166/12/17, lots 47,78 and 809 Shanley Road, Mardella

My name is Paul Gangemi owner of Lots 47, 48 & 809 Shanley Road Mardella. I have lived and worked in the Shire of Serpentine Jarrahdale all my life. Many years ago I ran a dairy farm on my property, but with the changing economic and climatic conditions it has been impossible to sustain that use. There are very few agricultural pursuits that are any longer viable in the Shire other than grazing and equine activities.

More than 40 years ago I began a process to have my land rezoned to Special Rural to allow it to be subdivided into smaller hobby farm type lots for which there is a strong within the Shire. My land which comprises an area of approximately 120 hectares is located between South West Highway and Shanley Road and is only 2.0 kilometres from the Mundijong town site. The property is located adjacent to the Darling Scarp and is elevated above the more typically seasonally inundated areas of the Palusplain to the west of Mundijong. My land is high and dry throughout winter and very well suited to Special Rural type subdivision.



The Shire Council strongly regards the equine industry as a very important contributor to the economic base of the Shire. This was acknowledged during the preparation of the Rural Strategy Review 2013 in the identification of an area of land directly south of the Mundijong Urban node (including my property) within the Residential and Stables Policy Area (2.0Ha minimum lot size).

This view was reinforced in the Western Australian Planning Commission's Draft Planning Frameworks - South Metropolitan Peel Sub Region documents prepared in May 2015 - which identified the same area south of Mundijong as Rural Residential. Following discussions between the Shire and the Department of Planning, it was indicated that if there was consistency between the Draft Rural Strategy Review and the Draft Planning Frameworks then it should be acceptable to commence the initiation of a scheme amendment to rezone the land. Accordingly, in November 2015 my planning consultants Gray & Lewis lodged a scheme amendment to rezone my land from Rural to Rural Living B.

At its meeting in December 2016 the Commission resolved to remove a number of the Rural Residential Policy areas (including the land south of Mundijong) from the Rural Strategy Review. The primary basis for the removal of specific areas was because the Commission believed that they were premature and would not be developed for another 20 years. This was an incorrect assumption. With regard to my property, I intend subdividing as soon as the necessary statutory planning processes are in place. The land is readily accessible, has a high capability for rural residential subdivision and is in close proximity to Mundijong – and there is a strong demand for such lots as recently highlighted in the press. It should also be recognized that it could still take 2 – 3 years before the land is ripe for subdivision allowing for the rezoning, structure planning and subdivision statutory procedures. It will certainly not be premature by that time.

In May 2017 the Shire Council reiterated its original support for the Rural Strategy Review including the area south of Mundijong for rural residential subdivision at 2.0ha minimum lot size. The Commission subsequently further considered the Rural Strategy Review and in August this year resolved to include the subject area south of Mundijong in the 'Frameworks Investigation Area'.

I then met with the Chairman of the Commission along with Deon van der Linde from the Shire. It was agreed that if a rezoning was initiated for the rezoning of the land to support subdivision into lots of 4.0ha minimum area, then the Commission would be prepared to consider such rezoning. Whilst I still maintain that special Rural lots of 2.0 ha may be more appropriate and in line with what was proposed by Council in the Rural Strategy Review, it would seem that the Commission may not support the smaller lots. Accordingly, I instructed my consultants to liaise with the Shire officers and modify the previously lodged the scheme amendment document to rezone the land from Rural to Farmlot with 4.0ha min lot size. The Shire officers requested a Bushfire Management Plan, an updated Land Capability Assessment and a Traffic Assessment together with a new scheme amendment document. All this information has been provided and the officers have prepared their report in support of the scheme amendment.

In respect to timing, it is imperative that the scheme amendment be initiated at this Council meeting. If it is not initiated now the window of opportunity will be lost. Once the Council initiates its new Planning Scheme No 3 (also to be determined at this OCM) there will be a moratorium placed on any further amendments to TPS No 2 until the new scheme is in place. That could lead to a further delay of at least 2 years.

I am very grateful for the officers support after all these years and trust that the Council will go along with the officer recommendation to initiate the scheme amendment to rezone my land from Rural to Farmlot

Thank you.

Paul Gangemi



Mr Henry Dykstra, PO Box 316, Kelmscott WA 6991 regarding Landowners Lot 495 & pt Lot 4, South West Highway cnr Kiln Road, East Cardup OCM170/12/17

Councillor's, the land at the corner of Kiln Road and South Western highway in East Cardup is depicted on the Local Planning Strategy map as 'special uses', which in itself is not an issue and does reflect the planning work that has been ongoing in this precinct over a period of time. The issue is that this particular special use category occurs under the public purpose reserves section of the strategy map. I have discussed this with the Planning Director and Manager of Strategic Planning as something that appears to be an anomaly on the map and I request that council consider an alternative motion in relation to the Local Planning Strategy map. The alternative approach and motion is to identify the land as a specialised activity investigation area on the strategy map, which would accurately reflect the intentions of the landowners and the planning work that has evolved over this site over the past years.

Mr Henry Dykstra, PO Box 316, Kelmscott WA 6991 regarding Ivan Humich, Landowner Oakford Village site OCM170/12/17 & OCM171/12/17

Regarding: Ivan Humich – Landowner Oakford Village site: OCM/170/12/17 & OCM/171/12/17

After more than 20 years of planning work undertaken with the owners of Oakford, the Shire and the Department of Planning Lands and Heritage, the Oakford Landowners consider it premature for the council to be rescinding local planning policy 51 that sets out the planning framework for Oakford village and to be adopting a local planning strategy draft that does not include Oakford.

The reason why to Oakford landowners consider this to be premature is because:

- a) Oakford is still under consideration within the PerthPeel planning frameworks as part of the Minister's final consideration and determination;
- b) Council has initiated a Metropolitan Region Scheme Amendment for Oakford and this is still pending determination;
- c) The landowner has not been provided with any planning reasons for the WAPC decision to recommend removal of the Oakford investigation area from the Shire's rural strategy;
- d) It is not time imperative on the council to amend its long standing strategic and policy approach to Oakford, in otherwords after 20 years of planning there is no rush for council to make this decision now; and
- e) A decision by Council to rescind Local Planning Policy 51 and not include Oakford on its local planning strategy map could potentially pre-empt decisions that still need to be made by the WAPC and Planning Minister that will affect Oakford.

Councillor's, the owners of Oakford therefore appeal to you to make no decision this evening that would undermine the extensive planning work and studies that have gone into the Oakford village proposal over many years, and make no decision that would pre-empt other decision that still need to be made by the WAPC and Planning Minister.

Mr W John Kirkpatrick, 77 Mead Street, Byford WA 6122 regarding OCM185/12/17

As a ratepayer that is watchful of the activities of the Shire it is clear to me that item OCM185/12/17 as written shows no understanding of the problem of ratepayers asking questions of the Council.

The proponent clearly has not followed this matter from the beginning.



To put the record right, it started off when a previous Presiding member got involved in a shouting match with a member of the Gallery when he could not answer a question from a member of the Gallery. The exact words from the presiding member at the time in a loud and aggressive voice were "Sit down and shut up Mrs --"hardly the way to talk to a ratepayer.

Put as is now suggested by Cllr Coales. His proposal is exactly what was in place when all this erupted. It is of no value going back to something that has been proven not to work. He should have done some research into the history of the current procedure.

The problem is not that questions have to be in by 14-00 on the day of the meeting but that it is restricted to only three questions.

As is well known I ask a number of questions of Council and the policy of them having to be presented in writing either manually or electronically is of benefit to both the officers and CEO and the questioner.

It ensures that the questioner has thought the matter through that the relevant officer has a short time to get some background to give a reasonably considered answer and decide if a more detailed answer is required.

From the questioner's position it ensures that the records can record exactly what the questioner asked. And at times when the question as asked is not answered but the answer to another similar matter is given. This may be a genuine misinterpretation or misunderstanding of the question by the presiding member.

A person may give a question verbally and think they have said something, but in fact their question may be misinterpreted a wrong word in the wrong place can alter the question completely.

I have had cause at times to refer back to a question because the answer given did not deal with the issue in question and it is only because the question was in hard copy that it could be reconsidered.

Advice from the Department of Local Government is that the presiding member may choose to be evasive in their answer. They may refuse to answer the question or refuse to take action as has been the case in the recent past to a number of my questions.

Remember that the questioner can only ask the question and may not get into debate with the chair on the matter. They may, with the permission of the chair, ask a supplementary question if it would clarify what information they were seeking.

Tonight I wanted to ask two other questions but cannot as I have reached the maximum amount of questions I may ask, so Councillor Coales proposal is of no value to me.

I could circumvent this situation by asking another ratepayer to ask the questions but that defeats the purpose and integrity of public question time.

I wished to ask a question with reference to a question from a previous meeting. Reference SJ2105/OC17/23597AN. The letter seems to imply that a developer has constructed a building partly on his own lot and has continued the building on to a road reserve. This matter deserves questioning but I am prevented from asking the questions that may settle my concerns.

Or I must defer the asking of questions involving the expenditure of ratepayers money on what may be described as a junket by some ratepayers as that Councillor has no responsibility for emergency matters and by resigning from an appointment clearly does not want any.

I would urge the elected members to defer this matter to consider the complete policy and not just vote on what looks like a feel good alteration to put us back to the position we were in about



three years ago and does not get to the crux of the matter. That is the limitation of the ratepayer's right to ask questions.

Public statement time concluded at 7.37pm.

4. Petitions and deputations:

4.1 Michael Glendinning, Michael Glendinning Property relating to OCM165/12/17.

My deputation relates to Agenda item OCM165/12/17 relating to Proposed Scheme Amendment No.203, which proposes to rezone Lot 9, 147 Hardey Rd, Serpentine from 'Rural' to 'Rural Living A'

In general terms, the purpose of my deputation is, as the listed Proponent and representative of the Owner, to challenge the Officer's Recommendation that Council adopt 'Option 1' of the Officer's Report, which proposes that Lot 9 be rezoned 'Special Rural' with a minimum lot size of 2 hectares rather than 'Rural Living A' with a minimum lot size of 1 hectare as proposed, which is 'Option 2' of the Officer's Report.

I have previously addressed Council with respect to the Shire's Rural Strategy Review and wish to remind Council that the draft review adopted by Council in 2014 was the subject of a number of modifications required by the WA Planning Commission in a December 2016 determination.

In the case of Lot 9 Hardey Rd, the Council's draft strategy proposed that Lot 9 be classified 'Rural Living A', which would have permitted a minimum lot size of 0.4ha (4000m²) which applies in the adjoining Serpentine Downs Estate which is now fully developed, however the WAPC requested that, as one of 19 modifications, the Shire modify its Rural Strategy to classify Lot 9 'Rural Living B', which has a minimum lot size of 2ha. The conflicting views of Council and the WAPC are captured on the two figures on page 31 of the Agenda and the Strategy has been finalised in line with the WAPC's view.

My involvement with Lot 9 commenced mid-2016 and, based on the Shire's Draft Rural Strategy which had been submitted to the WAPC in 2014, discussions were held with the Shire and the then Department of Planning regarding the land's proposed classification as 'Rural Living A' under the draft strategy and we have pursued this option since.

A professional Land Capability Assessment indicated that Lot 9 could indeed sustain a minimum lot size of 0.4ha which could have resulted in a 'Rural Living A' development of up to 45 lots, however the emergence of the Draft Government Sewer Policy with its broad mandate of a 1ha minimum lot size for unsewered lots caused the Shire's Officers to recommend the Council, in its response to the WAPC's request for modifications, that Lot 9 should be 'Rural Living A' with a 1ha minimum lot size.

It is acknowledged that the WAPC has since (in August 2017) determined that Lot 9 be classified 'Rural Living B' in the final Rural Strategy, however in an attempt to find an acceptable middle ground and the Draft Government Sewer Policy, notwithstanding it has yet to be finalised, we have modified our initial proposal to adopt a 1ha minimum lot size, well in excess of the Land Capability Assessment.

The Shire's officers have been conditionally supportive of this modified proposal, requesting that we provide the best justification we can to convince Council to support a proposal which is not in accordance with the Rural Strategy (hence their decision to deem this a 'complex' amendment) and which will potentially meet with resistance from the WAPC.



The decision which will be made at tonight's meeting should be based on Council's appetite to support a proposal which conforms with its initial intent in its Rural Strategy Review, reinforced by all of the technical information provided within our application, or whether it will bow to the unjustified view of the WAPC.

I therefore urge Council to consider an alternative motion in support of Option 2.

Finally, whatever Council's decision I would suggest that the recommended 10% contribution toward District Public Open Space, which has not been raised in any discussion with the Shire's officers, be rejected. This would be a major impost on what will be a commercially marginal 9 lot development if the 2ha minimum lot size were to prevail.

4.2 Trent Will, Planning Solutions and Daphne Stephenson, Owner Lot 848 (93) Kalyang Loop relating to OCM169/12/17.

Dear President and Councillors,

Planning Solutions acts on behalf Geoff and Daphne Stevenson, the owners of Lot 848 (93) Kalyang Loop, Byford (subject site) in support of the application for 'Temporary Accommodation'.

We are pleased to note the officer's recommendation for approval and provide the following comments in support of our client's application, for your consideration prior to Monday's Council meeting.

Compliance Background and Development Application

The officer's report refers to the owner's tendencies to undertake unapproved works on site. Whilst we appreciate the site has been the subject of compliance requests, this was a one-off occurrence when six sea containers and two transportable structures were placed on the lot.

The owners are deeply remorseful for placing these structures on site without the permission of the Shire. The owners were of the misunderstanding that as these structures were intended to be temporary and were not fixed to the ground, they did not require approval.

The owners have been diligently to address these issues since they were raised by the Shire. In this regard, we sincerely appreciate the Shire officers working with us and our clients to resolve these issues.

A Directions Notice was issued by the Shire on 2 October 2017, requiring the owners to remove the unauthorised development by 31 December 2017.

With two weeks still remaining, we can confirm the owners have:

- Sought and obtained approval for a warehouse, constructed the warehouse and moved all materials into the warehouse;
- Removed all sea containers from the site; and
- Removed the transportable office building.

We have enclosed a series of photographs which show the current condition of the site (as at 15 December 2017).

Transportable Dwelling

This application simply seeks temporary approval for the last remaining component of the compliance matters raised by the Shire, being a transportable building which is used as a dwelling. This is so that the owners have a place to live while their new house is being constructed. As is outlined in the officer's report, we have asked to keep the building on the site for 12 months.



The building is small measuring 14m in length by 4m in width. It is setback from the street and is considered unobtrusive to The building is connected to the necessary services (electricity, water, sewerage and gas). We have provided the Shire with electrical, plumbing and gas certificates to confirm this.

Permanent Dwelling

Following bank valuations earlier this week, the construction of the new dwelling is now due to commence late January 2018 with the estimated completion being between six and nine months from commencement.

Condition 1

The owners have arranged to paint the building a 'cream' colour. Subject to this approval, the painting will be undertaken in early January. Therefore, we have no objection to this condition.

Condition 2 – requested modification

We are respectfully seeking a minor amendment to Condition 2 of the officer's recommendation to add the following text:

2. The Temporary Accommodation hereby approved shall be removed from the site on completion of the construction of the main residence or 6 months after the date of this approval whichever is earliest. The temporary accommodation may remain on site for an additional 6 months if sufficient progress is made on the permanent dwelling, to the satisfaction of the Director Development Services.

We also request the following advice note is added to the approval:

Advice Note 1: The landowners shall provide the Shire with updates every two months on the construction progress of the permanent dwelling, including an estimated completion date. At least 28 days prior to the six month deadline, the Shire will confirm whether sufficient progress has been made to its satisfaction.

The reasons and justification for the requested modification are as follows:

- It is entirely normal for the construction of a new dwelling to take longer than six months. In our experience, nine months would usually be required from commencement of site works until occupation and it would be unusual for a dwelling to be fully completed in six months. Our client's builder has advised a minimum of six months would be required from commencement, which is programmed for late January.
- The secondary six months therefore provides our client with a reasonable degree of certainty that they can live in their temporary accommodation, until their new dwelling is constructed.
- The Shire's Policy HSP2 Temporary Accommodation specifically allows for an additional six months if sufficient progress is made on the permanent building. It is therefore appropriate to enshrine this six month extension as a condition of approval because this would prevent the need for an unnecessary further development application.

Summary

The owners have worked diligently to resolve the compliance matters raised by the Shire. This application seeks temporary approval for a small, unobtrusive building for the owners to reside in whilst their new house is being completed. Considering the above, we respectfully request Shire approve the application with the amendment of condition 2 as noted above.



Thank you for your time and consideration. I will be presenting at the Ordinary Council Meeting on 18 December in regard to this agenda item and would be pleased to answer any questions. In the meantime, if you have any queries or require further clarification regarding the above matter, please do not hesitate to contact me on 9227 7970.

4.3 Randal Humich regarding OCM171/12/17, LPP51

I act on behalf of Humich Nominees Pty Ltd the proprietors of the above land part of which was planned to become Oakford Village . Most of you will be familiar with the background to this matter.

For the last twenty years the WAPC/Department of Planning and the Shire have set policy for the development of Oakford Village starting with the Shire's Rural Policy in 1994, and moving on through to the Jandakot Structure Plan, LPP 51 and an MRS amendment. The landowner has responded to these policies by preparing and providing, in consultation with service providers , a large suite of reports and investigations to support the rezoning

All of these policies and plans provided direction to the landowners. In particular, LPP51 repeated the vision for a rural village aiming to provide "clarity and certainty to landowners". All of this work has come at a great cost to the landowner. Throughout this lengthy process the Shire has given strong and consistent support and assistance to the landowners and specifically supported the MRS amendment.

Our clients were therefore shocked to note from the report and agenda for the Shire's Council meeting due to take place on Monday 18 December 2017 that it is proposed that Oakford should remain Rural inside the proposed Local Planning Strategy and that more surprisingly, the bedrock of their hopes and expectations, LPP51, should be deleted before a final decision has been made by the Minister on the Sub-Regional Framework.

I attach a letter written by the Minister which indicates that this decision is still under consideration. Also attached is a letter from Mr Lumsden, the Chair of the WAPC indicating (in the context of the Rural Strategy) that the Shire should be asked to stay its hand until a final decision is made.

It is important that councillors should be aware that deleting LPP51 will undermine the owner's MRS amendment application and would be premature before the Minister makes a decision on the Sub- Regional Framework.

The Shire will understand that the landowner is very committed to this project and will do what is necessary to ensure that procedural fairness is observed. In the exercise of statutory powers the Shire is a decision maker and is bound by the rules of natural justice. The landowners have not received any prior notification of this deletion and have not been afforded a fair and reasonable opportunity by the Shire planners to make submissions as to its deletion. Councillors will understand that the deletion of LPP 51 will substantially affect the landowner's proprietary rights. It is not sufficient for a person invested with statutory power such as the Shire to merely disclose the overall proposed outcome of an intended exercise of power. The actual motivating reasons need to be disclosed in advance so that the person affected can address them

Equally, the Shire should not be treated as an immaterial piece of the jigsaw. Both the Shire and the landowners deserve to be told why the WAPC has had such an extreme change of direction. The Shire is a decision maker in the planning process and has a role separate and distinct from the WAPC. When a radical decision is made such as the decision not to include Oakford as Rural Residential inside the proposed Planning Strategy and to delete LPP 51, it



requires the true reasons to be disclosed for the action in advance of the exercise of the power.

To place such an important decision on the agenda of the Council without warning to the landowner so close to Christmas when consultants are either unavailable or under pressure is a compounding of that unfairness. If the Shire has grounds for removal of LPP51, other than blunt orders to do so from the WAPC, they should disclose them and allow an opportunity for them to be addressed. If the Shire is under direction from the WAPC, it should be appreciated that in the absence of any statutory requirement, there is no compulsion on it to take this action at this point in time. It is difficult to see any justification for departing from the Shire's longstanding support for the landowners.

Further, nothing is lost in leaving LPP51 in place until it is definite that it has no place in the Shire's suite of policies.

I am therefore writing to you to ask you to continue the strong Shire support which has always been present for Oakford Village. To leave this land Rural when it cannot be viably used for that purpose and when it is ready and able to be used for affordable housing is a waste of developable land.

The question needs to be put to the WAPC and to the planning officers of the Shire as to why this premature step is being taken and what is the planning justification for it? Why is the Council of the Shire receiving pressure from the WAPC to abandon its traditional support of Oakford without being given any good, openly disclosed planning grounds for doing so? The meeting agenda report indicates that the initiative to take this action is that of the Shire planners.

My client asks for the assistance of the Shire in preventing the disposal of twenty years planning and effort for Oakford. Your support is needed in taking three actions:

1. Most importantly, refuse to agree the deletion of LPP 51.
2. Defer the consideration of the LPS at this difficult time just before Christmas when attention and time is distracted elsewhere and submissions are likely to be superficial and difficult as a consequence of leave arrangements.
3. Ask the Shire's Planning Officers to include Oakford Village in the LPS as Rural Residential

5. President's report:

Hello and welcome to the December Ordinary Council Meeting.

Thank a Volunteer luncheon was held earlier this month, and I had the pleasure of meeting those who dedicate their time and passion to our community in a variety of ways.

I attended the wonderful SJ Community Christmas event on Friday afternoon, which saw over one thousand residents turn out to enjoy the free festivities and share their community spirit. A visit from Santa on a fire truck was a highlight, and the family fun activities were a hit. Well done to everyone involved with the event.

We have been fortunate to have a flood of support from the community for our other local events too, such as the Jarrahdale Log Chop and the SJ Community Fair. As we move into 2018 we will celebrate Australia Day with a fabulous free breakfast at the SJ Community Recreation Centre. We will be honouring special people who continue to serve our community through volunteering, as well as welcoming new Australian citizens to Serpentine Jarrahdale. I look forward to seeing you all there.



My fellow Councillors and I have also been attending school graduation ceremonies across the district. It's heartening to see so many bright young minds, and shows that the future is indeed bright for Serpentine Jarrahdale as these incredible young people move forward into the world.

I would like to take this opportunity to wish you all a very merry Christmas. I hope that 2018 brings you health and happiness, and that we can continue to work together to build this amazing community.

6. Declaration of Councillors and Officers interest:

Councillor Atwell declared an indirect financial interest in OCM165/12/17 as he has constructed fire breaks for a connected party. Councillor Atwell will leave the Chambers when this item is discussed.

Councillor Gossage declared a closely associated persons interest in OCM165/12/17 as a family member is an employee. Councillor Gossage will leave the Chambers when this item is discussed.

Councillor Piipponen declared an impartiality interest in OCM165/12/17 as the applicants have undertaken work for Councillor Piipponen previously. Councillor Piipponen will consider the matter on its merits and stay in the Chambers, and vote accordingly.

Chief Executive Officer, Kenn Donohoe declared a proximity interest in OCM165/12/17 as his residence is in close proximity to the development. Chief Executive Officer, Kenn Donohoe will leave the chambers when this item is discussed.

Councillor Atwell declared an indirect financial interest in OCM166/12/17 as he has constructed fire breaks for a connected party. Councillor Atwell will leave the Chambers when this item is discussed.

Councillor Gossage declared a closely associated persons interest in OCM166/12/17 as a family member is a past employee. Councillor Gossage will leave the Chambers when this item is discussed.

Councillor Piipponen declared a proximity interest in OCM168/12/17 as the proposal is opposite Councillor Piipponen's property. Councillor Piipponen will leave the chambers when this item is discussed.

Councillor Gossage declared an indirect financial interest in OCM188/12/17. Councillor Gossage will leave the Chambers when this item is discussed.

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

7.1 Ordinary Council Meeting – 27 November 2017

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Coales

That the minutes of the Ordinary Council Meeting held on 27 November 2017 be confirmed (E17/11891).

CARRIED UNANIMOUSLY 9/0



7.2 Special Council Meeting – 27 November 2017

COUNCIL DECISION

Moved Cr Byas, seconded Cr McConkey

That the minutes of the Special Council Meeting held on 27 November 2017 be confirmed (E17/11901).

CARRIED UNANIMOUSLY 9/0

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

8.1 Development Services reports

OCM163/12/17 – Proposed Local Development Plan - Lot 1 Orton Road, Byford, Lots 2, 3 Lawrence Way, Byford and Lots L127, 128,129,130,202 Doley Road, Byford (PA17/792)	
Author:	Helen Maruta - Statutory Planning Officer
Senior Officer/s:	Ashwin Nair - Manager Statutory Planning & Compliance Andre Schonfeldt – Director Development Services
Date of Report	17 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent	CLE Town Planning & Design
Owner:	Housing Authority
Date of Receipt:	4 September 2017
Lot Area:	21,757ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

The purpose of the report is for Council to consider a Local Development Plan (LDP) for a portion of the Doley Road precinct. Shire Officers do not have delegation to determine an LDP and as such, the report is presented to Council for its consideration.

The LDP applies to 396 residential lots with densities under the Residential Design Codes (R-Codes) of R25, R40 and R60. The LDP seeks to vary the requirements of the R-Codes in relation to primary street setbacks, lot boundary setbacks and open space provisions in order to achieve a consistent built form outcome within the Doley Road Local Structure Plan area.

Shire Officers consider that the proposed variations can be supported and approved.

Relevant Previous Decisions of Council

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



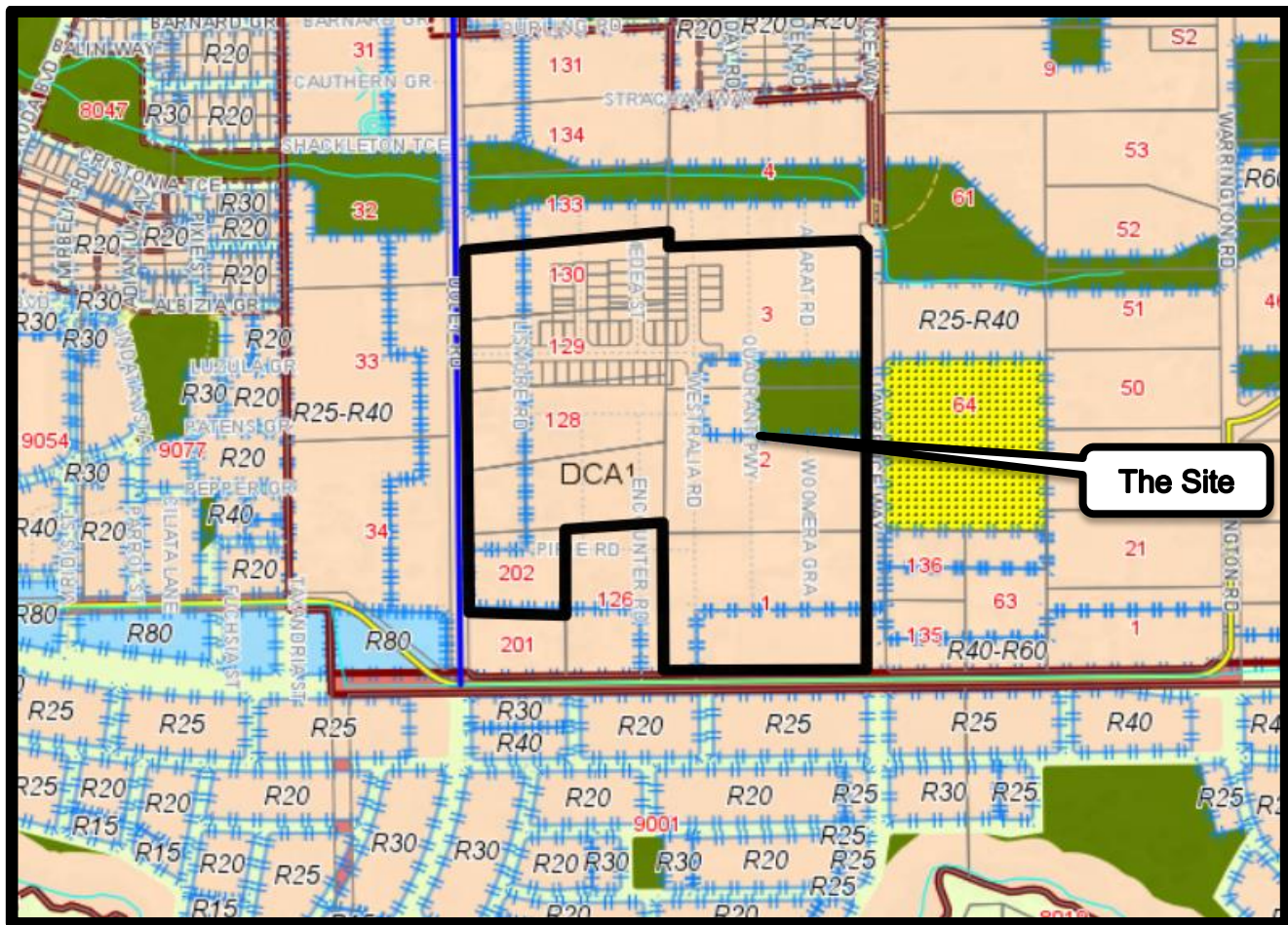
Background

Site Context

The subject site is bound by Orton Road to the south, Lawrence Road to the east and Doley Road to the west, covering an area of approximately 21.7hectares. The site is identified within the Doley Road Precinct Local Structure Plan and is in close proximity to Byford The - Glades locality. The LSP is marked with attachments OCM163.2/12/17.

Existing Development

The subject site is currently vacant. Initial earthworks relating to approved subdivision stages are currently being undertaken over the site.



Proposed Development

The LDP applies to 396 residential lots (including Public Open Space) with densities under the R-Codes codes of R25, R40 and R60. The LDP with attachments marked OCM163.1/12/2017, seeks to vary primary street setbacks, lot boundary setbacks and open space provisions as illustrated in the following table:

R Code Element	Density	Deemed to comply	LDP proposal
Primary Street setback	R25 (All lots)	6m	3m
	R40 (All lots)	4m	3m
	R60 (All lots)	2m	1m
Open Space provisions	R25 (all lots)	50%	40%
	R40 (All lots)	45%	35%
	R60 (All lots)	40%	30%



R Code Element	Density	Deemed to comply	LDP proposal
Buildings on Boundaries other than street boundaries	R25 and R40 (All lots)	Up to one side boundary for a maximum length of the greater of 9m or 1/3 length of boundary behind front setback to one boundary only.	Up to one side boundary for a total maximum 2/3 length of boundary. Up to the second side boundary for a maximum on length of 9m
Buildings on Boundaries other than street boundaries	R60 (All lots)	2/3 length of boundary behind front setback to one boundary only.	Buildings built on both sides boundaries are permitted.

The conditions of the subdivision approvals, issued by the Western Australian Planning Commission (WAPC), for this area do not require the preparation of LDPs.

The LDP has been prepared pursuant to *Schedule 2, Part 6, Clause 47(d) of the Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 47(d) states that, “an LDP in respect of an area of land in the Scheme area may be prepared if; the Commission and the local government considers that an LDP is required for the purposes of orderly and proper planning”.

In that regard, the WAPC and Shire Officers consider that the provisions of the LDP will achieve a consistent built form outcome in the locality of Byford. The LDP is considered to be required for the purposes of orderly and proper planning.

Community / Stakeholder Consultation

The application was advertised to adjoining landowners in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 50(2a) ‘Advertising of Local Development Plans’. As a result of the advertising, the following submission was received:

- “We have no objection to a "Batter" on the northern boundary but we still require a suitable privacy wall/ fence to be built just the same. We request suitable privacy fencing or walls on our boundaries with no batter on the eastern or western side of our property.”

The applicant provided that all dwellings will be provided with standard fencing, typically to a height of 1.8m above natural ground level/ approved ground levels. This fencing will provide sufficient privacy to all future residents and adjoining land owners.

Agency Referrals

The proposed LDP was referred to the WAPC in accordance with clause 7.3.2 of the R-Codes which requires variations not listed in clause 7.3.1, such as the open space, to be approved by the WAPC.

The WAPC have provided support for the LDP with regard to the proposed variations. The WAPC submitted, “the variations sought for through the LDP are consistent with the Residential Medium Density Codes as referenced in Planning Bulletin 112/15. The proposed variations are supported in the context that it would ensure a consistent built form outcome within the structure plan area and the neighbouring Byford The - Glades locality”.

The submission forms part of the agenda attachments OCM163.3/12/17.

Statutory Environment



- *Planning and Development Act 2005;*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Western Australian Planning Commission Framework for Local Development Plans 2015;*
- *State Planning Policy 3.1 (SPP 3.1) - Residential Design Codes;*
- *Doley Road Local Structure Plan; and*
- *Doley Road Precinct Planning Framework - Local Planning Policy No.69.*

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 47 of the Deemed Provisions of the *Regulations* outlines instances that require an LDP to be prepared. It states the following:

Clause 47: *A local development plan in respect of an area of land in the Scheme area may be prepared if –*

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of plan of subdivision of the area; or*
- (b) a structure plan requires a local development plan to be prepared for the area; or*
- (c) an activity centre plan requires a local development plan to be prepared for the area; or*
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.*

The LDP has been prepared pursuant to Clause 47(d), as Officers have considered that the use of LDP is suitable to ensure that development in the locality achieves greater consistency and outcome of the built form and streetscape of this subdivision stage. The variations would ensure a consistent built form outcome within the structure plan area and the neighbouring Byford Glades locality. Officers have considered that the LDP, which is covering a greater part of the LSP area, is required for the purposes of orderly and proper planning.

Western Australian Planning Commission Framework for Local Development Plans 2015

The WAPC Framework provides guidance as to how LDP's should be formatted and designed. The proposal complies with the design and layout requirements of the framework. It is considered that the LDP satisfies the intent, objectives and scope of the *Framework for Local Development Plans 2015*.

State Planning Policy 3.1 – Residential Design Codes.

Part 7 of the R-Codes provides a framework under which a local government can vary, amend or replace provisions of the R-Codes. The proposed LDP has been assessed with regard to Clauses 7.3.1 and 7.3.2 of the R- Codes, which outline the scope of changes, which LDP's can facilitate. Clause 7.3.1 of the R-Codes permits variations to street setbacks and lot boundary setbacks subject to this application.

Clause 7.3.2 of the R-Codes states:

“Notwithstanding Clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed – to – comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

The application has been referred to WAPC as it proposes to vary standards for open space and as such the Shire required approval from the Commission.



Clause 5.1.2 P2.1 and P2.2 of the R-Codes set out the Design Principles for street setbacks. These Design Principles have been assessed in the Planning Assessment section of the report and Officers consider that the LDP is consistent with these.

Clause 5.1.3 P3.1 and P3.2 of the R-Codes sets out design principles for lot boundary setbacks. The variations to this provision and how these have been addressed have been discussed in the Planning Assessment section of the report.

Clause 5.1.4 P4 of the R-Codes sets out design principles for Open Space. Development may be permitted where these Design Principles are demonstrated.

Planning Assessment

Primary Street setbacks

The R-Codes allow for varying setback requirements based on residential zonings. The LDP proposes a minimum primary street setback requirement with no averaging. This is considered appropriate, as it will create a uniform streetscape and a sense of identity for the area through design and consistency.

The R-Codes prescribe a six (6) metre primary street setback with averaging for lots coded residential R25 and a four-metre (4) primary street setback with averaging for lots coded R40. The LDP proposes a minimum primary street setback of three metres (3), without averaging, for all lots coded R25 and R40 in lieu of six metres (6) and four (4) metres respectively.

The reduced primary street setback allows dwellings to be shifted to the front of the lot thereby creating a consistent pattern of development to the primary street, which ensures a consistent streetscape. In addition, a reduced setback facilitates a larger and more usable outdoor living area to the rear of the dwelling and thereby creating privacy.

The proposed LDP includes soft landscaping requirements for front setback areas. This will assist in creating a sense of place for the LDP area by providing high quality landscaping within the front setback that is manageable and appealing. This requirement would ensure that front setback areas are attractive and actively contributes to the streetscape and is therefore supported by Officers.

Open Space Requirements

Table 1 of the R Codes sets out requirements for open space, which must be maintained for each lot. The LDP proposes variations to reduce the minimum percentage of open space in accordance with the table below:

Density	R Codes (min)	Proposed LDP (min)	Variation to R codes
R25	50%	40%	10%
R40	45%	35%	10%
R60	40%	30%	10%

The LDP proposes to vary Deemed-to-Comply open space requirements for the residential R25, R40 and R60 lots by 10%.

Clause 7.3.2 of the R-Codes enables LDPs to vary deemed-to-comply open space requirements where the variation is consistent with the design principles of the R-Codes. Variations to open space requirements are to be considered against the Design Principles of clause 5.1.4 of the R-Codes, which states:

“P4 Development incorporates suitable open space for its context to:



- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities.”*

The purpose of open space is to provide a streetscape which has a sense of openness and a reasonable area of outdoor space. The LDP proposes a reduced front setback for all lots which facilitates a larger and more usable outdoor living area to the rear of the dwelling.

Officers consider that the proposed variations in the LDP are consistent with the relevant design principles of the R-Codes in that they enable access to natural sunlight for the dwellings and facilitate a medium density-housing product, which is not unreasonable by way of bulk on a smaller lot.

Building bulk is ordinarily a result of oversized buildings through reduced side setbacks, open space variations and height variations. The proposed amended LDP proposes to vary open space and comply with the side setback and height requirements of the R-Codes. It is therefore considered that the built form will not impact the streetscape through building bulk and scale.

The addition of soft landscaping provides a higher level of amenity for future residents of the dwellings. It also provides opportunities for residents to use space external to the dwelling for outdoor pursuits such as gardening and planting of trees that will eventually provide shade.

Officers have considered that the open space variation can be supported given the applicant has included a 40% mandatory soft landscaping requirement of functional outdoor space within the front setback area, which does not include areas within the driveway, verandah or porch.

The LDP does not seek any variations to the outdoor living area under the R - Codes. The reduced open space still allows the lot's ability to contribute positively to their setting and streetscape and provide for areas of functional outdoor living. The Shire has consistently approved similar open space variations within the neighbouring Byford - The Glades locality.

Lot Boundary Setbacks

The LDP seeks a variation to the lot boundary setback provisions. The deemed-to-comply requirements of the R-Codes allow for walls to be built up to one side boundary for a maximum length of two thirds of the length of the lot boundary for lots coded R30 or greater. Lots coded R30 or less can have walls built up to one boundary for a length of one third of the lot boundary. Walls built up to the boundary are required to be behind the front setback for all densities.

The LDP proposes to allow R60 lots to have walls built up to the boundary on both side boundaries. It also proposes to allow R25 lots to have walls built up to the boundary for a maximum length of two thirds of the length of the lot boundary.

The area of land included in the side setback, as per the deemed-to-comply requirements of the R-Codes, does not contribute to providing an area of functional outdoor space for the use of occupants of the dwelling. The variation to the side setback will result in the open space being consolidated to the rear of the dwelling resulting in a more functional space, consistent with the design principles of the R-Codes.



It is considered that the additional boundary wall length to both sides boundaries will allow flexible design and an improved internal dwelling layout whilst enhancing privacy to adjoining landowners. The variation will not unduly impact the streetscape, given boundary walls are required to be located behind the front setback area.

Furthermore, seven of the ten proposed R60 lots have a north-south orientation which allow for access to daylight, direct sun and ventilation to the open spaces on the site and adjoining properties.

The boundary setback variations do not result in any encroachment into the setback and will not unduly impact the streetscape as they are not required within the front setback area. The boundary wall requirements are considered appropriate in this instance, as they will allow for better use of space, create privacy and not detract from the streetscape and are therefore supported.

Vehicle Access Requirements

The LDP proposes designated garage locations for all R60 corner lots along Doley Road and Orton Road. These designated locations have been included specifically to prohibit vehicular access from Doley and Orton road for safety reasons. The designated garage locations do not comply with clause 5.3.5 of the R-Codes which requires corner lots to have vehicle access from the secondary street.

Officers have considered that the variation to vehicle access requirements can be supported as a part of this LPD. Orton Road and Doley Road are classified as neighbourhood connectors, which are associated with high traffic volumes, and as such are not considered suitable and safe for vehicular access.

In light of the above, Officers have duly considered associated lot constraints and have considered that the designated garage locations identified on the amended LDP are the most appropriate and safe locations. Therefore, the variations to vehicle access requirements are supported as part of this LPD.

Single/Tandem Garage

The LDP proposes single garages for R40 lots with frontages that are less than 10.5 metres in width. The lots were included in the LDP in order to facilitate diversity of housing products in the streetscape. The LDP does not seek any variations to Clause 5.2.1 of the R- Codes with regards to setback of garages and carports.

The applicant has provided a diagram, which illustrates how the minimum number of on - site car parking spaces can be achieved for a single house with a 7.5-metre frontage. The diagram is with agenda attachments marked OCM163.4/12/17.

The diagram is an indicative representation of typical lots with a 7.5.metre frontage, which illustrates compliance with Clause 5.3.3 Parking of the R codes through the provision of two on – site car parking spaces. In addition, the design also represents compliance with Clause 5.3.4 Design of car parking spaces of the R codes in particular Australian Standards 2890.1, which requires that all car parking spaces provided on site be of a minimum 5.4m dimension.

Officers have considered that single garages on the identified lots would reduce visual dominance of garages improving the streetscape of the appearance of the development. Officers consider the additional provisions, which are not variations to the R-Codes to be of benefit to both future landowners and visitors to the area by facilitating a high amenity streetscape and flexible design. These lots are still required to comply with the R-Code requirements in terms of car parking. Shire Officers recommend the proposed single garages be supported.

Land Use

Proposed Land Use



The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No.2 zonings of 'Urban' and 'Urban Development' respectively. The Byford District Structure Plan defines the intention of the area to be developed for residential use purposes.

Proposed Residential Densities

The proposed residential densities are consistent with the Doley Road Local Structure Plan. The R25 lots east of the Public Open Space (POS) were created through subdivision. Lots sizes meet the minimum and average lot size requirements of the R-Codes.

Options and Implications

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

Option 1: Council may resolve to approve the Local Development Plan.

The approval of the Local Development Plan will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to approve the Local Development Plan with modifications.

The approval of the Local Development Plan will not result in a negative impact on the amenity or character of the area.

Option 3: Council may resolve to refuse the Local Development Plan.

Refusal of the Local Development Plan may be contemplated by Council if consideration is given that the Local Development Plan does not comply with aspects of State Planning Policy 3.1. – Residential Design Codes and the Western Australian Planning Commission *Framework for Local Development Plans 2015*.

Option 2 is recommended.

Conclusion

The proposed LDP has been assessed with regard to the WAPC *Framework for Local Development Plans 2015* and the R-Codes. Officers consider the variations to the R-Codes to reflect the intent of clause 7.3.2 of the R-Codes and objectives identified in the WAPC *Framework for Local Development Plans 2015*.

The proposed R-Code variations, as discussed, are being sought to establish a consistent built form of the of the Doley Road precinct consistent with the neighbouring locality. The proposed variations are supported as they will achieve consistent built form outcome within the structure plan area and the neighbouring locality.

The most critical additional element of the soft landscaping within, front setback is considered to soften the appearance of dwellings on the streetscape by way of their reduced primary street setbacks, boundary walls and open space.

It is considered that the LDP provisions will result in a well-designed built form providing housing diversity for the future occupants of Byford whilst maintaining a high level of visual and residential amenity.

The LDP is therefore recommended for approval by Officers

Attachments

- [OCM163.1/12/17](#) – Proposed Local Development Plan (IN17/25065)
- [OCM163.2/12/17](#) – Doley Road Local Structure Plan (IN17/25064)



- [OCM163.3/12/17](#) – Western Australian Planning Commission Submission (IN17/24557)
- [OCM163.4/12/17](#) – Typical Single Tandem Garage (IN17/26031)

Alignment with our Strategic Community Plan

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

The proposed LDP seeks to provide design requirements and achieve a built form which is consistent with the neighbouring Byford - The Glades locality. The proposal is considered to contribute to creating a village environment for the future occupants of Byford.

Financial Implications

There are no financial implications

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation. The LDP seeks to facilitate a contemporary medium-density housing product that will result in a consistent built form outcome within the Doley Road structure plan area. The risk surrounding the refusing of the LDP is considered to be related to the reputation of Council as details in the table below.

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)
Impact to Council's reputation by not approving the LDP.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

Risk Matrix

Consequence / Likelihood		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)



Continued

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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

OCM163/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Piipponen

That Council approves the application for the Local Development Plan submitted by CLE Town Planning & Design on Lot 1 Orton Road, Byford, Lots 2&3 Lawrence Way, Byford and Lots L127, 128,129,130,202 Doley Road, Byford as contained in attachment OCM163.1/12/17 in accordance with clause 52(1) *Schedule 2 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

CARRIED UNANIMOUSLY 9/0

**OCM164/12/17 – Dog Exercise Area(s) (SJ2081)**

Author:	Evian Elzinga – Strategic Community Planner
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	22 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

At the December 2016 Ordinary Council Meeting, Council resolved to run a 12-month trial for an unfenced off-lead dog exercise area at the Bill Hicks Reserve, R50321. The purpose of this report is to provide an update to Council on the trial at the Bill Hicks Reserve and to provide further options for a way forward.

To date there have been limited complaints regarding the trial at Bill Hicks Reserve and it appears as if the initial concerns raised prior to the trial did not seem to eventuate. As such, Officers recommend that the reserve continue to be used as a dog exercise area. Additionally Officers recommend that the location of other off-lead areas and a dog park be considered as part of the Local Development Strategies process.

Relevant Previous Decisions of Council

- OCM079/05/16 - Resolved that areas suitable for the establishment of a Dog Exercise Area/s within Byford be identified and that community consultation be undertaken;
- SCM011/07/16 - Adoption of 2016/2017 Statutory budget with Budget item BDP900 Byford Dog Park;
- OCM152/08/16 - Noted the progress to date in regards to the community consultation undertaken and supported the preparation of a detailed project plan for the establishment of dog exercise area(s) that considers the outcomes of the consultation process;
- OCM218/12/16 – Report on the identification of potential areas suitable for the establishment of a dog exercise area(s) within the Byford area (SJ1418).

At the Ordinary Council Meeting of December 2016, Council resolved as follows:

That Council:

1. *Resolves by Absolute Majority that Reserve R50321 - Bill Hicks Reserve along Plaistowe Boulevard Byford be identified as the most suitable park for an unfenced off-lead dog exercise area.*
2. *Resolves that Reserve R50321 Bill Hicks Reserve is formally advertised as a dog exercise area pursuant Section 31 of the Dog Act 1976 as prescribed in terms of Section 1.7 of the Local Government Act 1995, by the decision being:*
 - (a) *published in a newspaper circulating generally throughout the district; and*
 - (b) *exhibited to the public on a notice board at the local government's offices; and*
 - (c) *exhibited to the public on a notice board at every local government library in the district.*
3. *Resolves that the park is provided with the necessary facilities to minimise any inconvenience and possible health related risks.*
4. **Resolves to run the park as a trial for 12 months, with officers bringing options back to Council in December 2017.**



Background

It is important to distinguish between a 'Dog Exercise Area' and a 'Dog Park', and to acknowledge the requirement for the dog(s) to remain under effective control in both circumstances. As such, the following definitions are recommended to form the basis for discussions regarding dog exercise areas and fenced dog parks.

- **Dog Exercise Area** - an area of land, which permits dogs to be off-leash, generally within a recreational reserve. The reserve may be fenced or unfenced and dogs must remain under the effective control of the owner or person exercising the dog.
- **Dog Park** - a designated public area that has been set aside for dog guardians to legally exercise, play and socialise with their dogs off-leash in a secure environment. The park is fully enclosed or fenced and has amenities that make it clear that dogs are invited, not just permitted. Dogs must remain under effective control of the owner or person exercising the dog.
- The term '**under effective control**' broadly means that the dog:
 - Responds to commands, and particularly returns when called.
 - Remains in a reasonable distance from the owner at all times.
 - Does not act in a threatening or aggressive manner to other people or animals.
 - Does not cause damage to flora or fauna.
 - Does not enter a lake or water channel.

In May 2016, Officers presented a report to Council to consider a Dog Exercise Area at Lot 8035 Woolandra Drive, Byford. Council resolved to request the Chief Executive Officer to identify potential areas to establish a Dog Exercise Area and to undertake community consultation. Council requested that a report be brought back to Council in August 2016 to discuss these options and the outcomes of the consultation.

At the August 2016 Council meeting, Officers presented an update report to Council of the potential areas suitable for a Dog Exercise Area(s) in Byford. The report outlined that the following five sites were identified and were undergoing community consultation:

1. Reserve R50333 corner of Larsen Road and Sansimeon Boulevard, Byford;
2. Reserve R50809 and R51732 Barraberry Way, Byford;
3. Reserve R50679 Woolandra Drive, Byford;
4. Reserve R50216 Percy's Park along Mead Street, Byford; and
5. Reserve R50321 Bill Hicks Reserve along Plaistowe Boulevard, Byford.

The report detailed that consultation was undertaken by sending out letters to the property owners within a 500m radius of each the above locations. The letters advised of the proposal and how to submit a submission to the Shire for consideration by Council. Maps depicting the location of each park and the proposed Dog Exercise Area were also included. Council noted the progress and supported the preparation of a detailed project plan that considers the outcomes of the consultation process to be presented back to Council after the consultation process was completed.

In December 2016 a report was presented to Council which communicated the outcomes of the community consultation process. In total 2,721 letters were sent to property owners and the Shire received 193 responses, a response rate of 7.09%. The feedback for the five identified reserves were as follows:

Park	Total responses	Positive	Negative
Larsen Road (R50333)	25/557 (4%)	1 (1%)	24 (99%)
Barraberry Way (R50809/R51732)	35/557 (6%)	14 (35%)	21 (65%)



Park	Total responses	Positive	Negative
Woolandra Drive (R50679)	46/490 (9%)	15 (33%)	31 (67%)
Percy's Park (R50216)	41/287 (14%)	6 (15%)	35 (85%)
Bill Hicks Reserve (R50321)	46/830 (6%)	14 (31%)	32 (70%)

Based on the outcomes of the consultation process Officers recommended that Bill Hicks Reserve (R50321) be considered as the most appropriate option for a Dog Exercise Area with Percy's Park (R50216) as an alternative site. Council in supporting the Officers' recommendation, resolved for a 12 month trial to be undertaken with Bill Hicks Reserve as a Dog Exercise Area and for the necessary facilities to be provided to minimise any inconvenience and health risks. Council requested that options be presented back to Council in December 2017 at the prior to the conclusion of the trial.

Please note that the formal notices declaring the Reserve as a Dog Exercise Area under the Dog Act 1976, was only published on 18 January 2017 therefore the 12 months would effectively only conclude on 17 January 2018. Additionally in early 2017 dog waste stations (including bags and bins) were installed at Bill Hicks Reserve (R50321) and signage put in place to demarcate non-permissible areas around the BBQ and playground area.

The layout of the Dog Exercise Area is presented below:



Bill Hicks Reserve (R50321) Context Plan



The following photos shows the equipment installed at the Reserve:



Bill Hicks Reserve (R50321) Photos

It should also be noted that outside this process to establish a Dog Exercise Area, Officers in August 2017, presented Council with the Community Infrastructure Implementation Plan, which identifies the need for a Dog Park by 2020/21 with an estimated cost of \$200,000. This cost is intended to include the costs required for fencing and installation of relevant training equipment for a full-fledged Dog Park as defined above. It should be noted however that a location for such a Dog Park has not yet been determined and that this is proposed to form part of the Local Development Strategies process.

Statutory Environment

Under the Dog Act 1976 Section 31 it is a requirement to for a dog to be on a lead whilst in a public place.

(1) A dog shall not be in a public place unless it is:

(a) held by a person who is capable of controlling the dog; or

(b) securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

Section 31 of the Dog Act 1976 however specifies that a local government may determine dog exercise areas.

31. Control of dogs in certain public places (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Comment/ Research

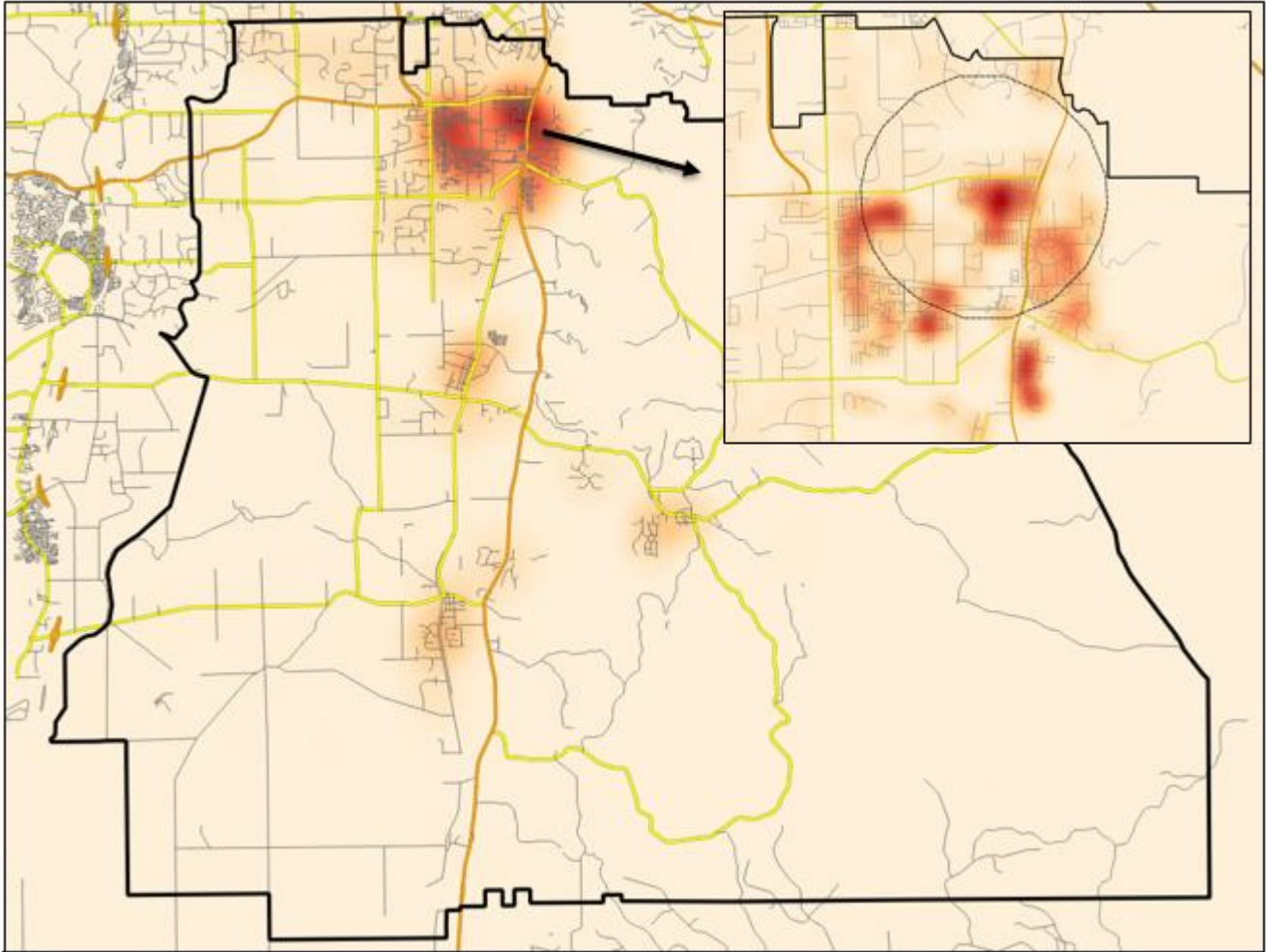
In the process of writing this report Officers have reviewed dog ownership within the Shire, the community feedback received prior to and during the 12 month trial, case studies of other Dog Exercise Areas and Dog Parks, as well as the disadvantages or advantages of alternative options to Dog Exercise Areas and Dog Parks.

Dog ownership

According to the Shire's databases, dogs reside in 37% of the households within the Shire of Serpentine Jarrahdale. The dog population corresponds to areas of household density, with particular high dog ownership areas within Byford. The heat map below shows areas of high dog ownerships particularly around the existing population in Byford. A zoomed-in image indicates a 2 km area around Bill Hicks Reserve. It is estimated that this area is home to 1,552 registered dogs within a 2km radius, which is equivalent to over 25% of the Shire's dogs.



While Byford represents the highest population of dogs, it is also noted that there are some concentrations of dogs in Mundijong, Serpentine and Jarrahdale. With extensive population growth expected for Mundijong-Whitby, the need for Dog Exercise Areas, or a Dog Park, is expected to arise.



Heat Map of Dog Ownership (Zoomed in on Bill Hicks with 2km radius)

Community Feedback

The Rangers Team have kept a register of enquiries and complaints during the 12 month trial. The feedback received has been a number of phone calls, front counter enquiries and emails. In total seven individuals have given feedback with comments on the following issues:

- Owners have lack of control of dogs
- Uncontrolled dogs disturbing other dogs
- Concern for off lead areas
- Dogs off leash disturbing those held by responsible owners on lead
- Conflict with children's activities & concern for children's safety
- No pick up of dog waste including left near playground
- Water, exercise and training ramps
- Near main road and bus route & concern for dog safety
- Space not large enough
- Need for enclosed spaces for little and bigger dogs
- Request for fencing
- Sports being played on weekends



The concerns raised are noted and can be addressed, to a certain extent, through education regarding responsible dog ownership, suitable selection and design of dog parks and operational management. It should also be noted that Bill Hicks Reserve was intended as an unfenced Dog Exercise Area, and not a fully equipped Dog Park, which is yet to undergo a site selection process.

Ranger staff have noted a significant increase in the usage of the Reserve as a dog exercise area during the last twelve months. Therefore officers considers that the level of complaints is relatively minimal considering the timeframe and concerns raised are more related to individual behavior than the overall concept.

Case studies

Investigation of various Dog Parks of nearby Local Governments have shown various styles. The Dog Parks vary to include general dog equipment, agility specific equipment and with natural-looking features.

		
General Dog Park	Agility Dog Park	'Nature Play' Dog Park
Location: Bayview Reserve, City of Rockingham	Location: Peace Park, City of Kwinana	Location: Yarra Vista Park, City of Cockburn

As alternative to fully equipped parks, community preference may also be for more conventional parks or existing natural spaces with trails.

		
Grassed Space	Park with pathways	Natural Space

Further consultation will be required to determine the community's preference. It is recommended that the consultation be conducted as part of the already planned Local Development Strategies process through a shire-wide survey that addresses various themes.

Constraints/Risk

Dog Exercise Areas and Dog Parks increase the concentration and interactions to a defined space. There are several associated risks to note:



- Animal and human safety – the safety of humans and dogs should be considered in planning, design and management of parks. Signage can help, however owners remain responsible for their dog's behaviour.
- Children and dogs – the behaviour of children, including uncoordinated attempts at showing affections and their high-pitched noise, may cause a dog to react in unpredictable ways.
- Dog behaviour - Often owners contribute to the behaviour problems of dogs because they don't recognise or don't interpret correctly what their dogs are doing and learning according to King and Long's research conducted in 2004. Some dogs are unsuitable for a dog park experience and studies have suggested that these include aggressive dogs, undersocialised, fearful and anxious dogs, unvaccinated puppies, females in heat and un-desexed males.
- Health risks – Infections can be transmitted from dogs to humans through contaminated faecal matter. The provision of adequate bins and faeces collection bags is essential in all dog parks
- Local impacts – Impacts can vary from noise, odour, parking congestions, conflict of uncontrolled dogs and irresponsible dog ownership, and environmental and wildlife impacts.

Options and Implications

Based on the above and considering the outcomes of the trial, Officers recommend that Bill Hicks Reserve (R50321) be endorsed by Council as a Dog Exercise Area on a permanent basis. If this option is supported the following options are available to Council:

Option 1:

That Council resolve by absolute majority for Bill Hicks Reserve (R50321) to be a Dog Exercise area and retain the current facilities within the park, and for the location for a Dog Park be considered through the Local Development Strategy process.

Option 2:

The same as Option 1 with the provision of additional facilities within Bill Hicks Reserve to address some of the concerns raised by the community. In particular, this would include fencing a section of the park off from the playground area. This will allow a physical barrier or separation between the Dog Exercise Area and the playground area that may address some of the risks and concerns raised in relation to safety.

Option 3:

Council could resolve to improve Bill Hicks Reserve (R50321) to be a full-fledged Dog Park, with training facilities and appropriate fencing to provide for an area for large dogs and an area for small dogs with appropriate equipment to be installed. As mentioned above this would need a full business case to be prepared in line with the Community Infrastructure Implementation Plan adopted in August 2017 and appropriate budget allocation to be made available. Early estimates is in the area of \$200,000.

Option 4:

Council could resolve that Bill Hicks Reserve (R50321) is not an appropriate park for a Dog Exercise Area and request this be communicated to the Public.

Additional Options include the consideration of other parks within the Shire as potential Dog Exercise Areas. In this regard officers have identified that the southern parts of Percy's Park may provide an ideal opportunity to provide an alternative location for a Dog Exercise Area, which will require limited additional facilities.

With regards to other townsites in the Shire Officers have identified that with the exception of the Ovals within these areas, there are limited opportunities for Dog Exercise Areas on parks that are of adequate size. This is something that will need to be addressed through future planning of these areas and could be considered as a requirement to be investigated through further Structure Planning.



To this extent Officers recommend that Bill Hicks Reserve (R50321) be approved as a Dog Exercise Area as a permanent solution for the current demand, and that for a long-term solution the location for a Dog Park be considered through the Local Development Strategies in accordance with the Community Infrastructure Implementation Plan.

Conclusion

It is recommended that Dog Exercise Areas are provided, where possible, in the areas of Byford, Mundijong, Serpentine and Jarrahdale. Furthermore, that the site selection of a Dog Park is facilitated through the holistic planning process and community consultation of the Local Development Strategies.

Attachments

Nil

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 2.1	A diverse, well planned built environment
Strategy 2.2.1	Actively engage in the development and promotion of an effective planning framework

Financial Implications

The balance of the original budget allocation for the budget item BDP900 Byford Dog Park of \$31,617 is still available to be used towards the implementation of Dog Exercise Areas or additional facilities.

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)
Community does not support the sites of the Dog Exercise Area(s)	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk or Manage by further community consultation.

**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

OCM164/12/17 Officer Recommendation

That Council:

1. Resolves that Reserve R50321 - Bill Hicks Reserve along Plaistowe Boulevard, Byford be a dog exercise area.
2. Resolves that Reserve R50321 - Bill Hicks Reserve is formally advertised as a dog exercise area pursuant Section 31 of the *Dog Act 1976* as prescribed in Section 1.7 of the *Local Government Act 1995*, by the decision being:
 - (a) published in a newspaper circulating generally throughout the district; and
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.

OCM164/12/17 Alternate Councillor Recommendation**Moved Cr Coales, Seconded Cr Piipponen**

That Council:

1. Resolves that Reserve R50321 - Bill Hicks Reserve along Plaistowe Boulevard, Byford be a dog exercise area.
2. Resolves that Reserve R50321 - Bill Hicks Reserve is formally advertised as a dog exercise area pursuant Section 31 of the *Dog Act 1976* as prescribed in Section 1.7 of the *Local Government Act 1995*, by the decision being:
 - (a) published in a newspaper circulating generally throughout the district; and



- (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
3. Request the Chief Executive Officer to install a fence around the area designated as a dog exercise area with a perimeter of 120m long by 80m wide.

MOTION LOST 4/5
Councillors Coales, Gossage, Piipponen and See requested
their votes FOR the motion be recorded.

Reason for difference to Officer Recommendation:

Recommendation 3 was added to ensure the recommendation fits in with option 2 provided by Officers in the body of the report. The addition of part 3 of the motion requests a fence to be installed in order to address the safety risks identified by the community.



Councillor Atwell declared an indirect financial interest in items OCM165/12/17 and OCM166/12/17 and left the meeting at 8.10pm while these items were discussed.

Councillor Gossage declared a closely associated persons interest in items OCM165/12/17 and OCM166/2/17 and left the meeting at 8.10pm while these items was discussed.

Councillor Piipponen declared an impartiality interest in OCM165/12/17 as the applicants had undertaken work for Councillor Piipponen previously. Councillor Piipponen stated this will not affect the way in which he votes and will partake in the debate and vote on this agenda item.

The Chief Executive Officer, Kenn Donohoe declared a proximity interest in OCM165/12/17 and left the meeting at 8.10pm while this item was discussed.

OCM165/12/17 – Lot 9, 147 Hardey Road, Serpentine – Proposed Scheme Amendment No.203 – ‘Rural’ to ‘Rural Living A’ (PA17/670)	
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde –Manager Strategic Planning Andre Schonfeldt – Director of Development Services
Date of Report:	6 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Michael Glendinning Property
Owner:	Trevor Stanley and Virginia Kay Major
Date of Receipt:	10 August 2017
Lot Area:	22.749 hectares
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Introduction

The purpose of this report is for Council to consider the initiation of Scheme Amendment No.203 (the amendment), as a ‘complex’ amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The amendment proposes to rezone Lot 9 Hardey Road, Serpentine (subject site) from ‘Rural’ to ‘Rural Living A’ and seeks to amend the Scheme maps and include specific development provisions within appendix 4 of TPS2.

Officers do not have delegation to consider amendments to TPS2 and therefore this report is presented to Council for determination. As is set out in this report, Officers recommend that Council resolves to adopt the proposed amendment for the purposes of advertising.



Locality Plan

Relevant Previous Decisions of Council

OCM054/05/17– Council resolved to request the Western Australian Planning Commission to reconsider the Council's position on the Rural Strategy, as adopted in 2013/14.

Background

Existing Development

The subject site is currently zoned 'Rural' under the Shire's Town Planning Scheme No.2. The site is 22.749 ha in area, predominantly used for horse agistment.

The subject site contains a trotting track, which spans over a large portion of the property. The property also contains an existing dwelling, proposed to be retained. A number of existing ancillary buildings for storage and stabling of horses, including horse shelters, all to be demolished as part of the subdivision works.

To the north and west of the subject site, exists a number of 'Rural Living A' zones. To the south and east, exist 'Rural' zoned lots ranging in various sizes. Directly south west of the subject site, an existing area of 'Special Rural' zoned land.

Proposed Development

The proposal to amend the Shire's TPS2 has been submitted as follows:

1. Rezone Lot 9, 147 Hardey Road, Serpentine from 'Rural' to 'Rural Living A' in accordance with the Scheme Amendment Map;
2. Amending the Scheme Map by delineating Lot 9, 147 Hardey Road, Serpentine as 'RLA31';
3. Listing Lot 9, 147 Hardey Road, Serpentine as 'RLA31' in Appendix 4A – RURAL LIVING A ZONE' with landuse controls and special provisions as follows:
 - i) Subdivision is to be generally in accordance with a structure plan approved by the Western Australian Planning Commission.



- ii) within this Rural Living A zone the following land uses are permitted, or may be permitted at the discretion of the Council:
- Use Classes Permitted (P):
- Residential – Single House
 - Public Recreation
 - Public Utility
- Discretionary Uses (AA):
- Residential – Ancillary Accommodation
 - Home Occupation
 - Home Business
- All other uses are prohibited.
- iii) No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment Regulations.
- iv) At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, proposed pad levels, approved revegetation areas, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
- v) The preparation of a structure plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.
- vi) The Subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted.
- vii) The Subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events.
- viii) All buildings and structures shall be constructed at a minimum setback of 15 metres from the primary street and 7.5m from any other lot boundary

Under TPS2, the 'Rural Living A' zone is intended to cater for rural-residential development on a range of lots of 1ha in area, in accordance with the objectives and guidelines of the Rural Strategy 2013 Review. Notwithstanding the minimum lot size, cl. 5.12.4 of TPS2 confirms that lot sizes greater than 1ha may be required where land capability and land constraints are identified.

The accompanying subdivision guide plan as contained in attached OCM165.1/12/17, which is prepared in support of the Amendment, identifies 19 lots with a size of approximately 1ha. A balance portion of land of 6,026m² remains in the north east corner of the subject lot. This is due to the position of the existing drain which traverses the subject lot in a north-south direction. The proponent intends to retain the balance title until such time as plans are developed for the adjacent property to the east. This will be further refined in the structure plan proposal.

Four lots will be serviced by Hardey Road, including the lot containing the existing dwelling, which is to be retained. The balance of the lots will be serviced by a central internal road. It is intended that the central



road will provide a connection over the Hardeys Creek for emergency access requirements. An access track will be formalized and connected to the existing emergency access to the subdivision to the north (Serpentine Downs).

The development is proposed to be serviced with water, power and telecommunications. Wastewater will be treated on each individual site via an appropriate nutrient retentive Aerobic treatment unit, as approved by the Shire's Environmental Health Services. This will also be refined further as part of the structure plan process. An alternative method may be determined, following strategic investigations into the Serpentine Locality and wastewater disposal/treatment, as part of the Serpentine Development Strategy.

Community / Stakeholder Consultation

Shire Officers have had a number of pre-lodgment consultation meetings with the proponent, as well as Department of Planning, Lands and Heritage (DPLH). Discussions on the proposal related to matters surrounding the appropriate zoning and possible site constraints.

Under Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LSP Regulations)*, a Complex scheme amendment is required to be advertised for a minimum of 60 days. Therefore, community consultation will be undertaken if Council resolves to proceed to advertise Scheme Amendment No. 203.

Statutory Environment

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

State Government Policies

- Directions 2013 and Beyond
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- 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

- Rural Strategy 2013 Review

Planning Assessment

Statutory Framework

Type of Amendment

The *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)* sets out the overall framework for scheme amendments. The applicable provisions that currently exist within the Shire's TPS2 have been replaced by the LPS Regs.



The regulations set out three processes to scheme amendments such as basic, standard and complex. The proposed scheme amendment is considered to be a 'complex' amendment as it is consistent with the definition of a complex amendment of the *LPS Regs*, which is as follows:

- "an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission."

The LPS Regs also set out the statutory timeframes and process in dealing with each scheme Amendment type lodged with the local authority.

Strategic Framework

Directions 2031 and Beyond (Directions 2013)

Directions 2031 sets out the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The purpose of the document is to direct the detailed planning and delivery of housing, infrastructure and services, to achieve a connected city pattern of growth.

Directions 2031 recognises the potential growth of the south-east sub-region in which it has estimated a growth by 2031, to be between 30% and 35%. The proposed rezoning from 'Rural' to 'Rural Living A' will inevitably contribute to the estimated growth. However, Directions 2031 focuses primarily on urban infill, as opposed to rural lifestyle developments

Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million (the Framework)

The framework is a strategic plan for the future growth of the metropolitan Perth and Peel region. The draft framework provides guidance on where sustainable development should occur over the next 35 to 40 years, primarily through infill development initiatives.

Specifically, the framework broadly defines 'Rural Residential' areas as providing alternative lifestyle and housing opportunities. The framework identifies rural residential landholdings as being a transitional zone between urban and rural areas. However, the document acknowledges that this style of development places additional demand on community and service infrastructure.

In preparation of the draft framework, areas reviewed and identified for rural residential development, were those areas considered to be:

1. Already existing as Rural Residential
2. Identified within an endorsed or draft strategy; and
3. Areas considered to be 'rounding-off' of existing areas.

Under the Perth and Peel @ 3.5million sub-regional structure plan, the subject site is classified as 'Rural Residential'. The 'Rural Living A' zone complies with the criteria for such zoning.

Rural Living A estates exist to the immediate north and west of the subject land. It is considered that the subject proposal is essentially a rounding off of established zones in the immediate locality. However, it is considered appropriate to have a transition of lot sizes to address the rural land holdings to the south and special residential sized lots to the north.

Shire of Serpentine Jarrahdale Rural Strategy 2013 Review (Rural Strategy)

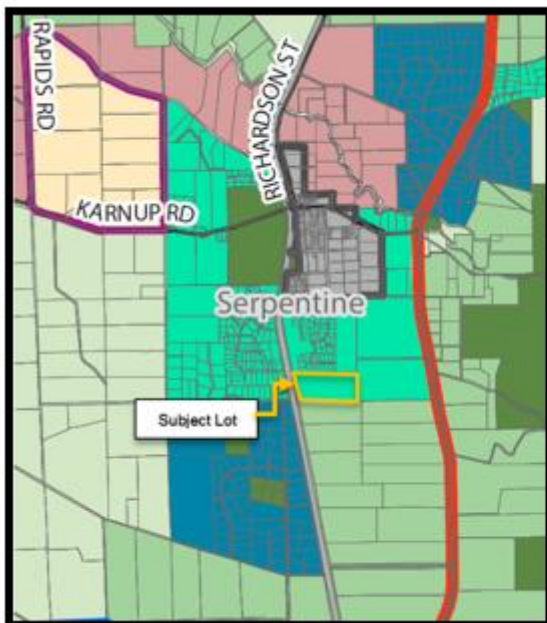


The overall purpose of the Rural Strategy is to 'preserve and enhance the Shire's rural character and its role as an important contributor to the Shire and broader region'.

In 2012/2013 the original 1994 Rural Strategy underwent a major review, that brought together the key elements of the 1994 Strategy as well as providing further modifications based on significant community consultation, as well as advice from the Western Australian Planning Commission (WAPC). The Rural Strategy was subsequently adopted by Council at its meeting held on 15 July 2014 and submitted to the WAPC on 18 September 2014. At the WAPC's Statutory Planning Committee (SPC) meeting held on 20 December 2016, the WAPC resolved to support the Rural Strategy in-principle, subject to modifications. At its meeting held on the 22 May 2017, Council resolved to note the modifications and request that the WAPC reconsider the Council's position on supporting the Rural Strategy 2013 Review as requested.

At the SPC meeting held 22 August 2017, the WAPC reconsidered the Council endorsed Rural Strategy 2013 Review (the Strategy). At this meeting, the WAPC resolved to provide in-principle support for the Strategy, subject to modifications, with a few minor additions to its original schedule of modifications.

Under the Rural Strategy Review 2013 (the Strategy), the Rural Living Policy Area provides an opportunity for residential uses in a rural setting. The strategy recommends that consideration be given to changing the policy area to Rural Residential to be more consistent with the purpose and use of these types of lots. The Council endorsed strategy identifies the subject lot as 'Rural Living A (4,000sqm – 1ha)'. The WAPC modifications seek to have the classification of the subject lot changed to 'Rural Living B (2ha – 4ha)' as a means to bookend the rural living policy area, as illustrated in the image below:



Council Endorsed Rural Strategy



WAPC Supported Rural Strategy

The proposal is seeking the support of Council for the rezoning to be in accordance with the 'Rural Living A' zone, with a minimum of 1ha lots, as opposed to 4,000m² as permitted in TPS2. This is not consistent with that of the WAPC principally supported Rural Strategy. The applicant has provided site specific investigations to justify the suitability of the land to be developed below the minimum 2ha's that the WAPC have supported. However, the Rural Strategy 2013 Review is a policy position of the WAPC. For this reason, Shire Officers recommend that the proposed scheme amendment be amended to reflect a more appropriate zone in line with the Rural Strategy classification of 'Special Rural'. The Special Rural zone is consistent with the objectives contained within the Rural Strategy for the Rural Living B zone. However, the Special Rural zone contains use class permissibilities within the zoning table, providing a consistent



approach to the assessment of land use proposals within the Rural Living B policy area of the Rural Strategy.

Policy Framework

Draft Government Sewer Policy (2016)

The draft Government Sewer Policy was released in November 2016 by the Government of Western Australia for public consultation. The Government Sewer Policy concluded public advertising on 10 February 2017 and is currently undergoing review.

The objectives of the policy are as follows:

- To protect public health and amenity;
- To protect the environment and the State's water and land resources;
- To promote the efficient use of infrastructure and urban land; and
- To minimise costs to the broader community by ensuring an appropriate level and form of sewerage servicing is provided.

The draft policy indicated that subdivision of lots less than 1ha, in areas within 1km of a significant wetland or within the Peel Harvey Coastal Plain Catchment, are not supported due to those areas being classified as 'sensitive zones'.

The subject proposal seeks to create 19 lots with an approximate area of 1ha. Lots are proposed to be backing onto an existing watercourse (Hardey's Creek), which directly drains into the Serpentine River. Shire Officers note that the Government Sewer Policy is a draft document only. While it has been advertised and considered as a seriously entertained document by the WAPC, it is yet to be formally adopted. It is recommended the proposed scheme amendment be assessed based on its Land Capability Assessment Report. A full assessment of which is further discussed below.

State Planning Policy 2.1 – The Peel Harvey Coastal Plain Catchment (SPP2.1)

SPP2.1 ensures that land use changes within the Peel-Harvey Estuarine system likely to cause environmental damage to the estuary are brought under planning control and prevented.

The objectives of SPP2.1 are to:

- Improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment.
- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.
- Increase high water-using vegetation cover w the Peel Harvey coastal plain catchment.
- Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
- Prevent land uses likely to result in excessive nutrient export into the drainage system.

Specific relevant provisions of SPP2.1 require on-site disposal to be limited to densities of no more than one effluent disposal system per 1ha unless specific investigation is undertaken. The investigation is to determine the capacity of the local environment to absorb the effluent and subject to alternative systems.

The policy also recommends the retention of existing vegetation except where there are defined building envelopes, for approved utility requirements and for firebreaks.

Further site specific assessment of the site's suitability is provided below.



State Planning Policy No.3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 provides guidance on how land uses should address bushfire risk management in Western Australia. It seeks to guide the implementation of effective risk-based land use planning and development to preserve life, reduce the impact of bushfire on property and infrastructure.

The objectives of SPP3.7 are to:

1. avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
2. reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision making at all stages of the planning and development process.
3. ensure the higher order strategic planning documents, strategic planning proposals, subdivision and development application take into account bushfire protection requirements and include specified bushfire protection measures.
4. achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity with consideration of the potential impacts of climate change.

As the entire Shire is designated as a 'Bushfire Prone Area', apart from small areas within Byford, the subject scheme amendment proposal is required to provide the following information:

1. a Bushfire Attack Level (BAL) contour map to determine the indicative acceptable BAL ratings across the subject site, prepared by an accredited Bushfire Planning Practitioner;
2. The identification of any bushfire hazard issues arising from the relevant assessment; and
3. Clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

The proposal is accompanied by a Bushfire Management Plan prepared by Emerge Associates and Bushfire Safety Consulting. Assessment of the submitted BMP is provided below.

Environmental Analysis

Topography and Soil

The site is gently sloping with a north-westerly aspect, with existing ground levels ranging from 43m Australian Height Datum (AHD) in the south-eastern corner, to 38m AHD in the north-western corner of the property.

The existing landform is attributed by a sandy rise at the west of the subject lot, with a flat paddock floodplain landscape running to the east towards the foothills of the escarpment. A shallower duplex soil surrounds the sandy rise. This rise and its immediate surrounds in the west, north and south is mapped as a resource enhancement wetland. The soils in the paddock to the east are shallow sand over clay and mapped as 'multiple-use' wetland.

The regional landform mapping identifies three broadly defined soil-landform 'land units' for the subject site, being:



- Pinjarra P1a Phase – ‘flat to very gently undulating plain. Imperfect to poorly drained and generally not susceptible to salinity’.
- Pinjarra B1 Phase – ‘extremely low to very low relief dunes, undulating sandplain and discrete sand rise.’
- Forrestfield F2b Phase – ‘well drained low slopes and foot slopes up to 5%-10%’

The Pinjarra P1a Phase land use was identified as occurring across the majority of the site. Pinjarra B1 Phase occurs in the western portion of the site, where as the Forrestfield F2b Phase only marginally occurring in the north-eastern corner of the site.

There are three soil units that occur within the site, in accordance with the Regional Soil Mapping. They include:

- Sandy Clay (Cs) – ‘white grey to brown, fine to coarse, sub-angular to rounded, clay of moderate plasticity; clay to moderate plasticity; gravel and silt layer near scarp, of alluvial origin.’
- Sand (S8) – ‘white to pale grey at surface, yellow at depth, fine to medium grained, moderately sorted sub-angular to sub-rounded, minor heavy minerals, or eolian origin.’
- Sand (S10) – ‘S8 over sandy clay to clayey sand of the Guildford formation.’

The Cs soil unit is the predominant soil occurring across the majority of the site. To a lesser extent occurs the S8 soil unit, with a very small extent of the S10 soil unit.

Historically the site has been largely cleared of vegetation to support pastoral land uses, primarily horse agistment. The limited remnant vegetation remaining on the site is primarily located on or around the higher sandy rise in the west. Along the north, south and east boundary’s are a mixture of plant species, mainly of non-local eucalyptus types.

Shire Officers undertook a site visit which confirmed that the vegetation along the watercourse in the east of the site contains a mixture of species. It does not contain local native vegetation but is mainly composed of introduced species of eucalypt melaleuca and acacia plants that were likely planted between 2002 and 2005 as part of a Department of Agriculture promoted streamlining and agroforestry programme, designed to reduce nutrient outflow from the catchment to the Peel Harvey estuary. Nonetheless, the vegetation provide some biodiversity purpose, be it habitat or soil stabilisation into the watercourse.

Due to the highly disturbed nature of the vegetation within the site, it is considered that there is limited remnant fauna on the site. However, there is an identified bandicoot (priority species) habitat in the railway reserve to the west, with black cockatoo habitat limited to the few remnant red gums located on the subject site.

In light of the above, it is recommended that any design around the watercourse, avoid reshaping or deepening as part of the design and construction works. This is to deter any damage to the existing vegetation and stabilisation of the watercourse through the diversion of the water flow for detention purposes. Instead, it is suggested that small controlled release points into the watercourse be constructed, which are stabilized with planted vegetation. This should be addressed as part of the Structure Plan.

Hydrology

The subject site is located within the Serpentine Groundwater Area and the Serpentine 3 Groundwater sub-area. Department of Water (DoW) Water Register (DoW 2015) indicates that the site is underlain by a multi-layers aquifer systems comprised of the following:

- Perth – Superficial Swan (unconfined);
- Perth – Cattamarra Coal Measures (confined); and



- Perth – Leederville (confined).

A geotechnical investigations was undertaken in November 2016 when groundwater levels are typically at a seasonal high. During this investigation, the depth to groundwater encountered at the test pit locations, ranged from 1.0m within the south western portion of the site, to 1.8m within the south eastern portion of the site.

The subject site is approximately 2km south of the Serpentine River, which is within the Serpentine sub-catchment of the broader Peel-Harvey Catchment. Three surface water features exist within the subject site, comprising two farm dams in the west of the property and the Hardeys Creek traversing through the east of the property. The drain flows from the south, originating in the Firms Road area, through the site heading north through the Serpentine Townsite, and ultimately discharging to the Serpentine River.

Infiltration testing was undertaken within the site at three test pit locations. Based on the classification system provided in the Department of Agriculture *Land Evaluation Standards for Land Resource Mapping* (Van Gool *et al.* 2005) the permeability of the soils ranged from 'moderate' to 'very rapid'.

Mapping prepared by the Department of Environment Regulations (DER 2014) indicates that within the site there is a 'moderate to low risk of Acid Sulfate Soil (ASS) occurring within 3m of the natural soil surface. However, a high to moderate risk of ASS occurring beyond 3m of the natural soil surface is indicated.

Based on experiences from the subdivision directly adjacent to the north, Officers believe the subject land will be potentially very wet, affected by perching water through winter months. For this reason, it is recommended that a provisions be included, requiring a notification being placed on titles advising prospective purchasers that the land is subject to inundation during storm events.

Land Capability Assessment

A land capability assessment (LCA) was undertaken in support of the Scheme Amendment, prepared by Emerge Associates (2017). The assessment demonstrates compliance with the draft Government Sewerage Policy (2016) to connect lots to an onsite effluent treatment and disposal system fully contained within each lot.

As the site is located within the Peel Harvey coastal catchment policy area, the development is required to demonstrate whether the local environment has the capacity to absorb the wastewater effluent and subject to alternative systems.

The LCA was conducted during the month of November 2016, typically when groundwater levels are at a seasonal high. As part of the assessment, four test pits were excavated. In each case, each test pit resulted in a depth to groundwater ranging from 1.0m within the south-western portion of the site, to 1.8, within the south eastern portion of the site.

A main component of the LCA is to determine whether the proposals complies with AS/NZS 1547 – On-site domestic wastewater management. Of which, a summary of the assessment against the 'site, soil and climatic considerations for land application systems' of AS/NZS 1547 is provided below:

Site, soil and climatic factor	Considerations for land application systems	Site specific considerations
Slope Gradient	The maximum slope suitable depends on the type of system proposed but generally ranges from 10% to 30%. Soil disturbance and erosion during construction generally increases with slope.	Based on LIDAR derived topographic data (DoW 2008), the slope of the site ranges from <1% to 5% and therefore slope would not be considered a limiting factor for onsite effluent disposal systems.



Site, soil and climatic factor	Considerations for land application systems	Site specific considerations
Soil and seasonal water table depth	Soil depth must be deep enough to store effluent during periods of wet weather and low evapotranspiration. Generally a minimum of 0.6 m storage separation is required from the maximum seasonal water table however this may increase if soils are highly permeable. Soil depth is less important for certain land application systems such as mounds as these systems are designed to overcome shallow soil limitations.	As the depth to groundwater encountered across the site ranged from 1.0 m to 1.8 m, it is considered that the soil depth at the site is adequate to accommodate various land application systems.
Soil permeability	Soils with high permeability can result in leaching of nutrients and groundwater pollution. Soils with low permeability may not adequately allow effluent to infiltrate, and land application systems in these soils require special design consideration.	Soil permeability within the site ranges from 'moderate' to 'very rapid'. Although soils with high permeability ('very rapid') can cause groundwater pollution, there are various systems which can accommodate these types of soils including mounds and evapotranspiration absorption (ETA) beds or trenches. In addition, the deeper soils within the site may have a higher ability to retain nutrients (particularly phosphorus) although this has not been specifically determined at this stage.
Duration of continuous seasonal soil saturation	Periods of continuous saturation of the upper 0.4 m of the soil should not exceed several weeks at any one time. Soils where this occurs are classed as 'poorly' or 'very poorly drained' and should not be used for land application systems unless the problem can be overcome.	Damp soil was not encountered above 0.8 m BGL. As outlined previously, the timing of the site investigation would have captured seasonal high groundwater levels and therefore saturation above 0.4 m BGL is not expected.
Dispersive (sodic) soil	All land application systems are potentially useable in sodic soils. Gypsum can be applied to the receiving soil if necessary.	Regional soil mapping indicates that the soils within the site are generally not susceptible to salinity and no evidence of salinity was encountered during the site investigation. As outlined in AS/NZS 1547, all land application systems are potentially useable in sodic soils.
High content of stones, cobbles, boulders	Stones and boulders have little or no water storage capacity and reduce water storage capacity in the soil. They also increase the difficulty of excavation.	Soils across the site are generally silty sand and sandy clay, with gravels only experienced at depths > 2m (with the exception of TP03 which was 0.6 m). Therefore the presence of stones, cobbles and/or boulders is not a limiting factor.
Lot size	All land application systems outlined in AS1547:2012 can be used within small lots however greater care is required for design to ensure desired land use can be accommodated. Consideration of any necessary setbacks is also required, including setbacks to water courses and water bodies.	Future lots are proposed to be 4,000 m ² . As outlined previously, a watercourse is located within the site. Table R1 of AS/NZS 1547 outlines that a setback distance of 15-100 m is required from the edge of the land application system to the edge of the waterbody. AS/NZS 1547 acknowledges that advice on buffer requirements should be sought from the relevant water authority and a hydrogeologist. Future development of the site will need to consider the necessary setbacks from surface water features, but this would not overly constrain the site.
Microbial purification ability	Management options for low microbial purification ability are similar to waterlogging. (DoA 2005) and include alternative methods for handling household effluent such as aerobic treatment units which utilise leach drains where the soil is amended with bauxite residue, or small local treatment plants. Less desirable is the provision of a sand pad to elevate leach drains two metres	Microbial purification ability was determined using Table 2.4 of DoA, 2005. Based on the results of the onsite permeability and depth to ground water investigation, microbial purification ability ranges from Low (at TP01 and TP04) to Moderate (at TP03). This may require further consideration, but is not expected to preclude onsite effluent treatment and disposal.



Site, soil and climatic factor	Considerations for land application systems	Site specific considerations
	above the highest seasonal watertable. (DoA 2005).	

From the table above, it is considered that the land is capable of accommodating 1ha lots. The proponent has various measures available to mitigate any potential impacts of nutrient export and treatment of effluent waste generated from the site. Further detailed, location specific investigations, such as engineering and servicing design, are likely to be required as part of a structure plan, to support any subdivision proposal. This shall include the capability of the land accommodating additional land uses and location of effluent disposal systems.

Subsequently, for the purposes of this Scheme Amendment, it is considered the proposal has demonstrated that the 1ha lot sizes can be accommodated, satisfying the required discharge/application area for nutrient retentive ATU's.

To inform prospective purchasers of the potential encumbrance on the property, a provisions shall be included requiring the subdivider to notify prospective purchasers of the minimum building pad height for future dwellings and effluent disposal systems, to ensure that an adequate separation distance to groundwater is maintained.

Bushfire Management

Site conditions

The site is predominantly unmanaged grassland vegetation, associated with the cleared paddocks pockets of woodland, non-vegetated areas and low-threat vegetation. Within 100m of the site, the vegetation classification present includes, grassland and woodland vegetation, located to the east, south and west. To the north, its identified that lot threat vegetation is present. Based on the existing context, the bushfire hazard of the site is considered to be moderate to extreme.

As provided in the submitted BMP prepared by Emerge Associates and Bushfire Safety Consulting, in a post-development scenario, it is considered that all vegetation within the site will be managed to achieve a low threat vegetation standard. This is likely to be achieved through the retention of existing mature trees and management of the understorey vegetation.

The remaining bushfire threats are likely to occur in the south and east via unmanaged grasslands, whilst a minor threat remains along the west within the railway line reserve with scrub and woodland vegetation dominating the site. These threats can be easily mitigated by a physical break and separation, as well as providing two road accesses leading to two destinations.

The subdivision guide plan accompanying the application, provides two access points. The primary access being from Hardey Road. The secondary access, being an emergency access connecting to Rangeview Loop via a fire and emergency access track across the existing watercourse. The secondary access also doubles as a future strategic connection to the lot to the east. It is therefore considered that the scheme amendment proposal is compliant with the policy and guidelines for planning in bushfire prone areas.

Servicing

Sewer

The proposed method of disposing wastewater from the future development is via nutrient retentive aerobic treatment units (ATU's). Based on advise received from the Water Corporation, the Serpentine Townsite sits outside the wastewater scheme planning area.



A full assessment on the suitability of the use of ATU systems is provided above.

Water

It is intended that the future lots be serviced by scheme water, as part of the Water Corporations water reticulation system. Water corp. mains are currently located at the northern corner of the subject lot, within the Hardey Road reservation.

Power & Telecommunications

The proposed development will be serviced by power supplies, via a Western Power Network in vicinity to the subject lot. The available capacity within the area is approximately <5 Mega-Volt Ampere (MVA) (which is 5,000 kilo-volt ampere (kVA)), The estimated power demand required for the proposed development is 212kVA based on 4.7kVA per residential lot. This is based on estimates provided by Western Power as an estimate through its Design After Diversity Maximum Demand (DADMD) calculator. The development will required one 315kVA substation from the existing power distribution network.

Telecommunications infrastructure is currently located directly in the verge of the subject lot. NBN is also available in the Serpentine locality via fixed wireless service only. The developer has the option of applying for NBN, but it may be cost prohibitive in the short-term due to the backhaul charges from the nearest NBN connection point.

Given the proximity of the existing infrastructure, it is considered that the supply of electrical power and telecommunications is not a major constraint.

Gas

The Serpentine Townsite is not serviced with gas infrastructure. ATOC Gas has advised the proponent there are no short to medium plans to provide the area with gas. If purchasers seek to have gas available, they are to be serviced by bottled LPG supplies.

Noise

An existing freight/passenger railway line runs parallel to the western boundary, approximately 48m west of the site. This railway line is separated from the site by Hardey Road, with vegetation within the road reserve.

In order to determine the acoustic implications of the railway line on the proposed development, a noise impact assessment has been undertaken. The results of which have been provided in the Environmental Assessment and Justification Report prepared by Emerge and Associates (2017b). The outcomes of the assessment have identified that noise is to be suitably addressed through the provisions of building setbacks and/or architectural treatments for future dwellings within the impacted lots, where required.

As lots will be directly impacted by noise and potential vibration originating from the freight rail movements, it is recommended that a provision be included to require a notification be placed on titles advising buyers that lots are subject to noise impacts.

Public Open Space

Section 153 of the Planning and Development Act 2005 (P&D Act) establishes the provision for a cash-in-lieu payment to be acceptable, where a condition of subdivision requires a contribution towards open space. Section 154(2)(c) permits the money collected through cash-in-lieu payments, to be applied



towards improvement or development of parks, recreation grounds or open spaces, generally of any land in that locality vested in or administered by the local government, with the approval of the Minister.

The Shire's Community Infrastructure and Public Open Space Strategy (CIPOSS) identifies a deficiency of public open space, suitable for competition grade sporting field (including equine competitions). The Shire accommodates one of the largest standard bred horse industries in Perth. The special rural lots are most popular and appropriate for the keeping of horses. It is for this reason, that the Shire recommends the requirement for rural subdivisions to contribute towards a district equine facility, as identified in CIPOSS, as well as the recently adopted Community Infrastructure Implementation Plan.

Identification of the District Equine Facility satisfies the Western Australian Planning Commissions (WAPC) requirements to impose an open space contribution condition on subdivisions. This is specified under Clause 3.1.6 of Development Control Policy 2.3 – Public Open Space in Residential Areas (DC2.3), and further reflected in the State Governments Liveable Neighbourhoods (LN) operation policy. Specifically, Requirements 39 (R39) of Element 4 – Public Parkland of LN, implies that Public Open Space (POS) contributions are required for subdivisions greater than five lots.

The Shire has a trust account in which funds are paid into for cash-in-lieu contributions for POS, as required under section 154(1) of the P&D Act. Council is required to seek the Ministers consent to apply the funds collected to be put towards the maintenance and upgrade of existing equine reserves. This should be undertaken by Shire Officer's, following the gazette of the subject scheme amendment.

It is recommended that a provision be included requiring the developer to provide a contribution (cash or otherwise) for 10% of the value of the site for district public open space.

Options and Implications

Option 1: Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

Modifications to the Scheme Amendment document are specific to the will require further negotiations with the applicant and possibly the Department of Planning prior to public consultation.

Option 2: Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

By proceeding to advertise Amendment No.203 without modifications, Council risk omitting its responsibility to apply appropriate development provisions for the current and proposed lot(s).

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

Scheme Amendment No.203 to Town Planning Scheme No.2 seeks to rezone Lot 9 Hardey Road, Serpentine from 'Rural' to 'Rural Living A'. The amendment also facilitates specific development provisions within appendix 4A of the Scheme.

The proposal varies the recent WAPC supported Rural Strategy, which classifies the site as Rural Living B (2ha – 4ha). Although the proposal seeks to apply a 1ha minimum for the site to address a number of



land use planning constraints, Officers propose a 'Special Rural' zoning to enable better management of the land.

Officers recommend that the proposed scheme amendment be supported by Council subject to modifications prior to advertising, which include the addition of the following provisions as discussed in the planning assessment:

- a. Rezone Lot 9, 147 Hardey Road, Serpentine from 'Rural' to 'Special Rural';
- b. Amend the Scheme Amendment Map accordingly to reflect the Special Rural Zone in accordance with the Scheme Amendment Map;
- c. Amending the Scheme Map by delineating Lot 9, 147 Hardey Road, Serpentine as 'SR28';
- d. Listing Lot 9, 147 Hardey Road, Serpentine as 'SR28' in 'APPENDIX 4A– SPECIAL RURAL ' with land use controls and special provisions as follows:
 - i. The preparation of a structure plan for the subdivision of land into 2ha lot sizes, shall address the following specifics, in addition to the standards provided in the Commissions Structure Plan Framework Guidelines and the Deemed Provisions:
 - The design and construction of the watercourse is to avoid reshaping or deepening as part of the subdivision. Instead, small controlled release points into the watercourse be constructed, which are stabilized with planted vegetation.
 - ii. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:
 - *"This property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted."*
 - iii. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state the minimum pad height requirements for future dwellings and effluent disposal systems, to ensure that an adequate separation distance to groundwater is maintained, as approved by the Shire.
 - iv. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:
 - *"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."*
 - v. All buildings and structures shall be constructed at a minimum setback of 20 metres from the primary street and 10m from any other lot boundary. Unless otherwise approved by the Shire
 - vi. Lots are permitted to fill the site to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system.
 - vii. The subdivision of Lot 9 Hardey Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.



Attachments

- [OCM165.1/12/17](#) – Scheme Amendment Report (IN17/23306)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no direct financial implications to the Council as part of this application. The proponent has paid a fee which will cover all relevant stakeholder consultation material.

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)
Approved	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
No approved	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation

Risk Matrix

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



A risk 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

OCM165/12/17 Officer Recommendation:

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. 203 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM165.1/12/17, is a 'Standard' 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 that is consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission."
2. Resolves to proceed to advertise Scheme Amendment No.203 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM165.1/12/17, subject to the following modifications:
 - a. Rezone Lot 9, 147 Hardey Road, Serpentine from 'Rural' to 'Special Rural';
 - b. Amend the Scheme Amendment Map accordingly to reflect the Special Rural Zone in accordance with the Scheme Amendment Map;
 - c. Amending the Scheme Map by delineating Lot 9, 147 Hardey Road, Serpentine as 'SR28';
 - d. Listing Lot 9, 147 Hardey Road, Serpentine as 'SR28' in 'APPENDIX 4A- SPECIAL RURAL ' with landuse controls and special provisions as follows:
 - i. Subdivision is to be generally in accordance with a structure plan approved by the Western Australian Planning Commission, reflecting a minimum of 2ha lots.
 - ii. No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Water and Environment Regulations.
 - iii. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, proposed pad levels, approved revegetation areas, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
 - iv. The preparation of a structure plan for the subdivision of land into 2ha lot sizes, shall address the following specifics, in addition to the standards provided in the Commissions Structure Plan Framework Guidelines and the Deemed Provisions:



- The design and construction of the watercourse is to avoid reshaping or deepening as part of the subdivision. Instead, small controlled release points into the watercourse be constructed, which are stabilized with planted vegetation.
 - v. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:

“This property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire’s roadside drainage system is not permitted.”
 - vi. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state the minimum pad height requirements for future dwellings and effluent disposal systems, to ensure that an adequate separation distance to groundwater is maintained, as approved by the Shire.
 - vii. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:

“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.”
 - viii. All buildings and structures shall be constructed at a minimum setback of 20 metres from the primary street and 10m from any other lot boundary.
 - ix. Lots are permitted to fill the site to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system.
 - x. The subdivision of Lot 9 Hardey Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.
3. Forwards two (2) copies of Amendment No.203 to Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 4. Authorises Shire Officers to make any such modifications as requested by the Western Australian Planning Commission to ensure that Amendment No.203 is satisfactory for advertising.

OCM165/12/17**COUNCIL DECISION / Alternate Recommendation****Moved Cr See, seconded Cr Coales****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. 203 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM165.1/12/17, 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 that is not consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission.”
2. Resolves to proceed to advertise Scheme Amendment No.203 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM165.1/12/17, as follows:
- a. Rezone Lot 9, 147 Hardey Road, Serpentine from ‘Rural’ to ‘Rural Living A’ in accordance with the Scheme Amendment Map;
 - b. Amending the Scheme Map by delineating Lot 9, 147 Hardey Road, Serpentine as ‘RLA31’;
 - c. Listing Lot 9, 147 Hardey Road, Serpentine as ‘RLA31’ in Appendix 4A – RURAL LIVING A ZONE’ with landuse controls and special provisions as follows:
 - i) Subdivision is to be generally in accordance with a structure plan approved by the Western Australian Planning Commission.
 - ii) within this Rural Living A zone the following land uses are permitted, or may be permitted at the discretion of the Council:

Use Classes Permitted (P):

 - Residential – Single House
 - Public Recreation
 - Public Utility

Discretionary Uses (AA):

 - Residential – Ancillary Accommodation
 - Home Occupation
 - Home Business

All other uses are prohibited.
 - iii) No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment Regulations.
 - iv) At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, proposed pad levels, approved revegetation areas, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.
 - v) The preparation of a structure plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.
 - vi) The Subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and



flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted.

vii) The Subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events.

viii) All buildings and structures shall be constructed at a minimum setback of 15 metres from the primary street and 7.5m from any other lot boundary

3. Forwards two (2) copies of Amendment No.203 to Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
4. Authorises Shire Officers to make any such modifications as requested by the Western Australian Planning Commission to ensure that Amendment No.203 is satisfactory for advertising.

CARRIED 4/3

Reason for difference to Officer Recommendation

The change was to support the Council's decision on the Rural Strategy and provide the applicant the opportunity to contest the appropriateness of the zoning for the subject lot with the Western Australian Planning Commission.

The Chief Executive Officer returned to the Chambers at 8.25pm.

The Shire President advised the Chief Executive Officer that an alternate recommendation OCM165/12/17 was carried 4/3.



OCM166/12/17 – Lots 47, 48 & 809 Shanley Road, Mundijong – Proposed Scheme Amendment No. 205 – ‘Rural’ to ‘Farmlet’ (SJ2074)

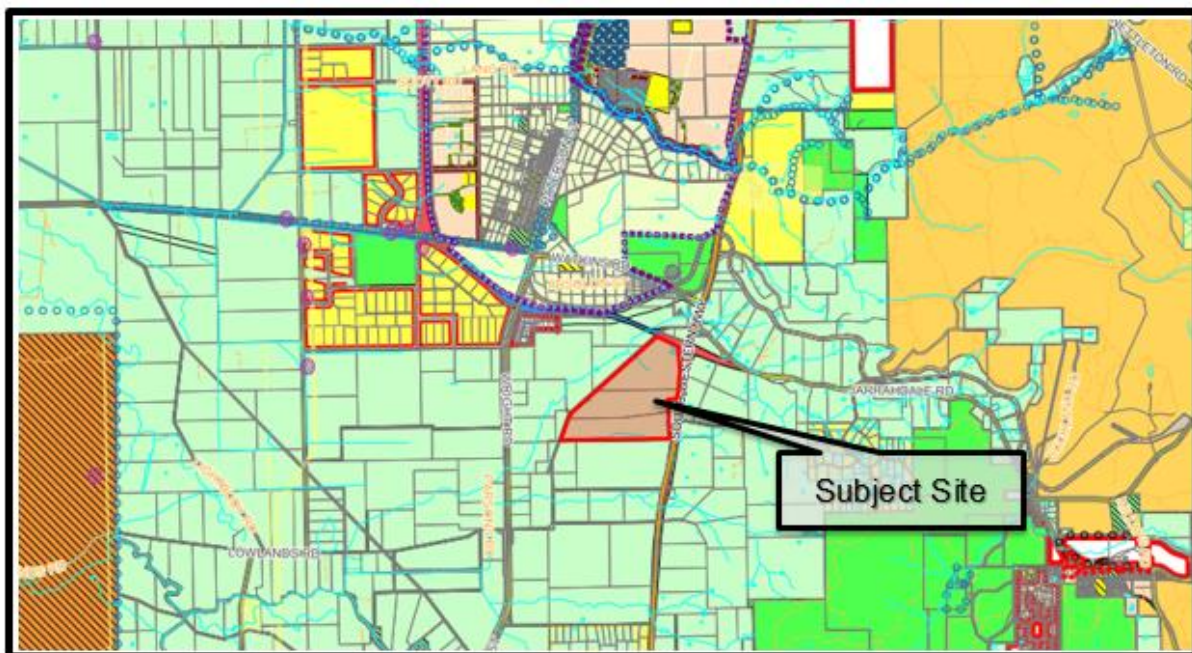
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Manager Strategic Planning Andre Schonfeldt – Director of Development Services
Date of Report:	22 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Gray & Lewis Land Use Planners
 Owner: Paul Gangemi
 Date of Receipt: 22 November 2017
 Lot Area: 125.67 hectares
 Town Planning Scheme No 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction

The purpose of this report is for Council to consider the initiation of Scheme Amendment No.205 (the amendment), as a ‘standard’ amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The amendment proposes to rezone Lots 47, 48 and 809 Shanley Road, Mundijong (subject site) from ‘Rural’ to ‘Farmlet’ on the Scheme maps and include specific development provisions within Appendix 4C of TPS2.

Officers do not have delegation to consider amendments to TPS2 and therefore this report is presented to Council for determination. As is set out in this report, Officers recommend that Council resolves to adopt the proposed amendment for the purposes of advertising.



Locality Plan

Relevant Previous Decisions of Council



OCM054/05/17– Council resolved to request the Western Australian Planning Commission to reconsider the Council’s position on the Rural Strategy, as adopted in 2013/14. This is discussed further in the report.

Background

Existing Development

The subject site is currently zoned ‘Rural’ under the Shire’s Town Planning Scheme No.2. The site is 125.67ha in area and has historically been used for dairy farming. However, the use has now ceased and is predominantly utilized for horse agistment.

There are existing residences located on Lots 47 and 48 towards the south-west portion of the subject site. In addition to the two residences, there are three small dams, rural fencing and other various incidental structures.

Shanley Road borders the property to the west, Tonkin Highway road reservation to the north, South Western Highway road reservation and Lot 99 South Western Highway to the east, with an unconstructed road reserve to the south. The land surrounding the subject site is zoned ‘Rural’ under TPS2, ranging from approximately 1.3ha to 71ha.

Site Context

The subject land has a gentle slope to the west, from a height of 81m in the southeastern corner, down to 39m in the southwestern corner. The site lies on the degraded Darling Scarp and is on the eastern edge of the Swan Coastal Plain. The land unit is the Ridge Hill Shelf associated with ancient shorelines. The soils were formed as loose, unconsolidated soil or sediments consistent with shoreline and marine sands that are feldspathic (rock forming tectosilicate minerals) and now carry significant clay content.

Generally, all soils on site are underlain by laterite gravel over clay sand. The soil units Leached Yellow Sand, Sand/Gravel Duplex and Gravel cover the majority of the site and area part of the geological and soil group. Leached yellow sands overlying laterite gravel and gravelly soils predominantly cover the land. Gravel deposits lie on the low ridge which runs east west across the site between the minor drainage lines, whereas sand lies mainly in the central south where it has not been eroded sufficiently to expose the underlying gravelly beds. The detailed assessment contained within Land Capability Assessment undertaken by Landform Research (April 2013), identifies the soils as being capable of accommodating development, although are not ideal for agricultural practices.

Vegetation

The site has historically been used for grazing as part of the previous dairy farming operations on the site. As such, the site is predominantly cleared to parkland pasture, with only remnant vegetation scattered trees and taller shrubs remaining.

Proposed Development

The proposal to amend the Shire’s TPS2 has been submitted as follows:

1. Rezone Lots 47, 48 & 809 Shanley Road, Mardella from ‘Rural’ to ‘Farmlet’ zone as depicted on the Scheme Amendment Map; and
2. Including lots 47, 48 & 809 Shanley Road, Mundijong in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:



SPECIFIED AREA OF LOCALITY (a)	SPECIAL PROVISIONS TO REFER TO (b)
Lots 47, 48 & 809 Shanley Road, Mundijong	<ol style="list-style-type: none"><li data-bbox="887 297 1471 806">1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council: Use Classes permitted (P):<ul style="list-style-type: none">* Single House* Public Recreation* Public Utility* Stables Discretionary Uses (AA):<ul style="list-style-type: none">* Ancillary Accommodation* Home Occupation* Rural Use* Intensive Agriculture<li data-bbox="887 840 1471 1108">2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.<li data-bbox="887 1142 1471 1512">3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health WA with an adequate phosphorous retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.<li data-bbox="887 1545 1471 1848">4. The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Therefore, the application, type and distribution of fertiliser to the land shall be subject to the prior approval of the Council who shall consult the Environmental Protection Authority before approval is granted.

Under TPS2, the 'Farmlet' zone is intended to cater for a range of lots between four and forty hectares to allow for a variety of lot sizes in accordance with the objectives and guidelines of the Rural Strategy.



The accompanying subdivision guide plan as contained in attached OCM166.1/12/17, which is prepared in support of the Amendment, identifies the proposal for 30 lots with lot areas ranging from 3.7ha to 4.4ha in area. This plan is indicative only and is subject to further consideration as part of the Structure Plan process.

The site is proposed to be accessible primarily from Shanley Road via South Western Highway from the north and via Wright Road from the south. Alternative access is proposed via an unmade road reserve along the southern boundary, via South Western Highway. The movement operations of this intersection is required to be addressed at the structure plan stage. The concept subdivision guide plan makes note of the future access onto Shanley Road via South Western Highway that will be closed due to the construction of the future Tonkin Highway.

Community / Stakeholder Consultation

Shire Officers have had a number of pre-lodgment consultation meetings with the proponent, as well as Department of Planning, Lands and Heritage (DPLH). Discussions reflected the intent of the designation of the land within the *frameworks investigation area* within the WAPC endorsed Rural Strategy 2013 Review.

Under Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LSP Regulations)*, a Standard scheme amendment is required to be advertised for a minimum of 42 days. Therefore, community consultation will be undertaken if Council resolve to proceed to advertise Scheme Amendment No. 205.

Statutory Environment

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2

State Government Policies

- Directions 2013 and Beyond
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- 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

- Rural Strategy 2013 Review

Planning Assessment

Statutory Framework

Type of Amendment

The *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)* sets out the overall framework for scheme amendments. The applicable provisions that currently exist within the Shire's TPS2 have been replaced by the LPS Regs.



The regulations set out three processes to scheme amendments such as basic, standard and standard. The proposed scheme amendment is considered to be a 'standard' amendment as it is consistent with the definition of a standard amendment of the *LPS Regs*, which is as follows:

- "The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;" and
- "The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area."

The *LPS Regs* also set out the statutory timeframes and process in dealing with each scheme Amendment type lodged with the local authority.

Strategic Framework

Directions 2031 and Beyond (Directions 2013)

Directions 2031 sets out the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The purpose of the document is to direct the detailed planning and delivery of housing, infrastructure and services, to achieve a connected city pattern of growth.

Directions 2031 recognises the potential growth of the southeast sub-region in which it has estimated a growth by 2031, to be between 30% and 35%. The proposed rezoning from 'Rural' to 'Farmlet' will inevitably contribute to the estimated growth. However, Directions 2031 focuses primarily on urban infill, as opposed to rural lifestyle developments

Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million (the Framework)

The framework is a strategic plan for the future growth of the metropolitan Perth and Peel region. The draft framework provides guidance on where sustainable development should occur over the next 35 to 40 years, primarily through infill development initiatives.

Specifically, the framework classifies the subject site as 'Rural Residential'. The framework broadly defines 'Rural Residential' areas as providing alternative lifestyle and housing opportunities. The framework identifies rural residential landholdings as being a transitional zone between urban and rural areas. However, the document acknowledges that this style of development places additional demand on community and service infrastructure.

In preparation of the draft framework, areas reviewed and identified for rural residential development, were those areas considered to be:

1. Already existing as Rural Residential;
2. Identified within an endorsed or draft strategy;
3. Unlikely to impact:
 - i) The Peel-Harvey estuarine system via nutrient exports;
 - ii) Environmental values;
4. Demonstrated need for additional rural residential development; and
5. Areas considered to be 'rounding-off' of existing areas.

Under the State planning framework, the locally termed 'Farmlet' zone is classified as 'Rural Smallholdings'. The 'Rural Smallholdings' zone provides for lot sizes in the range of 4ha to 40ha. The Framework does



not specifically delineate the Rural Smallholdings zone from the Rural and Rural Residential. However, given the Rural Residential zone is to cater for lots ranging from 1ha to 4ha, the Farmlot zone is deemed appropriate as it is likely to have lesser of an impact than the identified Rural Residential zone.

Shire of Serpentine Jarrahdale Rural Strategy 2013 Review (Rural Strategy)

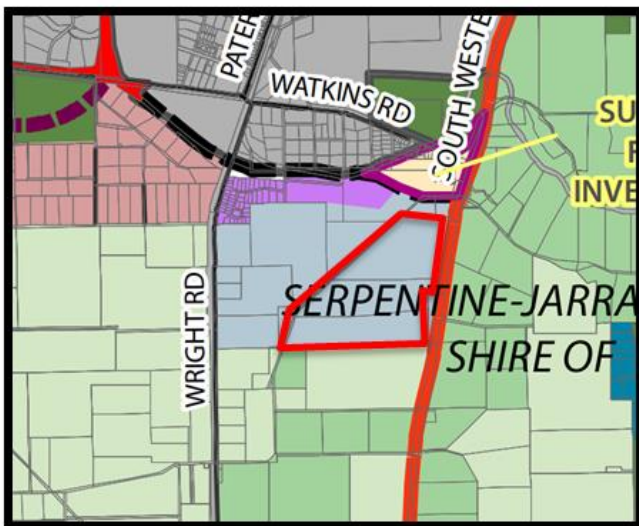
The overall purpose of the Rural Strategy is to 'preserve and enhance the Shire's rural character and its role as an important contributor to the Shire and broader region'.

In 2012/2013, the original 1994 Rural Strategy underwent a major review, which brought together the key elements of the 1994 Strategy as well as providing further modifications based on significant community consultation, as well as advice from the Western Australian Planning Commission (WAPC). Council subsequently adopted the Rural Strategy at its meeting held on 15 July 2014 and submitted to the WAPC on 18 September 2014. At the WAPC's Statutory Planning Committee (SPC) meeting held on 20 December 2016, the WAPC resolved to support the Rural Strategy in-principle, subject to modifications. At its meeting held on the 22 May 2017, Council resolved to note the modifications and request that the WAPC reconsider the Council's position on supporting the Rural Strategy 2013 Review as requested.

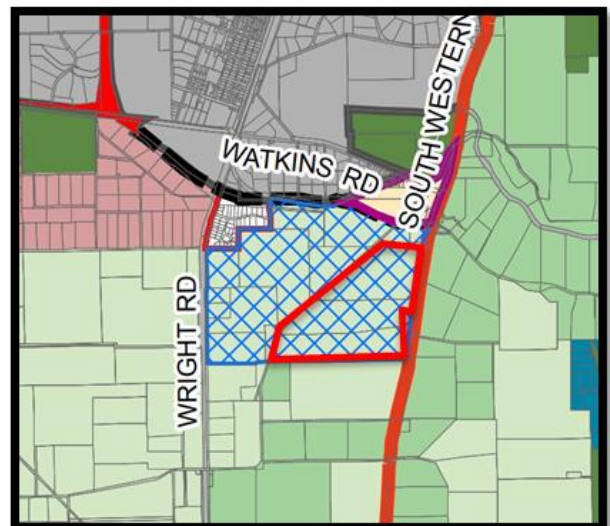
At the SPC meeting held 22 August 2017, the WAPC reconsidered the Council endorsed Rural Strategy 2013 Review (the Strategy). At this meeting, the WAPC resolved to provide in-principle support for the Strategy, subject to modifications, with a few minor additions to its original schedule of modifications.

Under the Rural Strategy Review 2013 (the Strategy), the Rural Living Policy Area provides an opportunity for residential uses in a rural setting. The strategy recommends that consideration be given to changing the policy area to Rural Residential to be more consistent with the purpose and use of these types of lots.

The Council endorsed strategy identifies the subject lot as 'Residential and Stable (minimum of 2ha lots)'. The WAPC modifications seek to have the classification of the subject lot changed to 'Future Investigation Area #', as illustrated in the image below:



Council Endorsed Rural Strategy



WAPC Supported Rural Strategy

The WAPC endorsed Rural Strategy provides a note on the Strategy Map, which refers to the 'Future Investigation Area #'. It states:

"It is acknowledged that this area is depicted as Rural Residential in the draft South Metropolitan Sub-Regional Planning Framework instalment to the Towards Perth and Peel @ 3.5million initiative, intended



to guide development / demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 10 years.”

As part of the proposal, the proponent has opted to designate the zoning as ‘Farmlet’, as opposed to Special Rural, which would be the most equivalent land use zone under the Shire’s TPS2 for the Residential and Stables classification. The Farmlet zone is considered a more appropriate zone to facilitate the expanding equine industry, as well as minimise the potential impact of nutrient export from the accrual of on-site effluent disposal systems.

Given the proximity of the subject land from the Mundijong urban district, the propose lot sizes (≥ 4 ha) are considered an appropriate transitional zone from the rural to urban landscape.

Policy Framework

Draft Government Sewer Policy (2016)

The draft Government Sewer Policy was released in November 2016 by the Government of Western Australia for public consultation. The Government Sewer Policy concluded public advertising on 10 February 2017 and is currently undergoing review.

The objectives of the policy are as follows:

- To protect public health and amenity;
- To protect the environment and the State’s water and land resources;
- To promote the efficient use of infrastructure and urban land; and
- To minimise costs to the broader community by ensuring an appropriate level and form of sewerage servicing is provided.

The draft policy indicated that subdivision of lots less than 1ha, in areas within 1km of a significant wetland or within the Peel Harvey Coastal Plain Catchment, are not supported due to those areas being classified as ‘sensitive zones’.

The subject proposal seeks to create 30 lots with an area of ≥ 4 ha. Lots are in proximity of the Medulla Brook which is a tributary draining directly into the Serpentine River. The Serpentine River is identified as a major water channel which discharges into the Peel Harvey Coastal Estuary.

It is considered that the proposal is satisfactory in meeting the minimum requirements of the Draft Government Sewerage Policy 2016.

State Planning Policy 2.1 – The Peel Harvey Coastal Plain Catchment (SPP2.1)

SPP2.1 ensures that land use changes within the Peel-Harvey Estuarine system likely to cause environmental damage to the estuary are brought under planning control and prevented.

The objectives of SPP2.1 are to:

- Improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment;
- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage;
- Increase high water-using vegetation cover w the Peel Harvey coastal plain catchment;
- Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992; and



- Prevent land uses likely to result in excessive nutrient export into the drainage system.

The most relevant provisions of SPP2.1 applicable for the assessment of the subject application are:

- On-site effluent disposal to be limited to densities of no more than one effluent disposal system per 1ha, unless specific investigation is undertaken on the soil capability and subject to alternative systems.
- Land use for Intensive agriculture, which is likely to drain towards the Peel- Harvey Estuarine System shall be managed to reduce or eliminate nutrient export from the land.
- Subdivision proposals shall make provisions for a drainage system, which maximises the consumption and retention of drainage on site.

The policy also recommends the retention of existing vegetation except where there are defined building envelopes, for approved utility requirements and for firebreaks.

A site specific assessment of the site's suitability is provided below. In summary, it is considered the proposed scheme amendment is satisfactory in meeting the requirements of SPP2.1. However, given the predominant land use for the site to cater for equine operations, the Shire recommends that an appropriate provision is required, ensuring the developer to install appropriate water monitoring bores to monitor the nutrient export from the site. However, This is discussed further below.

State Planning Policy No.3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 provides guidance on how land uses should address bushfire risk management in Western Australia. It seeks to guide the implementation of effective risk-based land use planning and development to preserve life, reduce the impact of bushfire on property and infrastructure.

The objectives of SPP3.7 are to:

1. Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount;
2. Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision making at all stages of the planning and development process;
3. Ensure the higher order strategic planning documents, strategic planning proposals, subdivision and development application take into account bushfire protection requirements and include specified bushfire protection measures; and
4. Achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity with consideration of the potential impacts of climate change.

As the entire Shire is designated as a 'Bushfire Prone Area', apart from small areas within Byford, the subject scheme amendment proposal is required to provide the following information:

1. A Bushfire Attack Level (BAL) contour map to determine the indicative acceptable BAL ratings across the subject site, prepared by an accredited Bushfire Planning Practitioner;
2. The identification of any bushfire hazard issues arising from the relevant assessment; and



3. Clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

The proposal is accompanied by a Bushfire Hazard Level Assessment, prepared by Ruic Fire. Assessment of the submitted BHLA is provided below.

Environmental Analysis

Vegetation

The site is relatively cleared grassland with small clusters of scattered trees with some taller shrubs. Adjacent to the subject site, along the eastern boundary, exists Bush Forever Site 71. Additionally the vegetation within the unconstructed road reserve along the southern boundary, has a known Threatened Ecological Species. The scheme amendment report and technical appendices have not acknowledged this.

It is therefore recommended that a level 2 flora survey be undertaken as part of a structure plan application, to ensure any design requirements reflect the outcomes of the survey.

Topography and Soil

The subject land has a gentle slope to the west, from a height of 81 metres in the southeastern corner, down to 39 metres in the southwestern corner. The site lies on the degraded Darling Scarp and on the eastern edge of the Swan Coastal Plain. The land unit is the Ridge Hill Shelf associated with ancient shorelines. The soils were formed as loose, unconsolidated soil or sediments consistent with shoreline and marine sands that are feldspathic (rock forming tectosilicate minerals) and now carry significant clay content.

Generally, all soils on site are underlain by laterite gravel over clay sand. This affects drainage in the area, tending to cause shallow perched water tables in which the groundwater runs down slope to be forced to the surface in the western part of the site where winter wet and waterlogged conditions occur.

The soil units 'leached yellow sand', 'sand/gravel duplex' and 'gravel' covers the majority of the site, although the land is predominantly covered by varying depths of leached yellow sands which overlies the laterite gravel and gravelly soils. Gravel deposits lie on the low ridge which runs east west across the site between the minor drainage lines. Whereas sand lies mainly in the central south where it has not been eroded sufficiently to expose the underlying gravelly beds.

Land Capability Assessment

The land capability assessment (LCA) prepared by Landform Research, assessed the subject site to determine the potential for subdivision of rural living lots, from a geotechnical consideration, down to 4,000m² or smaller lot depending on whether the land is proposed to be urban, rural living or equestrian lots.

The site was assessed by detailed hand auger drilling and site matting firstly on 14 March 1997, with further assessments in relation to water availability and fire management during February 2013 and the spring of 2015.

Generally, the site is deemed suitable to accommodate a single dwelling, based on geotechnical studies, in accordance with Australian Standards 2870 – Residential Slabs and Footings, which requires an assessment of the foundation stability of the soils to accommodate a single dwelling. Much of the site results in a Site Class of S-M with small areas in the central west of the site improving to A-S. Individual site testing will be required at subsequent planning stages to determine the site classification in the location



of any future proposed dwellings, which may result in the use of fill or heavier footings, whichever is deemed the most appropriate.

As the site is located within the Peel Harvey coastal catchment policy area, the development is required to demonstrate whether the local environment has the capacity to absorb the wastewater effluent and subject to alternative systems.

Based on the 23 test holes undertaken in March 1997, the results of which confirm the soils on site have a high nutrient retaining qualities, particularly phosphorous. However, the area of leached white sands in the west of the site, have a reduced phosphorous retention within the upper soil horizons, although have increased phosphorous retention in the lower soil horizons. These soils are also characterised by its reduced water holding capacity.

The site contains four dams throughout the property, three of which are located in the south west portion of the property, with the larger along the northern boundary.

The two dams in the south west of the site are situated within existing drainage lines, filled by surface seepages through winter and summer, being located along existing drainage lines. During heavy rainfall events, it is likely the dams will spill over, short circuiting treatment trains from being able to be stripped of its nutrients.

The LCA states that, based on the materials and regolith present, none of the risk factors for acid sulfate risk factors are present. The risk factors are identified in the WAPC's Planning Bulletin Number 64 – Acid Sulfate Soils, and the Department of Water and Environmental Regulations guidelines.

An assessment of the site has been undertaken to determine the suitability of the soils for disposal of domestic wastewater. The assessment included consideration of the following:

- Soil type;
- Waterlogging;
- Water table;
- Existing water bodies;
- Infiltration results;
- Nutrient management; and
- Fate of nutrients;

In summary, it is considered that as part of the development, the drainage conditions would be improved so as to ensure the application of wastewater treatment units will be viable. Nonetheless, the outcomes of the assessment conclude that wastewater disposal can be achieved via both conventional septic and alternative (nutrient adsorbing) wastewater systems, in defined areas (as per LCA Report), although the use of nutrient adsorbing systems is recommended.

In regards to the suitability of the site for the keeping of livestock (equine), the LCA states that the proposal of 4ha lots complies with Government Policy for the use of equestrian purposes. The report states the subdivision to 4ha lots with horses will lead to reductions in nutrient loading across the subject land.

As the site is located on the edge of the Darling Scarp, the site has a number of drainage lines running from the hills in the east to the Medulla Brook in the west. Given the site characteristics, having traces of clayey sands and gravel deposits in some areas of the site and having a fall of approximately 42 metres across the site, nutrients are likely to be exported and washed away during periods of heavy rainfall.

For this reason, it is recommended as part of the future planning stages, nutrient treatment trains be designed and developed along the existing drainage lines. Subsequently, the Shire would also suggest monitoring bores be installed for the Shire's ongoing monitoring of the success of the treatment train.



The LCA also provides an assessment for management of horses for the proposed lots. Shire Officers do not support the inclusion of the management plan, as each application for the keeping of horses shall be site responsive and assessed on the merits of the information provided as part of a development application.

Overall, there are items that require clarification and commitment within the LCA report, although it is considered the proposal has demonstrated that the 4ha lot sizes can be accommodated, satisfying the required discharge/application area for nutrient retentive ATU's and stocking rates.

Water Management

As part of the LCA, Landform Research undertook a drainage and water management assessment over the site. The key design objectives surrounding drainage and water management includes:

- Maintain the one year one hour average recurrence interval (ARI) event on site, so that the peak post development flow rates are similar to the pre-development conditions;
- Manage the catchment runoff from post development in excess of the one year one hour events (up to the 1 in 100 year ARI event) at volumes similar to the pre-development conditions.
- Minimise water use within the proposed subdivision to 100kL per person/year including not more than 40-60kL per person per year of scheme water; and
- Minimise or negate impacts on the Peel Harvey Estuary.

Given the soil profile and topography of the land, current rainfall either soaks into the soils or runs from the site, channeled via the various drainage lines located on the site. Landform Research state that water management issues for the site are minimal. However, detailed consideration will be completed at a later stage in the planning process (structure plan/subdivision).

As the proposed subdivision will create 4ha lots, it is considered there will be minimal impact of flooding on the site. The proposed road network will incorporate planted swale drains for treatment and controlling the discharge rate.

The LCA has recommended that water quality monitoring be undertaken pre and post development. The Shire would like the proponent to implement specific monitoring points at the discharge points from the site along the western boundary. This will monitor the potential nutrient export from the site, especially given the site will accommodate a predominantly equine land use. Equine discharge high levels of nitrogen through their urine which, in concentrated levels and without nutrient holding soils, could impact on the health of various water bodies, including possibly the Serpentine River system.

As stated above, it is recommended that an appropriate provision be included in the scheme amendment, to reflect the requirement of detailed engineering drawings to design a suitable nutrient treatment train along the designated points of discharge. This is proposed in response to the intended equine land use for the proposed lots, proximity to the Medulla Brook and topography of the land.

Bushfire Management

A Bushfire Hazard Level Assessment (BHLA) was prepared by Ruic Fire on November 2017. The BHLA was prepared in accordance with the WAPC's *Guidelines for Planning in Bushfire Prone Areas*.

The site is located within a Bushfire Prone Area, as determined by the Office of Bushfire Risk Management. In the context of the bushfire assessment, the subject site is characterised by the following vegetation classes; unmanaged 'grassland' (approx. 90% of site) with some small pockets of 'woodland' (approx. 10%). The site is bounded by a Class-A vegetation 'Forest' along the eastern boundary, abutting South Western Highway road reserve. The surrounding context is generally reflective of the above site conditions.



In summary the assessment has determined that the site contains areas of moderate and extreme bushfire hazard levels. The bushfire hazard level across the site will decrease to a low hazard level as future development occurs and the vegetation is either managed or removed. Thus, based on the BHLA prepared by Ruic, it is considered that development of the site for 4ha Farmlet lots is not proscribed by the determined bushfire hazard level.

Officers have determined the BHLA is accepted subject to a number of administrative modifications. Once amended, the BHLA is required to be referred to the Department of Fire and Emergency Services for their consideration and comment. This will be carried out as part of the consultation process, following support of Council and the Department of Planning, Lands and Heritage.

Transport Network

Given the regionally significant road network surrounding the subject site, South Western Highway and Tonkin Highway reservation, a Traffic Impact Assessment (TIA) Report was required by Shire Officers. The TIA report was prepared by Donal Veal Consultants (DVC) in November 2017.

Currently, access to the site is taken from Shanley Road, along the western boundary, via South Western Highway. Alternative access to the site is via Wright Road, Lowlands Road to Shanley Road, to the South West of the site.

South Western Highway, which borders the eastern boundary of the site, is classified as a Primary District Distributor and is generally a single lane in each direction with a speed limit of 110km/h.

Once constructed, Tonkin Highway will cut off access to the site via South Western Highway. The proponent and TIA report propose to construct a full access intersection with the existing unmade road reserve to the south of the site and South Western Highway. Given South Western Highway is a regional road, Main Roads Western Australia (MRWA) will need to provide approval of the proposed full access intersection. If full access is not granted by MRWA, the primary alternative access and egress options will be via the existing roads to the south. However, it is likely this intersection will be restricted to left-in, left-out movements.

It is important that two points of suitable access be provided to any future developments to satisfy the WAPC's Planning in Bushfire Prone Areas access requirements, for access and egress during emergency situations.

The proponent relies heavily on the future development of the land to the west. Anticipating this land will develop prior to the construction of Tonkin Highway. Development of the land to the west is outside the control of the landowner and Shire. Therefore it is the applicants responsibility to address the issues as part of the development, instead of deferring the responsibility to a future party.

Subsequently, access can be provided via two points for emergency requirements, with the construction of the existing unmade road reserve along the southern boundary. It will be recommended that a further TIA be prepared at subsequent planning stages, following MRWA comments.

Additionally, given the sites proximity to South Western Highway and the planned Tonkin Highway, a noise assessment shall be provided at the structure plan stage. The report shall determine appropriate noise mitigation measures for lots affected by the road noise. Subsequently, a notification shall be imposed on lots adjacent to South Western Highway and the future Tonkin Highway, informing potential purchasers of the lots are within the vicinity of a transport corridor and may be impacted by road transport noise.



Servicing

Sewer

The proposed method of disposing wastewater from the future development is via conventional septic tanks and leach drains where appropriate, otherwise an alternative aerobic treatment units (ATU's) will be utilized.

A full assessment on the suitability of the use of ATU systems has been provided above.

Water

Given the rural nature of the proposed development, potable water supplies for the future lots will be serviced by a suitable roof catchment area and rainwater tanks, having a minimum capacity of 120,000L.

Power & Telecommunications

Given the proximity of the existing infrastructure, it is considered that the supply of electrical power and telecommunications is not a major constraint. Each lot will be serviced by underground power and telecommunications infrastructure.

Public Open Space

Section 153 of the Planning and Development Act 2005 (P&D Act) establishes the provision for a cash-in-lieu payment to be acceptable, where a condition of subdivision requires a contribution towards open space. Section 154(2)(c) permits the money collected through cash-in-lieu payments, to be applied towards improvement or development of parks, recreation grounds or open spaces, generally of any land in that locality vested in or administered by the local government, with the approval of the Minister.

The Shire's Community Infrastructure and Public Open Space Strategy (CIPOSS) identifies a deficiency of public open space, suitable for competition grade sporting field (including equine competitions). The Shire accommodates one of the largest standard bred horse industries in Perth. The farmlet lots are most appropriate for the equine uses. It is for this reason, that the Shire recommends the requirement for rural subdivisions to contribute towards a district equine facility, as identified in CIPOSS, as well as the recently adopted Community Infrastructure Implementation Plan.

Identification of the District Equine Facility satisfies the Western Australian Planning Commissions (WAPC) requirements to impose an open space contribution condition on subdivisions. This is specified under Clause 3.1.6 of Development Control Policy 2.3 – Public Open Space in Residential Areas (DC2.3), and further reflected in the State Governments Liveable Neighbourhoods (LN) operation policy. Specifically, Requirements 39 (R39) of Element 4 – Public Parkland of LN, implies that Public Open Space (POS) contributions are required for subdivisions greater than five lots.

The Shire has a trust account in which funds are paid into for cash-in-lieu contributions for POS, as required under section 154(1) of the P&D Act. Council is required to seek the Ministers consent to apply the funds collected to be put towards the maintenance and upgrade of existing equine reserves. This should be undertaken by Shire Officer's, following the gazette of the subject scheme amendment.

It is recommended that a provision be included in Appendix 4C applicable to the subject site of the Scheme, requiring the developer to provide a contribution (cash or otherwise) for 10% of the value of the site for district public open space.



Options and Implications

Option 1: Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

Modifications to the Scheme Amendment document are specific to ensuring appropriate land use controls are in place to set future development standards suitable to the subject site. The modifications will require further negotiations with the applicant and possibly the Department of Planning prior to public consultation.

Option 2: Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

By proceeding to advertise Amendment No.205 without modifications, Council risks not fulfilling its responsibility to apply appropriate development provisions for the current and proposed lot(s).

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

Scheme Amendment No.205 to Town Planning Scheme No.2 seeks to rezone Lots 47, 48 and 809 Shanley Road, Mardella from 'Rural' to 'Farmlet'. The amendment also proposes specific development provisions associated with the development, to be contained within Appendix 4C of the Scheme.

The rezoning will provide for 30 Farmlet lots, with a minimum lot area of 4ha, to accommodate intensive equine land uses. The site has been historically cleared due to traditional farming practices and has gently sloping terrain and predominantly well-draining soils.

The Scheme Amendment is accompanied by a Bushfire Hazard Level Assessment, Transport Impact Assessment and Land Capability Assessment. Shire Officers are generally satisfied with the submitted reports, however some minor modifications are required to ensure they are suitable for advertising.

Officers recommend that the proposed scheme amendment be supported by Council subject to modifications prior to advertising, which include the addition of the following provisions as discussed in the planning assessment:

Use Classes permitted (P):

- * Residential – Ancillary Accommodation
- * Home Occupation
- * Home Office
- * Public Amusement

Discretionary Uses (AA):

- * Home Business
- * Rural Use
- * Private Recreation

5. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:



“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road transport noise. Road transport noise levels may rise or fall over time depending on the type and volume of traffic.”

6. All buildings and structures shall be constructed at a minimum setback of 20 metres from the primary street and 10m from any other lot boundary, unless approved by the Shire.
7. The subdivision of Lots 47, 48 & 809 Shanley Road, Mardella shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.
8. In preparation of a Structure Plan, the following specific items must be addressed, in addition to the requirements of the Structure Plan Framework:
 - i) Appropriate water monitoring mechanisms are to be implemented for at least two winter seasons and handed over to the Shire for ongoing monitoring, in accordance with the recommendation contained within the Land Capability Assessment Report.
 - ii) All existing drainage corridors on the site, are to be directed through a nutrient treatment train prior to discharge from the site.
 - iii) A Level 2 Flora Survey be undertaken over the vegetation contained within the unmade road reserve along the southern boundary of the subject lots.

Attachments

- [OCM166.1/12/17](#) – Scheme Amendment Report (IN17/25045)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no direct financial implications to the Council as part of this application. The proponent has paid a fee which will cover all relevant stakeholder consultation material.

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)
Approved	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation



No approved	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	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 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

OCM166/12/17 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr See, seconded Cr Piipponen

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. 205 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM166.1/12/17, is a 'Standard' 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. "The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;" and
 - b. "The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area."
2. Resolves to proceed to advertise Scheme Amendment No.205 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM166.1/12/17, as follows:



- a. Rezone Lots 47, 48 & 809 Shanley Road, Mardella from 'Rural' to 'Farmlet' zone as depicted on the Scheme Amendment Map; and
- b. Including lots 47, 48 & 809 Shanley Road, Mundijong in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

(a) SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO (b)
Lots 47, 48 & 809 Shanley Road, Mundijong	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p>Use Classes permitted (P):</p> <ul style="list-style-type: none"> * Residential - Single House * Residential – Ancillary Accommodation * Stables * Home Occupation * Home Office * Public Amusement * Public Utility <p>Discretionary Uses (AA):</p> <ul style="list-style-type: none"> * Home Business * Rural Use * Intensive Agriculture * Private Recreation <p>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health WA with an adequate phosphorous retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Therefore, the application, type and distribution of fertiliser to the land shall be subject to the prior approval of the Council who shall consult the</p>



(a) SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO (b)
	<p>Environmental Protection Authority before approval is granted.</p> <p>5. A Notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:</p> <p><i>“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road transport noise. Road transport noise levels may rise or fall over time depending on the type and volume of traffic.”</i></p> <p>6. All buildings and structures shall be constructed at a minimum setback of 20 metres from the primary street and 10m from any other lot boundary, unless approved by the Shire.</p> <p>7. The subdivision of Lots 47, 48 & 809 Shanley Road, Mardella shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.</p> <p>8. In preparation of a Structure Plan, the following specific items must be addressed, in addition to the requirements of the Structure Plan Framework:</p> <ul style="list-style-type: none">i) Appropriate water monitoring mechanisms are to be implemented for at least two winter seasons and handed over to the Shire for ongoing monitoring, in accordance with the recommendation contained within the Land Capability Assessment Report.ii) All existing drainage corridors on the site, are to be directed through a nutrient treatment train prior to discharge from the site.iii) A Level 2 Flora Survey be undertaken over the vegetation contained within the unmade road reserve along the southern boundary of the subject lots.iv) A site survey be undertaken to investigate potential illegal dumping



(a) SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO (b)
	on the property, to the satisfaction of the Shire.

3. Forwards a copy of Amendment No.205 to Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
4. Authorises Shire Officers to make any such modifications as requested by the Western Australian Planning Commission to ensure that Amendment No.205 is satisfactory for advertising.

CARRIED UNANIMOUSLY 7/0

Councillor Atwell returned to the Chambers at 8.31pm.

Councillor Gossage returned to the Chambers at 8.31pm.

The Shire President advised Councillors Atwell and Gossage that the amended Officers Recommendation was carried unanimously 7/0.



OCM167/12/17 – Shire of Serpentine Jarrahdale Formal Submission on Draft State Planning Policy 5.4 Road and Rail Noise (SJ198)	
Author:	Robert Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Manager Strategic Planning Andre Schonfeldt – Director Development Services
Date of Report:	27 October 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The aim of the report is for Council to consider the Western Australian Planning Commission's (WAPC) draft State Planning Policy on Road and Rail Noise and endorse a formal submission. Officers recommend that Council support the Officers recommendation to require the WAPC to consider including ground-borne vibration impacts on noise-sensitive land uses within the policy, contained in its draft submission to the WAPC contained in attachment OCM167.3/11/17.

Relevant Previous Decisions of Council

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

Background

The Western Australian Planning Commission has undertaken a review of State Planning Policy 5.4: Road and Rail Noise (SPP5.4) (Attachment OCM167.1/11/17) and the associated guidelines (Attachment OCM167.2/11/17), releasing the draft SPP5.4 out for comment on 13 October 2017.

SPP5.4 aims to minimise the impact of road and rail noise on noise-sensitive land uses (i.e. residential development), as well as protect the State's key transport corridors from urban encroachment.

The objectives of SPP5.4 are to:

- Protect people from unreasonable levels of transport noise by establishing a standardized set of criteria to be used in the assessment of proposals;
- Protect major transport corridors and freight operations from incompatible urban encroachment;
- Encourage best-practice design and construction standards for new or developed transport infrastructure proposals;
- Facilitate the development and operation of an effective freight network; and
- Facilitate the strategic co-location of freight handling facilities.

Community / Stakeholder Consultation

The WAPC is currently seeking public comment on the proposed changes to SPP5.4 and associated guidelines. The submission period closes on the 15 December 2017. All submissions will be considered by the WAPC following the closure of the submission period.

Statutory Environment

Planning and Development Act 2005 (as amended)
Part 3 – State Planning Policies



Planning Assessment

The Shire of Serpentine Jarrahdale (the Shire) has a number of major roads and railways that currently traverse through the municipal. Even more so, these major roads and railways abut and/or dissect through existing and future urban areas.

As stated above, SPP5.4 deals with the impact of noise from rail and rail infrastructure / transport on noise-sensitive land uses. The primary changes to the policy, through the review, have focused on improving implementation through the provision of clearer policy measures and guidance, simplifying the noise criteria/assessment, enhancing deemed to comply options through quiet house design and providing standardised templates for Noise Management Plans, local planning scheme provisions and wording of notification on titles.

SPP5.4 applies to proposals for new noise-sensitive developments, new railways or major roads, major redevelopments/upgrades of existing railways or major roads and new freight handling facilities. The policy and guidelines do not apply to noise from existing railways or major roads in the vicinity of an existing noise-sensitive land use, or an increase in traffic along an existing railway or major road in the absence of a major development.

However, the one matter in which SPP5.4 does not apply, of which the Shire and other impacted Local Governments are concerned, is ground-based vibration and L_{Amax} noise levels.

L_{Amax}

L_{Amax} is a measurement of sound, which measures the maximum weighted sound pressure level recording over a stated duration period, in which humans can hear. L_{Amax} measures the train as it passes a house with the obvious potential for sleep disturbance. The measurement of noise SPP5.4 seeks to apply, is L_{Aeq}. L_{Aeq} is the measure of sound levels in decibels equivalent to the total A-Weighted sound energy measured over a stated period of time. Simply, it measures an average of the maximum noise over time and ignores the loudest 30 seconds as a train passes and disturbs sleep. The City of Cockburn (CoC) have undertaken a number of technical investigations into ground-based vibration and L_{Amax}, with the Department of Water and Environment Regulations (DWER) and the Perth Transport Authority (PTA) supporting the use of L_{Amax} for freight rails.

Vibration

From a brief literature review, field studies have shown that railway noise annoyance is considerably higher in areas also exposed to vibrations. Vibration effects from railway movements may include annoyance, discomfort and interference with typical activities. Typical activities include sleep, studying/working or engaging in some form of recreation. Inevitably impacting on the amenity and wellbeing of residents living in close proximity.

The Western Australian Planning Commission has exempted ground-borne vibration from SPP5.4, stating under FAQ 11:

“Technical investigations were undertaken to consider vibration. The findings were that vibration is best and most cost effectively addressed ‘at source’ through measures like track design, track grinding, wheel maintenance or speed restrictions in built-up areas. Addressing vibration would add significant additional complexity and be challenging to model and mitigate, adding to time constraints and cost to proponents without a guarantee for success.”

As part of CoC investigations into The Lakes Revitalisation Project, vibration was seriously considered. In conjunction with PTA, CoC have proven that vibration is able to be measured and mitigated. The cost of which, will decrease as measures become more commonplace in the development industry. CoC and PTA are already working with Summit Building Company to develop a low cost construction method to mitigate vibration from a typical house.



The Shire supports the efforts of PTA and CoC in investigating the impacts of LAmox and Vibration. It is considered appropriate that where noise sensitive development is proposed, vibration mitigation should be achieved through appropriate land use planning measures, as opposed to notices on titles which have nil impact on reducing the longer term health impacts on residents. Instead, based on site specific technical investigations, measures should include situating building non noise sensitive buildings between the source and noise sensitive development.

Currently, freight rail trains in WA and the associated infrastructure are completely unregulated in terms of noise and vibration. Although SPP5.4 is not the appropriate medium to regulate freight rail operators and associated infrastructure, the Shire has provided support to the WAPC to lobby the State Government to impose regulations on the rail industry to ensure compliance with noise and vibration requirements, as is imposed on the industry by the NSW State Government.

Options and Implications

Option1: Council may resolve to endorse the draft submission.

By endorsing the draft submission, Council acknowledge the Shire's technical concerns regarding the draft SPP 5.4.

Option 2: Council may resolve to not endorse the draft submission.

By not endorsing the draft submission, Council will lose the opportunity to comment on the draft SPP 5.4 as the submission period closes on the 15 December 2017, as the next Council meeting will not be until 18 December 2017.

Option 1 is recommended.

Conclusion

The WAPC has released a draft of SPP5.4 – Road and Rail Noise for public comment. The Shire generally supports the draft policy. However, the Shire has suggested the inclusion of the assessment of LAmox and vibration as part of the planning assessment for noise sensitive developments, including the development of new or upgrades to rail and road infrastructure in urban areas.

Attachments

- [OCM167.1/12/17](#) – Draft State Planning Policy 5.4 – Road and Rail Noise (IN17/22784)
- [OCM167.2/12/17](#) – Draft State Planning Policy 5.4 – Road and Rail Noise Implementation Guidelines (IN17/22789)
- [OCM167.3/12/17](#) – Shire's Submission (OC17/20693)

Alignment with our Strategic Community Plan

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

Financial Implications

No direct financial implications.



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)
Support Officers Recommendation	Likely (4)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
Not Support Officers Recommendation	Possible (3)	Insignificant (1)	Low (1-4)	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 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.



Continued

Ordinary Council Meeting Minutes
Monday 18 December 2017

Voting Requirements: Simple Majority

OCM167/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, Seconded Cr Gossage

That Council endorses the submission on State Planning Policy 5.4 – Road and Rail Noise, as contained within attachment OCM167.3/12/17 and advises the Western Australian Planning Commission accordingly.

CARRIED UNANIMOUSLY 9/0



Councillor Piipponen declared a proximity interest in OCM168/12/17 and left the meeting at 8.32pm while this item was discussed.

OCM168/12/17 – Proposed Extension of Time of Development Approval P04121/01 for the Redevelopment of Oakford Traders Liquor Store, Convenience Store and Fuel Station at Lot 196, 1526 Thomas Road, Oakford (PA17/908)	
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	6 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: G Hajigabriel
Owner: Humich Nominees Pty Ltd and Far Super Pty Ltd
Date of Receipt: 6 October 2017
Lot Area: 62.1ha
Town Planning Scheme No 2 Zoning: 'Rural'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of the report is for Council to consider a Responsible Authority Report (RAR) prepared for an application to extend the timeframe in which to implement an approved development application. The approval relates to the redevelopment of Oakford Traders Liquor Store, Convenience Store and Fuel Station at Lot 196, 1526 Thomas Road, Oakford.

The application was submitted to the Shire as a Development Assessment Panel (DAP) application. The DAP will replace Council as the decision making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The attached RAR OCM168.1/12/17 prepared by Officers recommends that the application be approved subject to appropriate conditions. The proposal is presented to Council as Officers do not have delegated authority to provide a recommendation to DAP.

It is recommended that Council endorse the RAR to be presented to DAP.

Relevant Previous Decisions of Council

OCM064/10/13 – Council recommended that the JDAP refuse the redevelopment of Oakford Traders Liquor Store, Convenience Store, and Service Station due to traffic congestion and safety at the intersection of Thomas Road and Nicolson Road.

4 November 2013 – JDAP approved the redevelopment of Oakford Traders Liquor Store, Convenience Store, and Service Station subject to conditions.

OCM160/09/15 – Council resolved to endorse the Responsible Authority Report which recommended the term of the planning approval for the redevelopment of Oakford Traders Liquor Store, Convenience Store, and Service Station be extended for a period of two years.



On 29 September 2015 JDAP approved the application to extend to the timeframe of the planning approval for the redevelopment of Oakford Traders Liquor Store, Convenience Store, and Service Station for a period of two years.

Background

On 4 November 2013, the Metro East JDAP approved a development application for the redevelopment of the Oakford Traders Liquor Store, Convenience Store and Service Station. The approval had 29 conditions including the preparation of a number of technical reports.

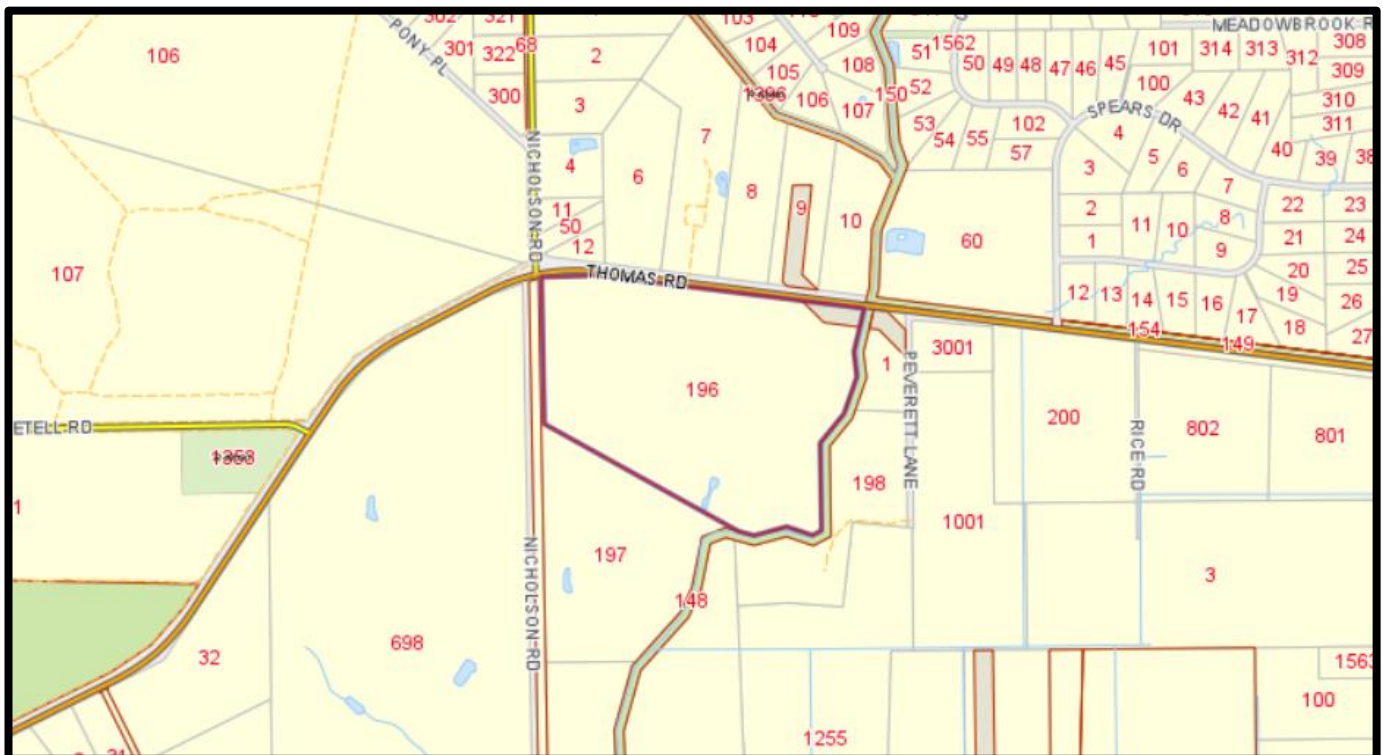
The applicant commenced the work towards the preparation of these plans however due to the complexities applied to the DAP on 8 July 2015 seeking an extension to the approval timeframe. The DAP subsequently approved this application on 29 September 2015 which extended the timeframe of the original application until 4 November 2017.

The applicant anticipates that the matters required to be satisfied under the development approval conditions will be resolved and works will be able to commence in approximately six months. The proposal therefore seeks a further approval to extend the timeframe. No new development is proposed as part of the application.

Existing Development

The subject site is located to the east of Nicholson Road at its intersection with Thomas Road. As such, the development proposal abuts Thomas Road to the north which is classified as a Primary Distributor by Main Roads. Nicholson Road is classified as a 'District Distributor A' road. The District Birrega Drain runs along the eastern Boundary.

In addition to a residential property located to the south west of the site, the land contains an existing business enterprise, Oakford Traders which currently comprises of a convenience store and liquor store. The property is surrounded largely by rural paddocks.





Initial Proposal

Details of the proposal can be viewed on attachment OCM168.2/12/17. The previous approval describes the development as follows:-

- Relocation of the convenience shopping store that includes café/restaurant facilities and redevelopment of a service station with a floor area of 340m²;
- Relocation of the current liquor store with a floor area of 292m²;
- Car wash and rest area;
- Service station with fuel for cars and separate fuel and parking for trucks;
- Security Fencing (2.1 metres) being proposed at the rear; and
- Playground and recreation area/alfresco.

A total of 71 car parking bays and 16 truck parking spaces are proposed to service the development, including 3 disabled bays.

Proposed Development

The current proposal seeks approval to extend the timeframe in which to implement the development approval for the redevelopment of Oakford Traders Liquor Store, Convenience Store, and Service Station for a further two year period.

Community / Stakeholder Consultation

Advertising has been undertaken to adjoining landowners in accordance with Clause 64 of the Deemed Provisions. To date, no submissions have been received.

Main Roads

Comments were received from Main Roads during the initial advertising period. Concerns were raised in relation to safety and access resulting from the potential increased traffic. The applicant worked with Main Roads to develop a revised concept plan and Transport Assessment that satisfied the concerns of Main Roads.

Statutory Environment

Legislation

- *Planning and Development Act 2005*;
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

State Government Policies

- Perth and Peel @3.5 Million
- State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2)
- State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment (SPP2.1)
- State Planning Policy 2.5 Rural Planning (SPP2.5)

Local Policies

- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- Activity Centres Strategy



- Local Planning Policy 51 – Oakford Rural Economic Living Area Planning Framework (LPP51)
- Local Planning Policy - Advertising Signs (LPP05)
- Local Planning Policy - Designing Out Crime (LPP24)
- Local Planning Policy - Public Art Policy for Major Developments (LPP59)
- Local Planning Policy - Urban Water Management (LPP62)
- Local Planning Policy - Landscape and Vegetation (LPP67)
- Local Planning Policy – Activity Centres (LPP70)
- LPP 70 – Activity Centres

Planning Assessment

Under Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, when assessing whether an extension of time should be granted, Council are required to consider the following:-

- Whether the planning framework has substantially changed since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the applicant has actively and relatively pursued the implementation of the development approval.

A full assessment has been carried out against the current planning framework as part of the RAR which can be viewed in attachment OCM168.1/12/17. The planning framework is considered consistent with the framework in 2013 when the development application was approved. The only substantial changes are Perth and Peel @ 3.5 Million, State Planning Policy 2.5 – Rural Planning and the Rural Strategy Review 2013.

Perth and Peel @3.5 Million

Over the next 35 to 40 years, it is anticipated that the population of Perth and Peel will be around 3.5 million. The increase in population will place further pressure on the ability to accommodate this number of people whilst protecting the natural environment. The proposal will contribute to providing a well serviced and accessible village environment whilst not adversely impacting on the environment. It is considered that the proposal is consistent with Perth and Peel @ 3.5 Million.

State Planning Policy 2.5 Rural Planning

SPP2.5 was adopted in December 2016 after the proposal was initially approved and replaced State Planning Policy 4.3. The purpose of this policy is *“to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.”*

The policy also recognises the need to provide economic opportunities for rural communities where these areas are provided for in a strategy. The subject site is identified in the Shire’s Activity Centre Strategy for a Neighbourhood Centre.

Rural Strategy Review 2013 (Strategy)

On 20 December 2016, the WAPC provided support for the Council’s adopted Strategy subject to modifications. One of the modifications included the removal of the ‘Subject to Future Investigation’ classification to which the subject site relates. This area was previously excluded under the Strategy for future planning. With the removal of this classification under the WAPC’s modification the subject site is now designated as ‘Rural’ under the Strategy.

The purpose of the ‘Rural’ policy area under the Strategy is to *“maintain the integrity of the Shire’s rural and agricultural character”*. Notwithstanding this change in designation, the Strategy recognises that economic returns for some forms of agriculture are diminishing. It also emphasises the importance of *“the*



longer term rural landscape, features and amenity of the Shire along with the application of appropriate planning principles”.

Officer Comment

The proposal is located on a relatively small portion of land on a 62.1ha site. A significant portion of the land would remain undeveloped with the potential for agricultural or production uses. The proposal would result in the maintenance of a large parcel of land as required under the Strategy. As the proposal is in line with the Shire’s Activity Structure Plan, it is not considered to be adhoc development. It is considered that the proposal would not result in an incompatible land use in the rural area and would provide an economic opportunity for the rural community.

The development proposed is of a contemporary design and of simple form to reflect the rural character of the area. A condition on the previous approval required for a landscaping plan to be submitted and approved by the Shire prior to commencement of the development. It is considered that landscaping the parking area, verges and open spaces would contribute to the amenity of the area and maintain the rural character.

It is considered that, notwithstanding the change to the Strategy since the approval of the application, the proposal is still consistent with the planning framework and would still be supported if a new development application were to be submitted.

The applicant has provided a list of the works that have been undertaken since the previous extension of time approval as follows:-

- Ongoing liaison and meetings with Main Roads WA to address matters relating to Thomas Road such as vehicular crossovers, movements and intersections. This has involved the requirement to widen the proposed crossover to cater for vehicles classifications of “B Doubles” of which utilise Thomas Road and which will be utilising the Service Station / Truck Stop facilities of the proposed development;
- Preparation of a Geotechnical Report for the subject site confirming the land is capable of being developed for its intended use;
- Preparation of a Traffic Management Plan for the subject site confirming the land is capable of maintaining compliant traffic volumes, access and egress and other traffic related matters.
- Preparation of an Urban Water Management Plan for the subject site to address stormwater drainage matters within the site and liaison with Shire Officers as required.
- Negotiating and agreeing to terms for the Liquor Store operator who is currently in the process of preparing a Signage Strategy, Waste Management Plan and other tenancy specific matters as required.
- Preparation of a full set of drawings for both civil engineering / earthworks (subject to the completion of the Urban Water Management Plan) and the Building Permit application for the proposed Liquor Store.

It is considered that the requirements under the Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011* have been sufficiently met and the proposal remains consistent with the current planning framework.



Options and Implications

Option 1:

That Council endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking an extension of time for the redevelopment of Oakford Traders Liquor Store, Convenience Store and Fuel Station at Lot 196, 1526 Thomas Road, Oakford subject to the conditions and requirements detailed on the previous approval dated 4 November 2013.

Option 2:

That Council does not endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking an extension of time for the redevelopment of Oakford Traders Liquor Store, Convenience Store and Fuel Station at Lot 196, 1526 Thomas Road, Oakford subject to the conditions and requirements detailed on the previous approval dated 4 November 2013.

Option 1 is recommended.

Conclusion

The application seeks a further extension to the timeframe of a development application approved on 4 November 2013 for the redevelopment of Oakford Liquor Store, Convenience Store and Fuel Station. No further development is proposed as part of the application. The applicant requires the extension of time to allow for the completion of technical reports required as conditions of the approval.

The planning framework has not substantially changed since the approval in 2013 except for the WAPC approval of the Shire's Rural Strategy Review 2013. The subject site has been redesignated under this document to 'Rural' from an area for future investigation. It is considered, however, that the proposal remains consistent with the planning framework and therefore Officers recommend that an extension of time in which to implement the planning approval by an additional two years is acceptable.

Attachments

- [OCM168.1/12/17](#) – Responsible Authority Report (E17/10547)
- [OCM168.2/12/17](#) – Approved Details (E17/11435)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.

The proposal will provide for an upgraded small business providing services for the local community. The new facilities will provide further choice for local customers and passing traffic, contributing to the economy within the Shire. The proposal is considered consistent with the objectives of the Strategic Community Plan.

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 endorsing RAR	Likely (4)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
Council not endorsing RAR	Unlikely (2)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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

A risk 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

OCM168/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Gossage

That Council endorses the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Development Assessment Panel approve the extension of time for the redevelopment of Oakford Traders Liquor Store, Convenience Store and Fuel Station for a further two years at Lot 196, 1526 Thomas Road, Oakford subject to the following conditions:

Movement Network

1. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the full movement intersection and the western most left out access. This includes signing, road markings, relocation of services and street lighting.
2. Any land required for road widening purposes shall be ceded to Main Roads for road dedication purposes to be included into the Thomas Road reserve.
3. No earthworks shall encroach into the Thomas Road reserve.
4. No stormwater drainage shall be discharged into the Thomas Road reserve.
5. The applicant shall make good any damage done to the existing verge and its vegetation within the Thomas Road reserve.
6. The vehicle parking area, access way(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Shire of Serpentine Jarrahdale prior to the occupation of the development for the use hereby permitted.
7. A minimum of 51 car parking bays are required to be provided on site.
8. A minimum of 3 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
9. A Traffic Management Plan being submitted and approved by the Shire of Serpentine Jarrahdale prior to the commencement of site works and thereafter implemented
10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Shire of Serpentine Jarrahdale and maintained at all times.
11. Shared paths, bicycle parking facilities and end of trip facilities being provided in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the satisfaction of the Shire of Serpentine Jarrahdale.

Site Works

1. The owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or backfilling has been adequately compacted.



2. Works (including earthworks) are not to commence until the Shire of Serpentine Jarrahdale has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.
3. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Shire of Serpentine Jarrahdale for approval. The approved Dust Management Plan must be implemented and maintained thereafter.

Drainage

1. An Urban Water Management Plan being prepared and approved prior to the commencement of site works to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved, the Urban Water Management Plan is to be implemented in its entirety.
2. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of the Shire of Serpentine Jarrahdale.

Amenity

1. Operating hours are limited to 5am to 9pm seven days a week unless otherwise approved by the Shire of Serpentine Jarrahdale.
2. An operational management plan shall be prepared, approved by the Shire of Serpentine Jarrahdale and thereafter implemented at all times.
3. Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, are to be used unless the prior written approval of the Shire is obtained for an alternative.

Car wash bay

1. Waste water discharge from the car wash bay must meet the stipulated following waste water quality criteria from the 'Indicative Wastewater Discharge Criteria', table 1, Mechanical Equipment washdown - WQPN68, Department of Water to the satisfaction of the Shire of Serpentine Jarrahdale.
2. The car wash waste water system mechanical operating performance should be tested quarterly, with all inspection results, start-up analytical data recorded in a log book, and data kept for 2 years.

Loading Bay

1. All loading and unloading to take place within the boundaries of the premises.
2. At least one loading bay having minimum dimensions of 3.5 metres and 7.0 metres for the loading and unloading of commercial vehicles shall be provided separate from parking areas and access ways.



External Lighting

1. A Lighting Plan is to be submitted and approved by the Shire of Serpentine Jarrahdale prior to the commencement of site works. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The approved lighting plan shall thereafter be implemented in its entirety.

Bin Storage and Pick-Up

1. The applicant is to submit a Waste Storage and Removal Plan to the satisfaction of the Shire of Serpentine Jarrahdale prior to the commencement of site works. Once approved, the Waste Storage and Removal Plan shall be implemented in its entirety.

Signage

1. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under verandah signs and fascia signs, is to be submitted for the approval of the Shire of Serpentine Jarrahdale. All signage shall be the subject of separate application for development approval unless otherwise exempt under the Scheme.
2. No signs are to be displayed in the road reserve adjacent to the site at any time.

Landscaping

1. A Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Shire of Serpentine Jarrahdale. prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.

Public Art

1. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 8/0

Councillor Piipponen returned to the Chambers at 8.33pm.

The Shire President advised Councillor Piipponen that the Officers Recommendation was carried unanimously 8/0.



OCM169/12/17 – Retrospective Temporary Accommodation – Lot 848 (93) Kalyang Loop, Byford (PA17/895)	
Author:	Ashwin Nair – Manager Statutory Planning and Compliance
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	6 December 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Planning Solutions
Owner: G and D Stevenson
Date of Receipt: 29 September 2017
Lot Area: 2002m²
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The report is presented to Council to consider a planning application seeking retrospective approval for Temporary Accommodation at Lot 848 (93) Kalyang Loop, Byford. The development proposal was received on 29 September 2017.

The Applicant has advised that the proposed Temporary Accommodation will provide residential accommodation for the owners of the property for a period of 12 months, while the main dwelling is being constructed on the same site.

The subject land is zoned 'Urban Development' in accordance with the Shire's Town Planning Scheme No.2 (TPS2). Temporary Accommodation is considered a 'Use Not Listed', which is a land use which can be considered in the 'Urban Development' zone, subject to community consultation. The subject site is designated part residential, and part light industrial under the Local Structure Plan and Local Development Plan which apply to the site.

The proposal is reported to Council for determination as it proposes variations to Council Policy HSP2 Temporary Accommodation. Shire Officers believe there is merit in considering the application, given the unique situation the landowners have created by undertaking unauthorised works.

It is recommended that Council approve the application as proposed, subject to conditions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Background

The land has been subject of compliance action since September 2017 due to unauthorised development.

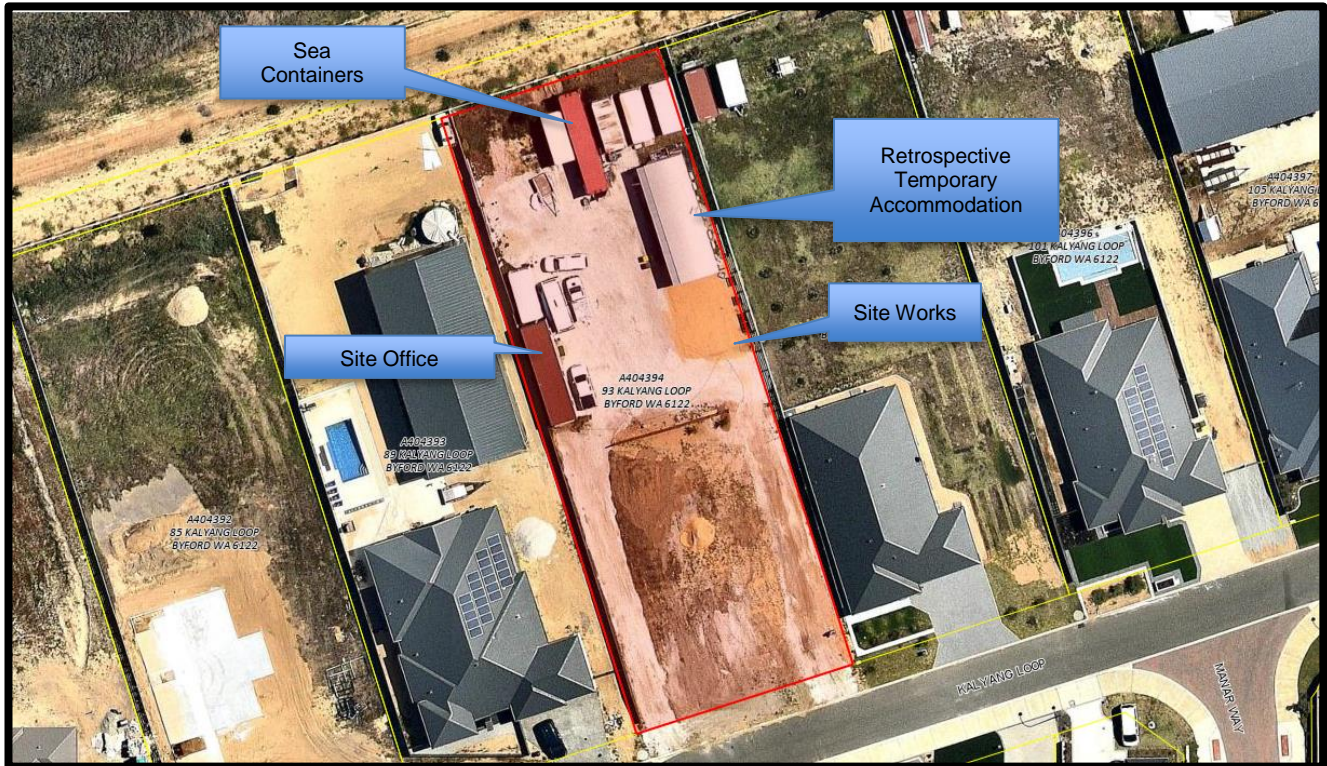
Existing Development

The site currently features the following unapproved development:

- Site works (including the filling of a drainage and landscaping area at rear of property);



- Keeping of Sea Containers;
- Operation of a business;
- Transportable Structure being used for human habitation; and
- Transportable Structure being used as a site office.



Existing Approvals

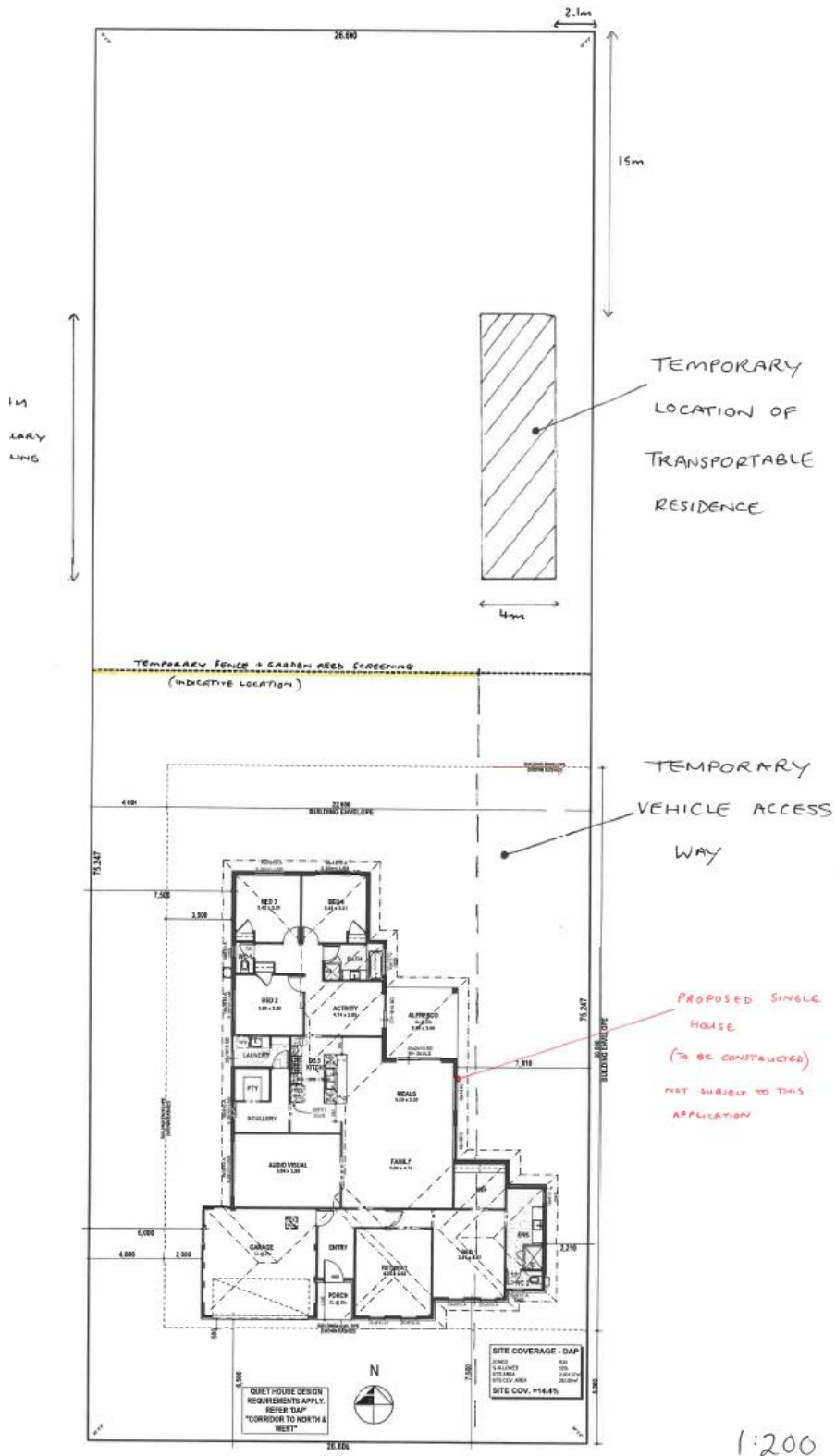
Shire Officers issued a Building Permit for a main dwelling on the southern half of the lot on 16 October 2017, which was later amended on 9 November 2017.

Shire Officers approved a Light Industrial (Warehouse) building on the northern half of the lot on 18 October 2017 under delegation, having given due regard to the approved main dwelling and the land use designations of the Local Structure Plan and Local Development Plan.

A concept plan (not an approved plan) showing the ultimate expected development on the subject site, including other approvals, is attached to this report (OCM169.1/12/17).

Proposed Development

As previously mentioned, the Applicant seeks retrospective planning approval to keep a transportable building on the subject site for a period of 12 months to allow the landowners to reside on the subject site and run a business from the soon to be constructed industrial building, while the main dwelling is being constructed.



Site Plan



Community / Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 21 days from 14 November 2017 to 5 December 2017 in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Submissions are summarised in Table 1 and Table 2 below.

Total Submissions	No. of different submitters	Supportive	Objections
Two	Two	Zero	One

Table 1 – Summary of Submissions

Nature of Concern	Shire Officer Comment
Visual Amenity	<p>Shire Officers acknowledge that the development is in close proximity to the neighbouring property to the east and will be visible to neighbouring properties.</p> <p>Shire Officers agree with the suggestion of painting the building, as a uniform low-impact colour such as off-white is likely to reduce the visual impact of the development. The Temporary Accommodation is currently painted with multiple colours.</p> <p>Shire Officers do not agree with the suggestion of erecting a large fence to block the visual impact of the Temporary Accommodation. The Local Development Plan includes a provision requiring visually permeable fencing. Therefore, any fencing blocking the visual impact of the proposed development would not be consistent with the intent of the Local Development Plan.</p>
Ongoing Compliance with any approvals	<p>Shire Officers acknowledge the submission which raises concern regarding ongoing monitoring to ensure that development on the site is consistent with any approvals which are issued.</p> <p>Shire Officers agree that ongoing compliance with any approvals is a significant concern, given that the landowners have demonstrated a tendency to undertake significant development works without any of the required development approvals.</p> <p>As part of a typical follow up of Planning Approvals, Shire Officers recommend this application and development on the site be reviewed every six months until either an approval expires, or development is completed in accordance with any planning approval.</p>

Table 2 – Summary of Concerns and Shire Officer Responses



Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 27(1) provides that a decision maker is not bound by a structure plan when determining an application, but must have due regard:

“A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.”

The site is subject to the Byford District Structure Plan, Redgum Brook Local Structure Plan and Local Development Plan No 19. Shire Officers have given due regard to the structure plans which apply to the site. While the Temporary Accommodation is not located within the area identified for residential development, Shire Officers consider that a temporary land use will not prejudice the objectives of the structure plan in the long term. As such, Shire Officers consider the proposed development capable of obtaining planning approval.

State Government Policies

Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

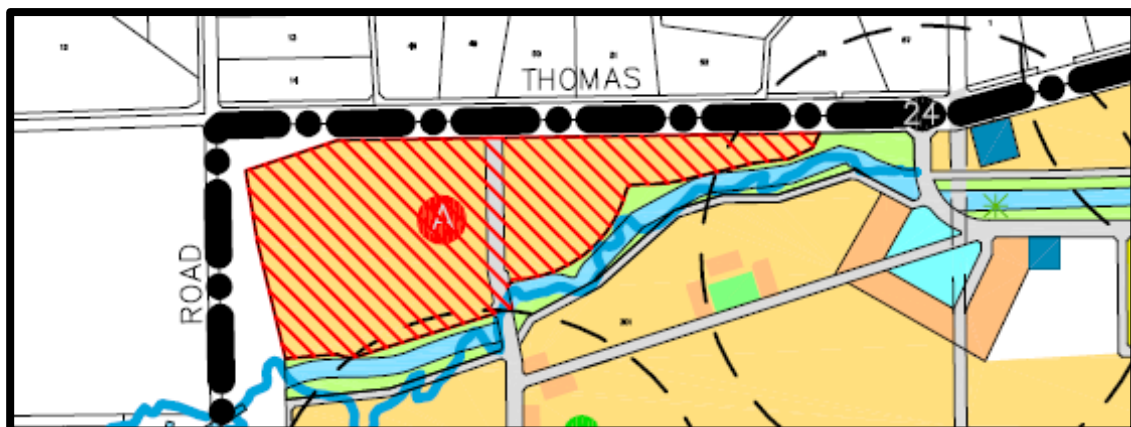
Local Planning Framework

Shire of Serpentine Jarrahdale Town Planning Scheme No.2

The subject site is zoned 'Urban Development' under TPS2.

Byford District Structure Plan

The area is broadly identified for further investigation due to drainage requirements and consideration of the Primary Regional Road Reservation. The proposed development is not inconsistent with the District Structure Plan.

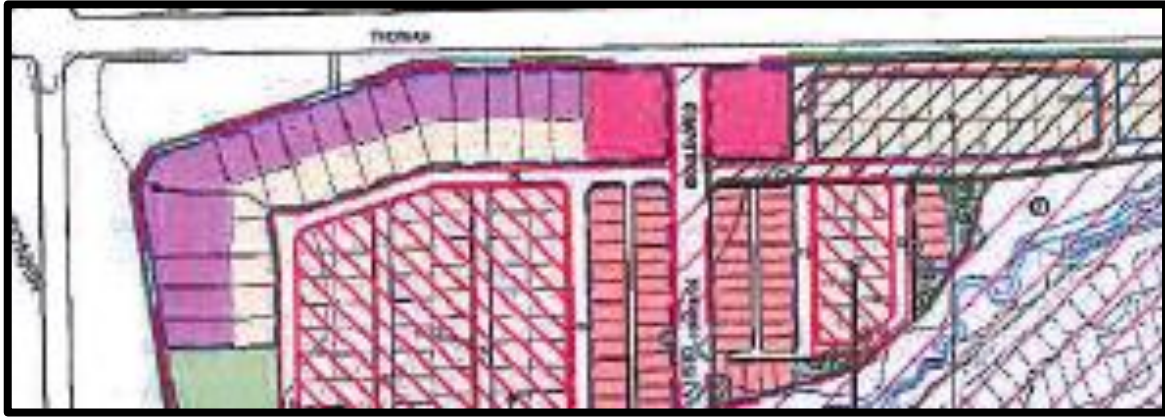


Extract of District Structure Plan Map



Local Structure Plan –

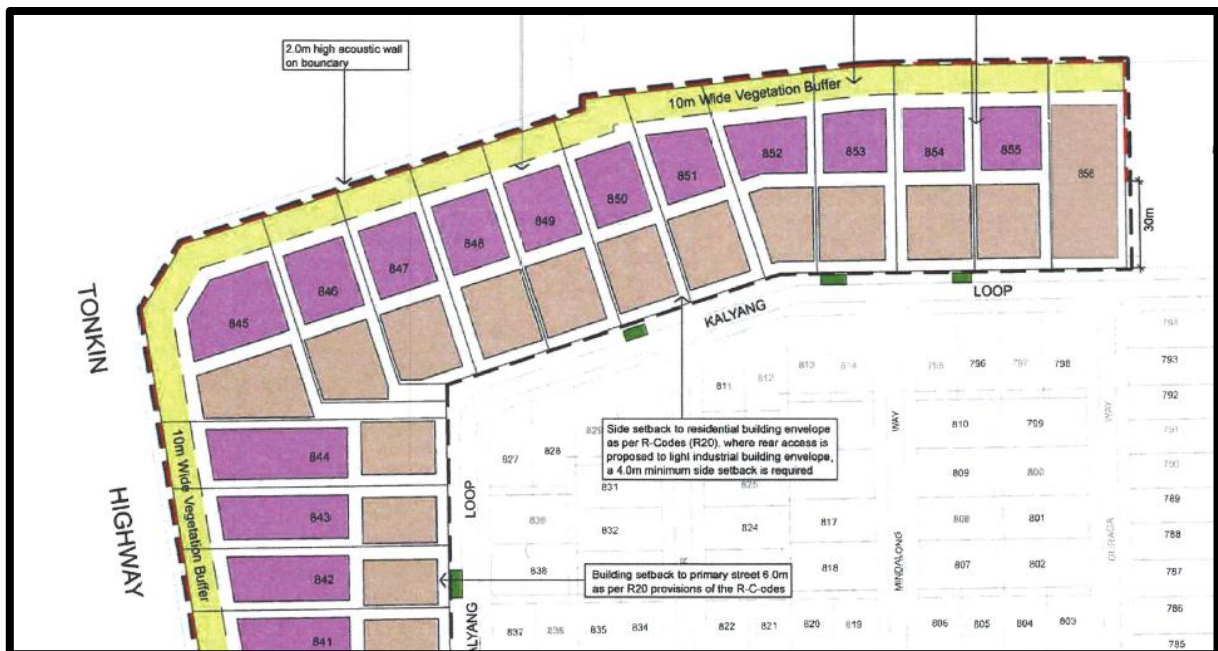
The area is identified as composite lots (half residential, half light industrial) in the Redgum Brook (North) Local Structure Plan. The proposed development is consistent with the Local Structure Plan land use designations.



Extract of Local Structure Plan Map

Local Development Plan –

The area is identified as a composite lot (half residential, half light industrial) with specific land use building location requirements.



Extract of Local Development Plan



The table below summarises an assessment of the proposed development, giving due regard to the provisions of the Local Development Plan which applies to the site.

	LDP Req.	Proposed	Compliance	Officer Comment
Street SB	Minimum 35m	46m	Yes	No action required
Side SB	Minimum 3m	21m (west) 2.1m (east)	Yes No	No action required
Rear SB	Minimum 15m	15m	Yes	No action required
Separation	Minimum 5m	15m	Yes	No action required

Shire Officers are not concerned with the reduction of the eastern setback from 3.0m to 2.1m. This is a minor variation, and given its temporary nature, is considered unlikely to affect the amenity of nearby properties any more than the development would have if it was set back 3.0m. Shire Officers note that while the adjoining landowner raised general amenity concerns, there was no specific reference to the setback distance being inappropriate.

However, Shire Officers consider the location of the temporary accommodation to be inconsistent with the Local Development Plan. The Local Development Plan clearly identifies the purpose of the rear of the lot (where the temporary accommodation is proposed) for light industrial purposes. Given that the front of the lot is identified for residential use, Shire Officers consider that the temporary accommodation would be more consistent with the Local Development Plan if it was located in the front half of the lot.

However, if the temporary accommodation was relocated to the front of the lot, it is likely to restrict the ability of the main dwelling to be constructed. On balance, Shire Officers consider the proposed location of the temporary accommodation to have merit, given that it will facilitate construction of the main dwelling, and would only exist on the site for 12 months.

Planning Assessment

Council Discretion

The Council needs to exercise its discretion before granting planning approval and give due regard to the elements of Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions).

For the purposes of this report, topics of concern or where variations are sought are discussed within this report including 1) Orderly and Proper Planning 2) Form of Development and 3) Amenity.

Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the state and local planning policy framework including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The Deemed Provisions also specifically require consideration of the aims and objectives of the Scheme.

Aims and Objectives of the Scheme

Clause 5.18 of TPS2 sets out the purpose of the Urban Development zone, which is to provide for the orderly and proper planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.

Clause 5.19.1.3 of TPS2 provides the ability for Shire Officers to approve development other than a single house, therefore Temporary Accommodation can be considered.



Shire Officers consider that the proposed development:

1. Will not impact on the preparation of a Structure Plan, given that structure plans have been appropriately prepared;
2. Is consistent with the principles of orderly and proper planning due to its general consistency with the Structure Plan which applies to the site; and
3. May have an adverse impact on the amenity of the future occupants of the area due to the location of the temporary accommodation within the light industrial portion of the lot, however that impact will be temporary.

Policy Framework

When considering the State and Local Planning Policy framework the following policies are relevant:

Directions 2031 and Beyond

Directions 2031 is a high level spatial framework and strategic plan that establishes a vision for future growth of the metropolitan Perth and Peel region; and it provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate a range of growth scenarios.

The lot subject of the development application was created in accordance with the planning process which achieves the visions of Directions 2031 and Beyond.

As the proposed development would facilitate the provision of infrastructure to support the development of a local small business in accordance with the growth scenarios referred to in Directions 2031, Shire Officers consider that the proposed development is consistent with the broad vision of the Directions 2031 strategic document.

Draft Perth and Peel @ 3.5 Million

The draft sub-regional planning framework is an important mechanism for managing urban growth and achieving the increased urban consolidation and residential housing choice required to accommodate the State's anticipated long-term population growth. It has objectives related to people and society, economy, urban environment and environment/landscapes. It is relevant to the proposed development as it has potential to support growth of the local community and economy.

The proposal is consistent with the objectives of providing infrastructure to support local economies in line with the Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel and Sub-Regional Framework Towards Perth and Peel @ 3.5 Million.

State Planning Policy No.1 (SPP1)

This Policy provides general principles for land use planning in the areas of environment, community, economy, infrastructure and regional development. Part A No.2 refers to planning taking account of and giving effect to these principles and related policies to ensure integrated decision-making throughout government. This policy applies to all land within Western Australia.

Environment

This principle encourages the protection and enhancement of key natural and cultural assets of the State and deliver to all West Australians a high quality of life based on environmentally sustainable principles. Shire Officers note that the site does not provide an opportunity for remnant vegetation to be retained.

However, landscaping was installed within the 15m rear setback as part of the original subdivision which appears to have been removed in order to keep sea containers on the site.



Shire Officers consider that re-installation of landscaping of the site as part of the overall development of the site will positively contribute to the natural assets of the area.

Community

This principle encourages land use planning to respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities. Shire Officers note that the population of the Byford area has increased dramatically over the past ten years. The development of accommodation facilities and in this case also facilitating the establishment of a small business within the Shire, is considered to be consistent with the community objective of the policy.

Economy

This principle encourages land use planning to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles. This principle refers to avoiding land use conflicts by separating incompatible economic activities and land uses. Shire Officers acknowledge that residential development within the part of the site designated for industrial land uses may cause land use conflict, however Shire Officers consider that conflict acceptable given its temporary nature.

Infrastructure

This principle encourages land use planning to facilitate strategic development by making provision for efficient and equitable transport and public utilities. The proposed development requires no additional transport infrastructure. As the proposed development takes the place of the expected main dwelling for a temporary period, with no overall increase in demand for infrastructure, Shire Officers consider the proposed development to be consistent with the infrastructure principle of SPP1.

Regional Development

This principle encourages land use planning to assist the development of regional Western Australia by taking account of the special assets and accommodating individual requirements of each region. This principle does not directly relate to the proposed development as it refers to outlying regions, rather than Perth and Peel.

Council Policy HSP2 Temporary Accommodation

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

1. *The only form of temporary accommodation to be approved will be within a caravan.*

The proposed development is a transportable building, and therefore is not able to comply with Condition 1 of the Policy. However, this variation is not a concern to Shire Officers, as in the context of a developing urban area, a transportable building is likely to have less of an impact than a caravan parked at the same location.

2. *On land one hectare and over.*

The subject site is 0.2ha in size, and therefore is not able to comply with Condition 2 of the Policy. This is not a concern for Shire Officers, given that the concept plan attached to this report clearly shows that there will not be a conflict between the proposed development on the subject site.

3. *Accompanied by an application for a permanent dwelling.*



As a Building Permit has been issued for the main dwelling, Shire Officers consider the proposed development to be consistent with Condition 3 of the Policy.

4. *With a statutory declaration acknowledging that approval will not exceed 12 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire's permission to occupy the temporary accommodation is withdrawn.*

The Applicant has not provided a statutory declaration with the application, however Shire Officers consider that this requirement would be an appropriate condition of a planning approval.

5. *With a schedule of work for the erection of the permanent dwelling.*

The Applicant has not provided this information.

6. *With a letter from the lending institution confirming that finance is available for the construction of the dwelling.*

The Applicant has not provided this information.

7. *Toilet, shower and laundry must be provided and connected to an approved effluent disposal system and use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.*

As the development is retrospective, the Applicant is unable to comply with Condition 7.

8. *Temporary accommodation will be approved for a period of six months and an extension of up to six months may be granted subject to reasonable progress in building the permanent residence.*

The Applicant has requested a full 12 month approval. Shire Officers consider that a six month approval with an opportunity for a six month extension if sufficient progress is made with the construction of the permanent residence would be a reasonable condition of approval, given that the landowners have demonstrated a tendency to undertake significant amounts of unauthorised development.

9. *Payment of the application fee as set by Council each year.*

The Applicant has paid the required Planning Application fee.

Shire Officers acknowledge that the retrospective temporary accommodation is not consistent with seven of the nine conditions, however, the landowner has created a complex and unique situation on the site by undertaking development without the required approvals. In an effort to regularise development on the site and facilitate long term development outcomes for the site which better reflect the land use and built form aspirations of the Local Structure Plan and the Local Development, Shire Officers believe there is merit in approving the temporary accommodation.

Land Use

The Applicant has identified that the transportable building will be occupied for residential purposes. Shire Officers consider the proposed development to be a 'Use Not Listed' as it is not a single house, ancillary accommodation, or grouped dwelling.

Temporary Accommodation is considered a 'Use Not Listed', which is a land use can be considered in the 'Urban Development', subject to consultation, in accordance with the Shire's TPS2.



Form of Development

The built form of the proposed development is consistent with the provisions of the Local Development Plan which apply to the lot. No other documents provide guidance regarding the required built form.

A submitter who raised amenity concerns recommended the Temporary Accommodation be painted. Shire Officers note that the structure would benefit from being painted one colour. While there are no other built form concerns, Shire Officers recommend a condition requiring the structure to be painted in one shade of 'off-white' in order to reduce the impact of the built form.

Amenity

Being generally consistent with the Local Development Plan with regards to its location and size, the building is unlikely to have any adverse impacts. In terms of land use the building will be used for residential purposes. Although the Local Development Plan intends for it to be on a different part of the lot, Shire Officers consider the development would not have any adverse impacts which would not normally be associated with activities in a light industrial area.

Other Matters

Bushfire Prone Area Requirements

The subject site is identified as Bushfire Prone and therefore is subject to the requirements of Part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires a Bushfire Attack Level (BAL) Assessment to accompany a Planning Application. While the Applicant has not provided a BAL, a Fire Management Plan which was approved as part of the original subdivision to create the subject lot, indicates a BAL of 12.5 for the subject site. A BAL of 12.5 is acceptable to Shire Officers.

Options and Implications

Council has the following options:

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

Approval of the Temporary Accommodation for 12 months will allow the landowner to reside on the subject site while the main dwelling is constructed, and will allow for business activated from the site to continue.

Option 2: Council may resolve to refuse the application.

Should Council resolve to refuse the application the applicant may wish to appeal the decision to the State Administrative Tribunal (SAT). A SAT appeal is likely to have cost implications if legal representation is required. Reasons for refusal must be provided to ensure Council's position can be further argued at the SAT.

Conclusion

The proposed development will facilitate the use of the subject site in a manner which is generally consistent with the land use intent of the Local Structure Plan and Local Development Plan. The proposed development is acceptable only because it is temporary in nature. As a result of the proposed development raising no planning concerns, Shire Officers recommend the application be approved subject to conditions.

Attachments

- [OCM169.1/12/17](#) – Concept Plan (IN17/25943)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
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Strategy 3.1.1	Actively support new and existing local business within the district.
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Financial Implications

There may be a financial implication if the proposed development was occupied for a period in excess of twelve months, as legal representation would be required to prosecute the landowner to ensure any planning approval is complied with.

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)
Refusal	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Risk

Risk Matrix

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

A risk 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

OCM169/12/17 Officer Recommendation:

That Council APPROVES the application for Temporary Accommodation at Lot 848 (93) Kalyang Loop, Byford, subject to the following conditions:

1. The Temporary Accommodation shall be painted in one shade of 'off white' within 30 days of the date of this approval.
2. The Temporary Accommodation hereby approved shall be removed from the site on completion of the construction of the main residence or 6 months after the date of this approval whichever is the earliest.



OCM169/12/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr See, seconded Cr Gossage

That Council APPROVES the application for Temporary Accommodation at Lot 848 (93) Kalyang Loop, Byford, subject to the following conditions:

- 1. The Temporary Accommodation shall be painted in one shade of 'off white' within 30 days of the date of this approval.**
- 2. The Temporary Accommodation hereby approved shall be removed from the site on completion of the construction of the main residence or 6 months after the date of this approval whichever is the earliest.**
- 3. A further extension period for the removal of the Temporary Accommodation of no more than 6 months can be sought if the main residence is not approaching final completion, providing the Director Development Services provides approval.**

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officers Recommendation

Condition 3 was added to the Recommendation, which provides the applicant with a reasonable degree of certainty that they can live in their temporary accommodation until their new dwelling is constructed.



OCM170/12/17 - Draft Local Planning Strategy and Local Planning Scheme No.3 (SJ203 and SJ701)	
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	2 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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

Introduction

The purpose of this report is for Council to consider the Shire of Serpentine Jarrahdale draft Local Planning Strategy (LPS), which is required to be prepared under Part 3 Regulation 11 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) to enable the preparation of a new local planning scheme. Council is also requested to consider the Shire of Serpentine Jarrahdale draft Local Planning Scheme No.3 (LPS3) in terms of Part 4 Division 2 Regulation 21 (1) of the *Regulations*. Officers recommend that Council resolve to proceed to advertise the draft LPS and LPS3 without modification.

Relevant Previous Decisions of Council

OCM057/04/16 – Council resolved to prepare the draft LPS and LPS 3 concurrently.

Background

The Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2), gazetted on 4 August 1989, has provided statutory land use and development provisions for the Shire for 28 years. TPS2 has almost 200 amendments and is not consistent with the model provisions for local planning schemes contained within Schedule 1 of the *Regulations*. Additionally, Part 6 Division 1 Regulation 65 of the *Regulations* requires local governments with a local planning scheme gazetted more than 5 years before the commencement of the Regulations in 2015, to carry out a review of the local planning scheme by 2017. As TPS2 was gazetted in 1989, the Shire is required to carry out a review of TPS2 by 2017. The preparation of a new local planning scheme is therefore essential to comply with the Regulations and to ensure the Shire's statutory land use and development provisions are current and best practice.

The *Regulations* require the preparation of a local planning strategy that provides the long-term direction for the Shire and informs the preparation of the new local planning scheme by providing the rationale for the statutory provisions and zonings included within the new scheme. Part 3 Regulation 11 (3) of the *Regulations* allows a local planning strategy to be prepared concurrently with the local planning scheme. At the Ordinary Council Meeting held on 11 April 2016, Council initiated the preparation of a draft LPS and LPS3. Since this Council resolution in April 2016, Officers have prepared a draft LPS and LPS3 for the Shire.



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 Western Australian Planning Commission's (WAPC) *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 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 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.

SJ 2050 Workshops and Consultation

Significant community consultation was undertaken for the preparation of SJ 2050 as the vision for the Shire. Council endorsed SJ 2050 at the Ordinary Council Meeting held on 24 October 2016. SJ 2050 has been an important informing document for the draft LPS, and consequently the draft LPS3. Community consultation for SJ 2050 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 informed SJ 2050.

Policy Concept Forum

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

Meeting Date	8 August 2016
Councillors in Attendance	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.

Meeting Date	14 August 2017 and 17 August 2017
Councillors in Attendance	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.

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

Statutory Advertising Requirement

Under Part 5 Division 3 Section 81 of the *Planning and Development Act 2005*, local planning schemes adopted by a local government are required to be referred to the Environmental Protection Authority (EPA). When a local planning scheme is referred to the EPA, the EPA decides under Section 48A of the *Environmental Protection Act 1986* whether or not the local planning scheme is required to be assessed under Part 4 Division 3 of the *Environmental Protection Act 1986*. The Shire will refer draft LPS and LPS3 to the EPA should Council resolve to proceed to advertise draft LPS and LPS3.

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 Council resolve to proceed with the advertising of the draft LPS and LPS3, and the WAPC consents to the public advertising of the draft LPS and LPS3, both draft documents will be formally advertised for a period not less than 90 days.

Statutory Environment

On the completion of a draft local planning scheme, the local government is required to make a resolution to proceed to advertise the draft local planning scheme with or without modifications, or not proceed to advertise the draft local planning scheme, pursuant to Part 4 Division 2 Regulation 21 (1) of the *Regulations*. Should the local government resolve to proceed to advertise the draft local planning scheme, the local government is required to submit this resolution and the draft local planning scheme to the WAPC. The WAPC will determine if the draft local planning scheme is suitable for public advertising within a period of 90 days or such longer period as the Minister or an authorised person allows. This report provides Council with the opportunity to make a resolution under Part 4 Division 2 Regulation 21 (1) of the *Regulations*, in respect of the Shire's draft LPS3.

On the completion of a draft local planning strategy, the local government is required to provide a copy of the draft local planning strategy to the WAPC under Part 3 Regulation 12 (1) of the *Regulations*. The WAPC must assess the draft local planning strategy and provide the local government with a certification to allow the draft local planning strategy to be advertised. This report provides Council with the opportunity to consider the Shire's draft LPS for the purpose of proceeding to advertising, prior to a copy being provided to the WAPC.

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Environmental Protection Act 1986



State Government Policies

- State Planning Strategy
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Metropolitan Region Scheme
- State Planning Policy Suite
- Development Control and Operational Policy Suite
- 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
- Activity Centres Strategy
- Socio Economic Profile
- Environmental Profile
- Local Planning Policy Suite
- District Structure Plans
- Local Structure Plans

Planning Assessment

Local Planning Strategy

Under Part 3 Regulation 11 (1) of the *Regulations*, local governments are required to prepare a local planning strategy for each local planning scheme. A local planning strategy may be prepared concurrently with its associated local planning scheme under Part 3 Regulation 11 (3) of the *Regulations*. 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.

The draft LPS is based on the framework provided by the WAPC's *Local Planning Manual*. Part 1 of the draft LPS contains the following sections:

Section	Purpose
Vision	To set out the overall aspiration for the Shire.



Section	Purpose
Principles	Principles shall underpin all planning decisions and shall guide the preparation of the LPS, future strategic land use planning documents and the assessment of land use and development proposals.
Strategy Objectives	Strategy objectives have been derived from the Shire's key issues and shall guide the Strategic Plan.
Strategic Plan	<p>The Strategic Plan provides the framework to achieve the Strategy objectives. It includes a Spatial Plan for strategic land use planning and development and contains 12 categories, which have been guided by the Strategy objectives, including:</p> <ul style="list-style-type: none"> • Settlements • Rural Living • Rural • Activity Centres • Industry • Transport • Environment and Natural Resource Management • Community Infrastructure • Public Open Space • Tourism • Heritage • Utilities <p>Each category is comprised of a description of what the category entails, a rationale outlining the intent and importance of the category, and category specific objectives, strategies and actions. The categories are also depicted on a series of maps.</p>

Part 2 of the draft LPS includes the State and regional planning context, local planning context, local profile and analysis of key issues. The key issues within Part 2 have informed the Strategy Objectives within Part 1 of the draft LPS. This ensures that the Strategy Objectives and Strategic Plan addresses the Shire's key issues identified in the background analysis. The draft LPS is contained within attachment OCM170.1/12/17.

Local Planning Scheme No.3

Local planning schemes are prepared with the objective of making suitable provisions for the improvement, development and use of land within the local planning scheme area. Local planning schemes provide a statutory mechanism for the control of land use and development to implement the relevant local planning strategy. Matters addressed by local planning schemes include the aims of the scheme, the zoning and reservation of land, the permissibility of land uses, general development requirements and special control areas. A local planning scheme is comprised of the scheme text, the scheme map and the Deemed Provisions set out under Schedule 2 of the *Regulations*.

Section 72 (1) (a) of the *Planning and Development Act 2005* states that a local government may '*prepare a local planning scheme with reference to any land within its district*'. Part 6 Division 1 Regulation 65 of the *Regulations*, states that local governments with a local planning scheme, which was gazetted more than 5 years from the commencement date of the *Regulations* in 2015, must carry out a review of the local planning scheme by 2017. The Shire's current local planning scheme, TPS2 was gazetted in 1989 and has been in effect for 28 years. TPS2 is not consistent with the model provisions for local planning schemes



contained within Schedule 1 of the *Regulations*. As such, a new local planning scheme is required to comply with the *Regulations* and ensure the statutory land use and development provisions are current, applicable and best practice.

Since Council resolved to prepare LPS3 in April 2016, Officers have prepared draft LPS3 in accordance with the model provisions contained within Schedule 1 of the *Regulations*. Draft LPS3 has rationalised the zoning and provisions contained within TPS2 to be consistent with the zones and the framework provided under the *Regulations*. The draft LPS and LPS3 have been prepared concurrently, allowing the draft LPS to inform and provide the rational for the zoning and provisions included within LPS3. Draft LP3 is contained within attachments OCM170.2/12/17 and OCM170.3/12/17. On the completion of the preparation of a local planning scheme, local governments must resolve to either proceed to advertise the draft local planning scheme with or without modifications, or not proceed to advertise the draft local planning scheme, pursuant to Part 4 Division 2 Regulation 21 (1) of the *Regulations*.

Options and Implications

Option 1 – Resolve to proceed to advertise the draft LPS and LPS3 without modification.

Implication – This option would result in Council supporting the progression of draft LPS and LPS3 to the public advertising stage, as contained within the attachments to this report. The draft LPS and LPS3 would be submitted to the WAPC without modification to seek approval for advertising. The advertising of the draft LPS and LPS3 could result in submissions objecting to the draft documents from the community.

Option 2 – Resolve to proceed to advertise the draft LPS and LPS3 with modifications.

Implication – This option allows Council to support the progression of draft LPS and LPS3 to the public advertising stage, though requires modifications to be undertaken prior to the draft LPS and LPS3 being submitted to the WAPC to seek approval for advertising. The advertising of the draft LPS and LPS3 could result in submissions objecting to the draft documents from the community.

Option 3 – Resolve to not proceed to advertise the draft LPS and LPS3.

Implication – This option would mean that the draft LPS and LPS3 would not be progressed any further. This would result in non-compliance with *Regulations* and the Shire would continue to have an outdated strategic and statutory land use planning and development framework.

Officers recommend option 1.

Conclusion

The Shire's current local planning scheme has been in effect for 28 years and is not consistent with the model provisions contained within the *Regulations*. The *Regulations* have required local planning schemes, which were prepared more than 5 years from the commencement of the *Regulations* in 2015, to be reviewed by 2017. The *Regulations* also require a local planning strategy to be prepared for each local planning scheme. Officers have prepared the draft LPS and LPS3 to comply with the requirements under the *Regulations* and update the Shire's planning framework. Officers recommend that Council resolve to proceed to advertise the draft LPS and LPS3 pursuant to Part 4 Division 2 Regulation 21 (1) of the *Regulations*.

Attachments

- [OCM170.1/12/17](#) – Draft Local Planning Strategy (E17/11934)
- [OCM170.2/12/17](#) – Draft Local Planning Scheme No.3 Text (E17/11933)
- [OCM170.3/12/17](#) – Draft Local Planning Scheme No.3 Maps (E17/11930)
- [OCM170.4/12/17](#) – Environmental Profile (IN16/10845)



- [OCM170.5/12/17](#) – Socio-Economic Profile (IN16/12825)
- [OCM170.6/12/17](#) – Rural Strategy Review 2013 (IN17/25813)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no direct financial implications relating to this matter.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not resolve to proceed to advertise draft LPS and LPS3	Possible (3)	Major (4)	High (10-16)	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 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM170/12/17 Officer Recommendation:

That Council

1. Resolves to proceed to advertise the draft Shire of Serpentine Jarrahdale Local Planning Strategy without modification as contained within attachment OCM170.1/12/17.
2. Pursuant to Part 3 Regulation 12 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provide a copy of the draft Shire of Serpentine Jarrahdale Local Planning Strategy to the Western Australian Planning Commission.
3. Pursuant to Part 4 Division 2 Regulation 21 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to proceed to advertise draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 without modification as contained within attachment OCM170.2/12/17.
4. Pursuant to Part 4 Division 2 Regulation 21 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit two copies of the draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 to the Western Australian Planning Commission.
5. Pursuant to Part 5 Division 3 Section 81 of the *Planning and Development Act 2005*, refer the draft Shire of Serpentine Jarrahdale Local Planning Strategy and Local Planning Scheme No.3 to the Environmental Protection Authority by giving:
 - a. Written notice of that resolution; and
 - b. Such written information about the local planning scheme as is sufficient to enable the Environmental Protection Authority to comply with Section 48A of the *Environmental Protection Act 1986* in relation to the local planning scheme.



The motion was broken down in accordance with 10.6 Breaking Down of Complex Questions, of the Standing Orders, with recommendation 1 and 2 to be considered as the first motion, and recommendations 3 and 4 to be considered as the second motion.

OCM170/12/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Rich, seconded Cr See

That Council:

1. Resolves to proceed to advertise the draft Shire of Serpentine Jarrahdale Local Planning Strategy as contained within attachment OCM170.1/12/17 with the following modifications:
 - a. That the Local Planning Strategy – Figure 18: Strategic Plan Map, be amended to remove the “SU” Special Use Public Purposes Reserve designation from the land located to the east of Cardup Business Park, and to include a Special Activity Investigation Node on the land to the east of Cardup Business Park to indicate that this area is identified as an investigation node for potential Health, Aged Care, and Education facilities.
 - b. That the Local Planning Strategy document be amended on page 40 to include an additional action under section 4.4 Activity Centres, as follows:
 11. Investigate the potential for Health, Aged Care, and Education Facilities to be located within the Special Activity Investigation Node located to the east of Cardup Business Park.
 - c. That the Local Planning Strategy – Figure 3: Activity and Industrial Centres, be amended to include a Special Activity Investigation Node on the land to the east of Cardup Business Park to indicate that this area is identified as an investigation node for potential Health, Aged Care, and Education facilities.
2. Pursuant to Part 3 Regulation 12 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, provide a copy of the draft Shire of Serpentine Jarrahdale Local Planning Strategy to the Western Australian Planning Commission.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Officer Recommendation

Recommendation 1 was amended to remove the “SU” Special Use Public Purposes Reserve designation from the whole site as only a small portion of the land was indicated as a sport and recreation area/possible reserve in *Perth and Peel@3.5 million*, not the whole area.



OCM170/12/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council:

3. Pursuant to Part 4 Division 2 Regulation 21 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve to proceed to advertise the draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 as contained within attachment OCM170.2/12/17 with the following modification:
 - a. Table 2: Zoning Table to be amended to change “Service Station” from an “A” use to an “X” use within the Rural Zone.
4. Pursuant to Part 4 Division 2 Regulation 21 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, submit two copies of the draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 to the Western Australian Planning Commission. 5. Pursuant to Part 5 Division 3 Section 81 of the Planning and Development Act 2005, refer the draft Shire of Serpentine Jarrahdale Local Planning Strategy and Local Planning Scheme No.3 to the Environmental Protection Authority by giving:
 - a. Written notice of that resolution; and
 - b. Such written information about the local planning scheme as is sufficient to enable the Environmental Protection Authority to comply with Section 48A of the Environmental Protection Act 1986 in relation to the local planning scheme.

MOTION CARRIED 5/4

Councillors See, Gossage, Coales and Piipponen requested their votes AGAINST the motion be recorded.

Reason for difference to Officer Recommendation

Recommendation 3 is amended to reflect that service stations in the Rural zone will only be supported where it is considered to fall within the definition of either a “Road House” or a “Freeway Service Centre”, which are therefore by this definition restricted to be located along State controlled roads or freeways.



OCM171/12/17 – Local Planning Policy Review (SJ514)	
Author:	Ashwin Nair – Manager Planning and Compliance
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	29 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to adopt the reviewed Local Planning Policies (LPP) and draft LPPs for the purpose of seeking public comment in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The report also seeks to revoke some existing LPPs as their provisions have been incorporated in other Policies and/or have been determined by Shire Officers as outdated and inconsistent with best practice.

Relevant Previous Decisions of Council

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

Background

Local Planning Policies perform an important function in the local planning framework to guide planning decisions and to provide consistency and direction to the Shire Officers and the community on what Council considers acceptable development.

The Shire of Serpentine-Jarrahdale currently have 49 LPPs that have been adopted under the Shire's *Town Planning Scheme No. 02* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

In preparation of the Shire's draft Town Planning Scheme No. 03, a review of all existing LPPs were undertaken to ensure that development provisions reflect best practice and importantly administer the properly and orderly development of the locality. As such, this process has given rise to the preparation of a number of new LPPs and the revision of existing LLPs.

Community / Stakeholder Consultation

The recommendation, if approved by Council will require the advertising of certain LPPs as identified within OCM171.1/12/17, and as prescribed within the Regulations as follows:

New Policies & Major Modifications to Existing Policies

In accordance with Clause 4, Part 2 Schedule 2 of the Regulations new and significantly modified policies are required to be advertised to the public for comment for a period of no less than 21 days. The preferred advertising medium will be as follows:

- Notification in newspaper;
- Shire website.



Minor Amendments to Policies

In accordance with Clause 5 (2) of the Deemed Provision, policies that are subject to minor amendments do not need to be advertised for public comment.

Rescinded Policies

For those policies proposed to be rescinded, in accordance with Clause 6 (b) of the Deemed Provisions a notification is only required to be published in the newspaper advising the public of the proposal to rescind the policy.

Statutory Environment

Legislation

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

Planning Assessment

Review Process

As part of the review, it was proposed that all existing LPPs adopt a consistent and new format. The purposes and intent of most LPPs have not been altered. A schedule of the proposed changes and the rationale behind these changes are contained within OCM171.1/12/17 for Council perusal.

Below is a summary of the key amendments proposed and applied to the majority of the LPPs:

- New & consistent format of all LPPs;
- Align LPPs with relevant provisions of the *Planning and Development (Local Planning Schemes) Regulation's 2015*;
- Minor administration changes;
- Clearer and more concise development provisions which establish the Shire's requirements for orderly and proper planning throughout the locality;
- Some of the LPPs now make reference to the Minor Development LLP to ensure consistency;
- Local law provisions where relevant have been referenced within a number of LPPs.

In addition to the above the LLPs are proposed to be compartmentalised into four (4) new sections for ease of interpretation for the public. The four (4) sections are as follows:

1. Operational Local Planning Policies;
2. Planning Frameworks;
3. Design Guidelines;
4. Land Use Policies.

See OCM171.2/12/17 to OCM171.5/12/17 for the new format of all proposed LLPs.

New Planning Policies

While the majority of the amendments to the LPPs are addressing administrative changes or updates to be consistent with best practice, below is a list of new and significantly modified LPPs proposed for Council consideration which is aimed to ensure the proper and orderly planning of the locality:

LLP 1.2 - Development Applications Information Policy (New)



The Policy has been prepared to provide applicants information of the Shire's requirements of the types (quality) documentation required to be submitted as part of a development application. The preparation and content of this Policy aligns with the Regulations.

LLP 1.3 - Amendments/Extensions to Existing Approval (New)

This proposed Policy will provide guidance for Shire Officers in assessing applications which propose to extend an approval and set the term of planning approval. The Policy is aimed to provide a consistent approach in determining these development categories.

LLP 1.4 – Public Consultation for Planning Matters (Reviewed)

This Policy has been reviewed to clearly define the consultation process required to be undertaken under the Scheme

LPP 1.5 – Other Exempt Developments (Reviewed)

This Policy has been reviewed to ensure that it aligns with the Regulations requirements. The Policy now incorporates exemptions for Holiday Homes, residential development within an approved Structure Plan, pools and spas.

LLP 1.7 – Public Art (Reviewed)

This Policy has been reviewed to provide the framework for the Shire in assessing and approving art proposals in public places.

LLP 1.9 – Cash – in - Lieu (Reviewed)

This Council Policy has been transferred to a LPP as it relates to a town planning requirement. In summary, it is a Policy proposed which will provide the framework and process in which a cash-in-lieu payment of car parking can be requested in relation to a development application.

LLP 1.10 – Bonds and Bank Guarantees (Reviewed)

This Council Policy has been transferred to a LPP, which will still be used as the framework and process whereby a bank guarantee can be requested by the Shire to secure compliance.

LLP 2.1 – Structure Plan and Subdivision Standards (New)

This proposed Policy has been prepared to establish the Shire's framework and requirements for an application for a subdivision and/or structure plans.

LLP 2.3 – Development Standards for Development Applications (New)

This proposed Policy has been prepared to establish the minimum standards of development relating to landscaping, revegetation and drainage to ensure that the amenity and natural environment is maintained at all times.

LPP 4.10 – Extractive Industries (Reviewed)

This Policy has been reviewed to provide the framework for the Shire in assessing and approving an application for an Extractive Industry. The Policy has been modified to reflect best practice and ensure consistency with State Planning Policy 5.2 – Basic Raw Material. In addition to this, the Policy now refers to the Shire's Local Law for Extractive Industry.

LPP 4.11 – Advertising Policy (Reviewed)

The Policy has been reviewed to guide regulate the constructions of signs in the locality. A major revision of this Policy is to provide guidance for considering signage applications within the Urban Development zone.

LLP 4.12 – Horticulture (New)

The Policy has been prepared to guide the development of Horticultural activities (intensive agriculture) within the Shire and has been prepared in accordance with State Planning Policy 2.5 Rural Planning.



Rescinded policies

As part of the local planning policy review, a number of LPPs have been identified as outdated and inconsistent with best practice. To this end, Shire Officers have identified the following existing 10 LPPs to be rescinded as part of this report:

LPP 18 - Final Subdivision Clearance – Form 2

This Policy is only an application form and not a policy. It does not provide guidance in developing within the Shire.

LPP 21 - Management Plans

This Policy contains provisions which are consistent with an information document as opposed to guiding the proper and orderly planning of the locality of the Shire. Portions of this Policy have been transferred to new Policy 2.3 Development Standards for Development Applications.

LPP 29 – Mundijong Planning Framework

This Policy was created prior to the preparation and adoption of the District and Local Structure Plans for the Mundijong area. As such, is now the mechanism used to guide development in this area.

LLP 35 – Interim Development Order

This Policy is out of date and does not align with the new *Planning and Development (Local Planning Scheme) Regulations 2015*. Additionally, existing Local Planning Policy 81 Minor Development Exemptions has superseded the requirement of this Policy.

LLP 44 – Cardup Business Park

This Policy is not required as the Cardup Business Park Structure Plan supersedes this document.

LPP 51 – Oakford Rural Economic Living

In recognition of the changes to the Shire's Rural Strategy as requested by the Western Australia Planning Commission, the strategic intent for the site is not appropriately reflected within this Policy and is no longer required.

LPP 57 – Housing Diversity

Provisions of this policy have been transferred to new Local Planning Policy 2.1 Structure Plans & Subdivision Guidelines.

LPP 68 – Sustainability Assessment

Provisions within this Policy are regulated through the National Construction Code as part of a development achieving the appropriate energy/sustainability requirements.

LPP 69 – Doley Road Precinct Planning Framework

This policy was created prior to the preparation and adoption of the Doley Road Precinct Local Structure Plan (DRPLS) which is given 'due regard' under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The DRPLS is now the mechanism used to guide development in this area.

LPP 43 - Hazards and Natural Disasters

Provisions within this Policy are reflected within relevant State Planning Policies.

In addition to the above, there are a number existing LPPs which have not been modified as they will be superseded and subsequently rescinded once the new suite of LPPs have been formally adopted; however, in the interim, Shire Officers advise that these LPPs are required to be operational to ensure the proper and orderly planning of the locality. These LPPs have been identified in OCM171.1/12/17.



Options and Implications

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

- Option 1: Council resolve to deem the proposed new LPPs satisfactory for community consultation and support the amendment and revocation of a number of existing LPPs as listed within OCM171.1/12/17;
- Option 2: Council resolve to deem the proposed new LPPs unsatisfactory for community consultation and refuse the proposed amendments and revocation of a number of existing LPPs as listed within OCM171.1/12/17.

Option 1 is the Shire Officer recommendation

Conclusion

The proposed changes (including new LPPs) to the Shire's suite of LPPs resulted from a recent internal local planning review, which was aimed to ensure that all LLPs reflected best practice to achieve proper and orderly planning in the locality.

Attachments

- [OCM171.1/12/17](#) – Schedule of Changes (IN17/25674)
- [OCM171.2/12/17](#) – Operational Local Planning Policies (IN17/25797)
- [OCM171.3/12/17](#) – Planning Frameworks (IN17/25798)
- [OCM171.4/12/17](#) – Design Guidelines (IN17/25799)
- [OCM171.5/12/17](#) – Land Use Policies (IN17/25800)
- [OCM171.6/12/17](#) – Rescinded Policies (IN17/26057)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications resulting from this report.

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)
New Policies	Unlikely (2)	Insignificant (1)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Manage by appointing additional Planning Officers to assist with assessments.



Revised Policies	Unlikely (2)	Insignificant (1)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Manage by appointing additional Planning Officers to assist with assessments....
Rescinded Policies	Rare (1)	Minor (2)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Accept Risk

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

OCM171/12/17 Officer Recommendation:

That Council

1. Adopt the new and significantly modified Local Planning Policies contained within OCM171.1/12/17 for the purpose of public consultation in accordance with Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Adopt the minor modifications to the existing Local Planning Policies contained within OCM171.1/12/17 in accordance with Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Rescind the following Local Planning Policies contained within OCM171.1/12/17 in accordance with Clause 6 (b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - i. LPP 18 - Final Subdivision Clearance – Form 2;
 - ii. LPP 21 - Management Plans;
 - iii. LPP 29 - Mundijong Planning Framework;
 - iv. LPP 35 – (Interim) Residential Development;
 - v. LPP 43 – Hazards and Natural Disasters;



- vi. LPP 44 – Cardup Business Park Planning Framework;
- vii. LPP51 – Oakford Rural Economic Living;
- viii. LPP 57 – Housing Diversity;
- ix. LPP 68 – Sustainability Assessment; and
- x. LPP 69 – Doley Road Precinct Planning Framework

OCM171/12/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr See, seconded Cr Piipponen

That Council

1. **Adopt the new and significantly modified Local Planning Policies contained within OCM171.1/12/17 for the purpose of public consultation in accordance with Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Adopt the minor modifications to the existing Local Planning Policies contained within OCM171.1/12/17 in accordance with Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
3. **Rescind the following Local Planning Policies contained within OCM171.1/12/17 in accordance with Clause 6 (b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - i. **LPP 18 - Final Subdivision Clearance – Form 2;**
 - ii. **LPP 21 - Management Plans;**
 - iii. **LPP 29 - Mundijong Planning Framework;**
 - iv. **LPP 35 – (Interim) Residential Development;**
 - v. **LPP 43 – Hazards and Natural Disasters;**
 - vi. **LPP 44 – Cardup Business Park Planning Framework;**
 - vii. **LPP 57 – Housing Diversity;**
 - viii. **LPP 68 – Sustainability Assessment; and**
 - ix. **LPP 69 – Doley Road Precinct Planning Framework**

CARRIED UNANIMOUSLY 9/0

Reason for Difference to Officer Recommendation

LPP51 was removed from the list of Policies to be rescinded, because it is of little consequence whether or not the Policy remains. Ultimately, the Western Australian Planning Commission is the decision maker and Council Policy simply informs Council's position on the Oakford Rural Economic Living concept.

**8.2 Infrastructure Services reports**

OCM172/12/17 – Climate Council’s City Power Partnership (SJ829)	
Author:	Julie McMinn – Switch your thinking Program Officer
Senior Officer/s:	Pascal Balley, Acting Director of Engineering
Date of Report:	29/11/2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This item is for Council to consider joining the Climate Council’s *City Power Partnership* (CPP). The CPP is a voluntary program for local governments to progress a clean energy and climate-safe future. Due to the work of *Switch your thinking* the Shire already fulfils the requirements for joining the CPP and could realise positive media opportunities and recognition by formally becoming involved.

Relevant Previous Decisions of Council

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

Background

Since 2002 Council have worked with the City of Gosnells and the City of Armadale on the award winning *Switch your thinking* program, collectively working towards the goal of reducing regional greenhouse gas emissions. There is now an opportunity to receive positive recognition for undertaking this work, and ease the journey of future projects, by joining the *Cities Power Partnership* (CPP).

The Climate Council launched the CPP in July 2017 to incentivise local governments to:

- Increase the uptake of renewable energy and energy efficiency,
- Improve transport; and
- Engage in advocacy.

Thirty Local Governments nationally, including the City of Swan, City of Canning and City of Fremantle signed up in the first round. Nominations are currently open for the second round, with the City of Gosnells and City of Armadale concurrently considering participation in Round Two.

Nomination involves three steps:

1. A letter from the President committing the Shire to the Program
2. A commitment to five energy efficiency actions of the Shire’s choosing (full list of available actions attached OCM172.1/12/17)
3. Reporting progress against the selected actions at six monthly intervals.

The *Switch your thinking* project staff propose that the Shire join the CPP.

Community / Stakeholder ConsultationCommunity consultation

Not applicable



Stakeholder consultation

The South East Regional Energy Group have discussed this matter and recommended that the Shire of Serpentine Jarrahdale, City of Armadale and City of Gosnells consider participation separately in each of their Councils with central coordination through *Switch your thinking*.

The Climate Council have advised that the South East Regional Energy Group cannot join as a consortium and must enter each Council separately.

Industry consultation

Officers in Western Australian Local Governments involved in the Cities Power Partnership were asked to provide their opinion. Feedback included that the program had generated positive media for the Council and the time investment was low. No advice suggested avoiding the program.

Statutory Environment

General assessment of relevant legislation (eg. Local Government Act) has not revealed any restrictions.

Comment

Rationale

The Australian Climate Council launched the Cities Power Partnership in mid-2017. The Climate Council stated their reasons for starting the program are:

“From booming urban centres to small rural townships, local governments and groups of determined residents have been energy and climate trailblazers in many ways. Towns and Cities can shape how land is used, investments are made and millions of dollars worth of renewable energy is rolled out. They can influence how new homes and businesses are built, determine the ways in which hundreds of thousands of residents will travel each day and band together to lobby for much needed state and federal policy change. Transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement (IEA 2016).”

There is still a lot of work to be done educating our community about the Shire’s positive work towards securing a clean energy future and addressing climate change. The Shire of Serpentine Jarrahdale Customer Satisfaction Survey 2016 reveals:

- Working towards renewable and alternative energy sources. Community Satisfaction 45%
- Preparation for the impacts of climate change. Community Satisfaction 42%.

Both benchmarks for energy efficiency are currently assessed by the community as below 50%, despite the Shire receiving recognition from industry bodies and other local governments. Based on this response it is clear that the Shire urgently needs to improve the community’s understanding of the work the Shire is already undertaking. The increased visibility and endorsement that comes through the *CPP* may go some ways to addressing this.

Benefits to the Shire

Should Council choose to participate in CPP the following benefits will be realised:

- Recognition and externally coordinated media releases highlight the Shire’s track record as a responsible corporate citizen,
- Establishes the Shire as a leader in sustainability and climate change action to funding bodies,
- Unlocks access to a national knowledge hub to assist with future projects,



- Invitations to events with domestic and international experts, community energy groups and local leaders,
- Exclusive access to small grants and renewable energy incentives as they become available,
- Increases credibility for the Shire of Serpentine Jarrahdale when seeking environmental grants and funding,
- Assists the *Switch your thinking* program when attracting new intellectual property councils,
- Positive media opportunities; and
- Builds relationships with other Local Governments.

Proposed involvement

The primary requirement of joining the program is that the Shire identifies five key actions to plan or implement in the next six months. Attachment OCMxxx.1/12/17 outlines the available actions.

Below is a list of actions that the Shire already undertakes, showing that minimal administrative work is all that is required for the Shire to engage in the CPP:

Action 1: Encourage local businesses and residents to invest in renewable energy.

SJ delivery: *Switch your thinking's* Rewards for Residents and Rewards for Business initiatives provide residents and local businesses with access to discounts on Photo Voltaic (PV) solar energy systems and battery storage for solar energy.

Action 2: Implement an education and behaviour change program to influence the behaviour of Council Officers, local residents and businesses within the municipality to drive the shift to renewable energy, energy efficiency and sustainable transport.

SJ delivery: The Shire of Serpentine Jarrahdale delivers the *Switch your thinking* program.

Action 3: Promote knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.

SJ delivery: *Switch your thinking* educates residents on solar energy storage and energy efficiency through workshops series and online content.

Action 4: Support local community energy groups with their community energy initiatives.

SJ delivery: *Switch your thinking* supports and builds capacity of SJ Food and Farm Alliance.

Action 5: Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, library, street lighting, recreation centres, sporting grounds and council offices.

SJ delivery: The Shire already has solar PV on a number of council buildings, including council offices.

Options and Implications

Option One: Endorse participation in the Australian Climate Council's Cities Power Partnership initiative and choose five priority actions which the Shire has already commenced work on.

Choosing this option allows the Shire to enter the Cities Power Partnership and enjoy the reputational benefits of being involved, without committing the Shire to additional work or new resources. The reputational benefits are expected to increase awareness in the community of the Shire's track record of proactively working to accelerate the uptake of renewable energy and climate change adaptation.

Switch your thinking has contacted the administrators of the program and confirmed that above identified actions the Shire is already undertaking can constitute the Shire's five action items. The City of Canning have also confirmed that they are following this approach.



If Option One is selected there is no financial cost for involvement and the only human resource requirement is officer time required to coordinate the Shire's involvement. The *Switch your thinking* team are available to undertake the estimated work for the Shire, and expect 4 hours p.a. will be required to coordinate the Shire's involvement in Option One.

This option has no financial or legal risk to the Shire and a low reputational risk, as selected actions are already undertaken.

To enact Option One a letter must be sent from the President to the Australian Climate Council outlining the five actions the Shire has chosen. A draft letter is attached at OCMxxx.2/12/17.

The *Switch your thinking* team will report the Shire's progress bi-annually.

Option Two: Endorse participation in the Australian Climate Council's Cities Power Partnership initiative and choose new and existing actions to work on within the next six months.

In undertaking Option Two the Shire will choose actions from the list provided at OCMxxx.1/12/17 which they plan, or wish, to undertake in future and start working towards these actions. These may include a dynamic mix of new actions and those that the Shire is currently undertaking.

If Option Two is selected there would be additional costs associated with creating and implementing new projects. There would also be additional human resource requirements undertaking new projects. The *Switch your thinking* team are aware of what actions are being undertaken within the Shire and regionally, and can advise of the financial and human resource implications of selecting other options.

If the Shire undertook key actions resulting in new projects there would be an additional reputational risk that they could not progress or complete the five key actions. As the Cities Power Partnership is voluntary, failure to complete actions would not result in legal action or obligation.

Program participation is considered to be a low risk to the Shire, as no financial losses would be incurred and there would not be widespread reputational losses.

Option Two has the benefit of acting as a vehicle to accelerate the uptake rate of energy efficiency projects by the Shire.

As per Option One, to enact this option a letter from the President confirming involvement and bi-annual reporting is required. If Option Two is selected the Shire has six months to identify which actions they will undertake.

Option Three: Do not enter the Australian Climate Council's Cities Power Partnership.

If the Shire chooses not to take action at this time future rounds of the CPP may become available. This does not preclude the Shire from continuing to support clean energy and a safe climate future through their existing or new programs.

If the Shire does not enter into the CPP it loses opportunities to receive recognition and exposure for its work addressing clean energy and climate change. In light of the customer satisfaction survey, if the Shire does not choose to participate in CPP they may wish to address this through another mechanism.



Conclusion

In light of the Shire's strong leadership and commitment to greenhouse emissions reduction and the benefits associated with participation, it is recommended that Council endorse joining the *Cities Power Partnership* initiative. Since the Shire is already undertaking a number of eligible clean energy and climate future projects it is recommended that the Shire choose to have these actions recognised, as outlined in Option One.

Attachments

- [OCM172.1/12/17](#) - CPP Action List (E17/11856)
- [OCM172.2/12/17](#) - Draft Letter of Participation CPP (E17/11855)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.2	Seek to minimise resource usage and continue to maximise reuse opportunities

In the Community Plan 2017-2027 the Shire also recognises "Climate change and subsequent response" as a strategic risk.

Financial Implications

Participation in the *Cities Power Partnership* is free.

Implementing the actions suggested by *Switch your thinking* incurs no financial costs for Council and thus has no financial implications. Should the Shire choose actions other than those recommended by *Switch your thinking* in this document there would be planning and implementation costs associated with the new project/s.

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)
Shire does not progress five priority actions identified	Rare (1)	Minor (2)	Low (1-4)	Service Interruption - 1 Insignificant - No material service interruption	Accept Risk
Shire decides to leave the CPP/ not progress actions and incurs reputational losses	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
Climate Council or Cities Power Partnership	Rare (1)	Minor (2)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key	Accept Risk



ceases to operate				stakeholder trust or low media item	
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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 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

OCM172/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Coales

That Council endorses participation in the Australian Climate Council's Cities Power Partnership initiative and implements the five priority actions as listed below:

- 1. Encourage local businesses and residents to invest in renewable energy.**
- 2. Implement an education and behaviour change program to influence the behaviour of Council**
- 3. Promote knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.**
- 4. Support local community energy groups with their community energy initiatives.**
- 5. Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, library, street lighting, recreation centres, sporting grounds and council offices.**

CARRIED UNANIMOUSLY 9/0



OCM173/12/17 - Road Dedication – Lots 8000 and 8006 Gordin Way/Abernethy Road, Byford	
Author:	Jan Augustin – Coordinator Projects and Assets
Senior Officer/s:	Pascal Balley – Acting Director Infrastructure Services
Date of Report:	6 December 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider boundary adjustment of Lots 800 and 8006 Gordin Way (Reserve R51240) at its north-western corner and amalgamation of the portion of the land incised into the Gordin Way Road Reserve. Reserve R51240 – Lots 8000 and 8006 Gordin Way is Crown Land dedicated for Recreation and Drainage and under the care and management of the Shire. The incision of portion of Reserve R51240 and amalgamation into the road reserve is to accommodate the upgrade of Abernethy Road and the undergrounding of overhead electrical services.

This report is presented to Council as officers do not have delegation to act on requests to dedicate land as public roads.



Layout Plan

Relevant Previous Decisions of Council

There is a history of Council decisions leading to the current point in time. These include decisions relating to a Town Planning Scheme amendment, the adoption of a district structure plan, the inclusion of the DCP in the Town Planning Scheme and the adoption of the 2016/17 and 2017/18 financial year budget.



In April, Council resolved to Award Tender RFT05/2017 to WBHO Infrastructure Pty Ltd for Separable Portions 1, 2 and 3. SCM001/04/17 – Award of Tender – Abernethy Road Upgrade Construction Project

Background

The Shire of Serpentine Jarrahdale commenced construction works for the Abernethy Road Upgrade at Byford in September this year. The works under the contract include the construction of an additional carriageway, modification of intersections, alteration and installation of underground services between Kardan Road and South Western Highway.

In reference to intersection modification works, there is currently a requirement for boundary adjustments of Lots 8000 and 8006 to accommodate the new road carriageway, footpath and electrical infrastructure within the Gordin Way/Abernethy Rd road reserve. Further, Western Power indicated that it will energise electrical infrastructure only if the electrical infrastructure is contained within a road reserve.

The Department of Planning and Land Heritage confirmed that the Shire of Serpentine Jarrahdale currently possesses a Management Order (refer M80696) over Reserve 51240 – Lots 8000 and 8006 for the purpose of “Public Recreation”. As Reserve R51240 (Lot 8006) was ceded to the state of Western Australia pursuant to Section 152 of the Town Planning and Development Act 2005 for the purpose of “Public Recreation”, the Shire will need to request to incise a portion of Reserve R51240 and dedication of the incised portion of land as a road under Section 56 – Land Administration Act 1997.

Due to administrative boundary changes, Reserve R51240 is now under the management of the Shire of Serpentine Jarrahdale. While the portion of land requiring dedication as a public road is Crown Land, the relevant local government (the Shire of Serpentine Jarrahdale) must request the dedication, in accordance with the *Land Administration Act 1997*.

Community / Stakeholder Consultation

There are no advertising requirements for road dedication under the *Land Administration Act 1997*.

Statutory Environment

Land Administration Act 1997

Section 56 of the *Land Administration Act 1997* governs the situation and process for land to be dedicated as a public road. Section 56 (1) provides that the local government may request the Minister to dedicate land as a road where the land owner applies to the local government, requesting it to do so.

Section 56 (2) requires the local government to prepare a request to the Minister in accordance with the regulations, should the local government resolve to make such request. If Council resolves to support the dedication a request will be prepared to the Minister in accordance with the regulations.

Where the Minister grants a request by the local government prepared under section 56 (2), section 56 (4) requires the local government to indemnify the Minister against any claims for compensation. If the Council resolves to support the dedication, the Shire will indemnify the Minister against any claims for compensation as part of the request for dedication.

Section 56 (6) stipulates that there are no compensation entitlements as a result of the dedication of land referred to in subsection (1)(b) or (c). As the dedication is pursuant to subsection (1)(b) there will be no entitlements to compensation for the land owner.

Comment

The proposal seeks Council’s support to request the Minister for Lands to dedicate parts of the Reserve R51240 as a public road. The Reserve is currently constructed, functioning as Crown Land - Reserve for



Recreation and Drainage but under the care and management of Shire of Serpentine Jarrahdale. The current dedication of the Reserve as Reserve for Recreation and Drainage is an issue for the management and maintenance of the road and for the location of the electrical infrastructure. Western Power who is the ultimate owner of the electrical infrastructure only accept assets in public road reserves. By incising portion of the reserve and dedicating the incised portion of land as a public road, the Shire will formally manage the incised portion as road reserve and the constructed electrical infrastructure will be accepted by Western Power as Western Power's asset. This will allow the Shire to ensure the electrical infrastructure is maintained and accessible by Western Power.

Options and Implications

Council has the following options when considering this application:

Option 1: Council may resolve to support the proposal and request the Minister of Lands to dedicate the portion of land incised from Reserve R51240 as a public road reserve.

Should Council resolve to support the proposal, the portion of land incised from Reserve R51240 will be dedicated as a road reserve and the constructed electrical infrastructure will be transferred in to Western Power's ownership and management. This option will allow the Shire to complete the road and electrical infrastructure works at the corner of Abernethy Road and Gordin Way.

Option 2: Council may resolve to refuse the application.

Should Council resolve to refuse the proposal to incise the portion of land from the north-western corner of Reserve R51240 and dedication thereof as a Road Reserve, Western Power will not accept the electrical infrastructure and the underground electrical works completed by the Shire as part of the Abernethy Road Upgrade. This will lead to unavailability of electrical power to Abernethy Road and all residential, commercial and educational developments along Abernethy Road - a serious reputational risk.

Option 1 is recommended. Dedication of the lot as a public road is vital to ensuring success of the Abernethy Road Upgrade project.

Conclusion

Council is requested to consider proposal to incise portion of Reserve R51240 – lot 8000 and 8006 Gordin, Byford and request the Minister of Lands to dedicate the incised portion as a road reserve to be amalgamated into the Abernethy Road Reserve. The purpose is to ensure to ensure new road carriageway, footpath and electrical infrastructure can be accommodated within the Gordin Way/Abernethy Rd road reserve. The purpose is also to ensure the electrical infrastructure and works are accepted by Western Power and that the new electrical works can be energised. Western Power does not accept or maintain infrastructure that does not reside within public road reserve. Officers recommend that Council support the proposal and request the Minister of Lands to dedicate the lot as a public road reserve.

Attachments

Nil



Alignment with our Strategic Community Plan

Indicate how this proposal aligns or is in conflict with the specific objectives outlined in the Strategic Community Plan, ie:

Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans.

Financial Implications

Dedicating the lot as a public road will require surveying of both lots and lodgement of the relevant paperwork with Landgate. The Shire is already maintaining the full length of Abernethy Road and Gordin Way. Quoting for this work has come in at \$5,000. This amount will be covered by the current budget of the Abernethy Road Upgrade project.

The Shire is already maintaining the full length of Abernethy Road and Gordin Way so ongoing maintenance costs will not change.

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

A risk 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 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM173/12/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Byas

That Council:

- 1. Requests as a matter of urgency, the Minister for Lands to dedicate a Portion of Reserve R51240 – Lot 8000, and 8006 Gordin Way, Byford as a Public Road Reserve in accordance with *section 56(1) of the Land Administration Act 1997*, as detailed in this report; and**
- 2. Indemnify the Minister for Lands against any claims for compensation as required under *section 54 (4) of the Land Administration Act 1997*.**

CARRIED UNANIMOUSLY 9/0



8.3 Corporate and Community reports

OCM174/12/17 - Adoption of Ordinary Council Meeting Dates for 2018 (SJ2332)	
Author:	Angelyn Liersch – Agendas and Minutes Officer
Senior Officer/s:	Kellie Bartley, Manager Corporate Services Peter Kocian, Acting Director Corporate and Community Services
Date of Report:	29 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires local public notice to be given of the dates, time and place of Ordinary Council Meetings (OCM) that are being held in the next 12 months. Special Council Meetings (SCM) can be held when necessary and local public notice of the date, time and place can be given at that time.

Relevant Previous Decisions of Council

OCM077/04/16 Adopted the format of one Ordinary Council Meeting per month, to be held on the fourth Monday of each month (unless that day is a public holiday,) then the meeting will be held on the following business day.)

OCM165/08/16 Adoption of Ordinary Council Meeting Schedule for 2017, fourth Monday of each month at 7pm.

Background

Shire of Serpentine Jarrahdale Ordinary Council Meetings have previously been held on the 4th Monday of each month commencing at 7pm. If a Public Holiday falls on the fourth Monday, the OCM is held on the Tuesday.

Community / Stakeholder Consultation

Committees Workshop	15 November 2017
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr See

Statutory Environment

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (a) the matters to be dealt with at ordinary or at special meetings of councils; and
 - (b) the functions of committees or types of committee; and
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and



- (c) the procedure to be followed at, and in respect of, council or committee meetings; and
- (d) methods of voting at council or committee meetings; and
- (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and
- (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
- (g) the giving of public notice of the date and agenda for council or committee meetings; and
- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.

Local Government (Administration) Regulations 1996

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

The *Local Government Act 1995* requires the giving of public notice of the date and agenda for Council and Committee meetings and Regulation 12(1) and (2) of the *Local Government (Administration) Regulations 1996* requires that at least once in every year the local government is to give local public notice of the dates, time and place of Ordinary Council Meetings and Committee Meetings that are open to the public.



Comment

It is proposed that Ordinary Council Meetings continue to be held on the 4th Monday of each month at 7pm for 2018. The community is familiar with this meeting schedule. A list of dates for 2018 is in attachment OCM174.1/12/17.

Officers are currently preparing a draft Council Policy, 1.2.3 – Policy Concept Forums (PCF), Questions and Answers Agenda (Q&A) Forums and Workshops (as attachment OCM174.2/12/17) which will be presented to Council for adoption as part of Policy Review.

Conclusion

It is recommended that from February 2018, Ordinary Council Meetings be held on the 4th Monday of the month, and if that day falls on a Public Holiday, the meeting be held on the next business day (eg the Tuesday).

Attachments

- [OCM174.1/12/17](#) – Draft Public Notice – 2018 Council Meeting Dates for Monday nights (E17/10712)
- [OCM174.2/12/17](#) – Draft Council Policy – Forums of Council – Policy Concept Forums (PCF), Agenda Questions and Answers (Q & A) and Workshop (E17/10745)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

There are no financial implications.

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 not accepts the Officer Recommendation	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no 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 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM174/12/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Coales, seconded Cr Byas

That Council adopts the Ordinary Council Meeting schedule of dates as listed in attachment OCM174.1/12/17 and in accordance with Regulation 12 of *the Local Government (Administration) Regulations 1996*, advertises the dates by local public notice.

CARRIED UNANIMOUSLY 9/0



OCM175/12/17 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	29 th November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

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 CG07 - Payments from Municipal and Trust Fund.

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Shire'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.

It is recommended that Council records the payments under delegated authority.

A detailed list of invoices for the period 1 November 2017 to 28 November 2017 is provided per attachment OCM175.1/12/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 October 2017 to 5 November 2017 as per attachment OCM175.2/12/17.

Attachments

- [OCM175.1/12/17](#) - Creditors List of Accounts 1 November 2017 to 28 November 2017. (E17/11859)
- [OCM175.2/12/17](#) – Purchasing Card Report 6 October 2017 to 5 November 2017. (E17/11862)



Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

All payments that have been made are in accordance with the Purchasing Policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		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.



Continued

Ordinary Council Meeting Minutes
Monday 18 December 2017

Voting Requirements: Simple Majority

OCM175/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council records the accounts as paid under delegated authority for November 2017, totalling \$2,202,586.95 as attached, covering:

- 1. EFT Vouchers EFT49005 to EFT49330 including Purchasing Card Payment totalling \$2,089,135.80.**
- 2. Municipal Cheque Vouchers CHQ45885 to CHQ45889 totalling \$1,061.65.**
- 3. Municipal Direct Debits DD45521.1 to DD45564.28 totalling \$112,389.50.**

CARRIED UNANIMOUSLY 9/0



OCM176/12/17 – Grant Agreement – Local Projects and Local Jobs Funding – Briggs Park Recreation Precinct Redevelopment Stage 1 (SJ1462-02)	
Author:	Peter Kocian, Acting Director Corporate and Community
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	29 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report seeks Council's acceptance of the Grant Agreement as presented, which will provide \$200,000 in funding towards the Stage 1 Redevelopment of the Briggs Park Recreation Precinct.

Relevant Previous Decisions of Council

OCM131/09/17 *Officer Recommendation:*

Moved Cr Ellis, seconded Cr Piipponen

That, with respect to Stage 1 of the Briggs Park Recreation Precinct Redevelopment, Council:

1. *Endorses the Community Sport and Recreation Facilities Fund application to the Department of Local Government, Sport and Cultural Industries for a funding request of \$1,295,481 (ex GST) from a total estimated project cost of \$3,948,000 (ex GST).*
2. *Ranks the project Priority One from One for funding through the Community Sport and Recreation Facilities Fund.*
3. *Reaffirms funding for this project as included in Long Term Financial Plan as follows:*

<i>Description</i>	<i>2018/19 Budget as per LTFP</i>
<i>Briggs Park Recreation Precinct Redevelopment Stage 1 Project Cost</i>	<i>(\$3,827,802)</i>
<i>Transfer from Briggs Park Reserve</i>	<i>\$66,557</i>
<i>Transfer from Community Facilities Reserve</i>	<i>\$288,684</i>
<i>Proceeds from New Loan Borrowings</i>	<i>\$2,652,561</i>
<i>Grant Funding - CSRFF</i>	<i>\$820,000</i>

CARRIED UNANIMOUSLY 8/0



Background

Council considered the Briggs Park Recreation Precinct Redevelopment at the Ordinary Council Meetings of April and September 2017. This project was confirmed as a priority for funding efforts, resulting in a business case and funding application submitted to the Department of Sport and Recreation for \$1,295,481 (ex GST) in funding.

Council also adopted the Community Infrastructure Implementation Plan at the August 2017 Ordinary Council Meeting, which also confirmed the Briggs Park Redevelopment project as the highest priority project, with indicative timing for delivery in the 2018/19 financial year.

Community / Stakeholder Consultation

Council and the community have considered this project extensively in past years. It features in a number of planning documents including the Community Facilities and Services Plan, Briggs Park Recreation Precinct Master Plan 2014 and the Community Infrastructure and Public Open Space Strategy 2016-2026. Each of these documents was underpinned by community consultation.

Statutory Environment

The payment of grant funds will be made upon execution of the grant agreement. As such, funds will be received in the 2017/18 financial year and a budget variation will be required pursuant to Section 6.8 of the *Local Government Act 1995* to restrict these funds in the Briggs Park Reserve account, until such time that all funding sources for this project have been confirmed and approved in the Shire's Budget.

Comment

As part of the ALP Election Campaign earlier this year, there was a commitment made to local projects and local jobs funding, including a \$200,000 election pledge towards a 'Youth Zone' at Briggs Park.

As discussed in the Briggs Park Recreation Precinct Master Plan, the development of the youth precinct is the very last stage of the Briggs Park redevelopment as it involves the re-purposing of the existing pavilion once a new facility has been constructed. As such, it is not practical to allocate these funds for this purpose, and instead a request was made to reallocate these funds to the impending Stage 1 Redevelopment. This would also have the impact on reducing the Shire's municipal contribution to this project by \$200,000.

Schedule 1 of the grant agreement details the description of the projects as 'Stage 1 of Briggs Park Master Plan – drainage and lighting'. This is consistent with the scope of works that was endorsed by Council at the September Ordinary Council Meeting.

Attachments

- [OCM176.1/12/17](#) – Grant Agreement – Local Projects and Local Jobs Funding - Briggs Park Recreation Precinct Redevelopment Stage 1 (E17/11843)
- [OCM176.2/12/17](#) – Briggs Park Recreation Precinct Master Plan (IN14/17497)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.2	Provide a healthy community environment



Financial Implications

The draft Long Term Financial Plan includes the following funding allocations for Stage 1 of the Briggs Park Recreation Precinct Redevelopment:

Description	2018/19 Budget as per LTFP
Briggs Park Recreation Precinct Redevelopment Stage 1 Project Cost	(\$3,827,802)
Transfer from Briggs Park Reserve	\$66,557
Transfer from Community Facilities Reserve	\$288,684
Proceeds from New Loan Borrowings	\$2,652,561
Grant Funding - CSRFF	\$820,000

The revised project cost is \$3,948,000 (ex GST) indicatively funded as follows:

- | | |
|--|-------------|
| • Grant Funding CSRFF | \$1,295,481 |
| • Transfer from Briggs Park Reserve | \$66,557 |
| • Transfer from Community Facilities Reserve | \$288,684 |
| • Local Projects and Local Jobs Funding | \$200,000 |
| • Proceeds from new Loan Borrowings | \$2,097,278 |

The amount of loan funding has therefore reduced by \$555,283 compared to the draft 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)
The project does not proceed due to a lack of funding, leading to a loss of serviceability of public open space	Possible (3)	Major (4)	High (10-16)	Service Interruption - 4 Major - Prolonged interruption of critical core service deliverables – additional resources; performance affected	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 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Absolute Majority

OCM176/12/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Denholm

That, with respect to Stage 1 of the Briggs Park Recreation Precinct Redevelopment, Council:

- 1. Accepts the Grant Agreement – Local Projects and Local Jobs Funding – Stage 1 of Briggs Park Master Plan;**
- 2. Pursuant to Section 6.8 of the *Local Government Act 1995*, approves the transfer of \$200,000 in grant funds once received to the Briggs Park Reserve, to be applied to Stage 1 of the Briggs Park Recreation Precinct Redevelopment once all funding sources have been confirmed in the Shire's Budget.**

CARRIED BY ABSOLUTE MAJORITY 9/0



OCM177/12/17 – Monthly Financial Report – November 2017 (SJ801)	
Author:	Megan Hodgson – Strategic Financial Planner
Senior Officer/s:	Les Mainwaring – Manager Finance
Date of Report:	30 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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 2017.

Relevant Previous Decisions of Council

The original budget for 2017/18 was adopted on 24 July 2017 at an Ordinary Council Meeting (OCM090/07/17). 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 2017/18 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 by Statutory Program and 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

No community consultation was undertaken / required.

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 our month end position as at the end of November. The municipal surplus for the month ending 30 November 2017 is \$15,679,433, compared to a budgeted surplus for the same period of \$16,319,210. This variance is attributable to the advanced progress being made on the Abernethy Road project.

Description	YTD Budget	30 November 2017 Actual	Variance (Favourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	-	(175,136)	175,136
Changes to net transfers to and from Restricted Cash	-	(173)	173
Loan Principal Drawdown (New loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(2,983,028)	(4,862,294)	1,879,266
Capital revenue (cash items)	833,700	506,945	326,755
Operating revenue (cash items)	28,446,073	28,512,665	(66,592)
Operating expenditure (cash items)	(13,083,070)	(11,408,108)	(1,674,961)
	16,319,210	15,679,433	639,777

A more detailed explanation of these variances can be found in the attached report. The main variances contributing to the current decreased surplus position are timing issues relating to expenditure.

Attachments

- [OCM177.1/12/17](#) – Monthly Financial Report November 2017 (E17/11872)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.



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

A risk 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

OCM177/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council receives the Monthly Financial Report for November 2017, 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 OCM177.1/12/17.

CARRIED UNANIMOUSLY 9/0



OCM178/12/17 – Delivery Plans Community Infrastructure Projects – Byford Skate Park Stage 1B	
Author:	Peter Kocian, Acting Director Corporate and Community Services
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	29 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

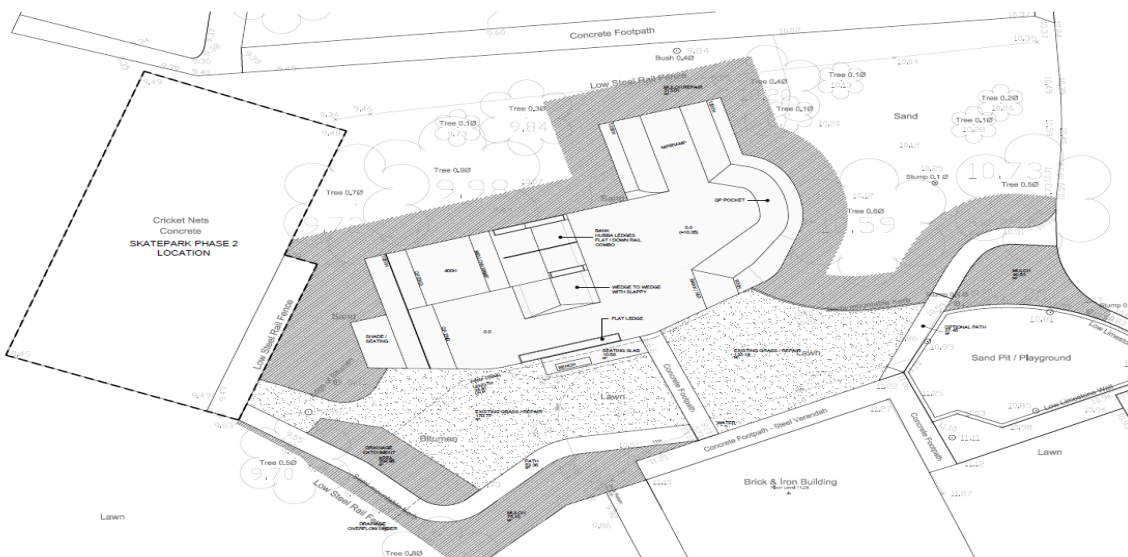
This report seeks Councils endorsement of the following Delivery Plans with a view of handing these projects over to the Infrastructure Services Team for delivery:

- Byford Skate Park Stage 1B

Relevant Previous Decisions of Council

OCM008/02/17 – Council endorsed the Business Case and Budget for the Byford Skate Park Project (Stage 1) to enable the procurement process to commence. The below concept was presented to Council.

OCM061/05/17 – Council awarded the tender for the construction of the Byford Skate Park to Carving Concrete Construction Pty Ltd for the value of \$315,043 (ex GST). The contract excluded the landscaping and lighting works, with these components part-funded through a Royalties for Regions grant.



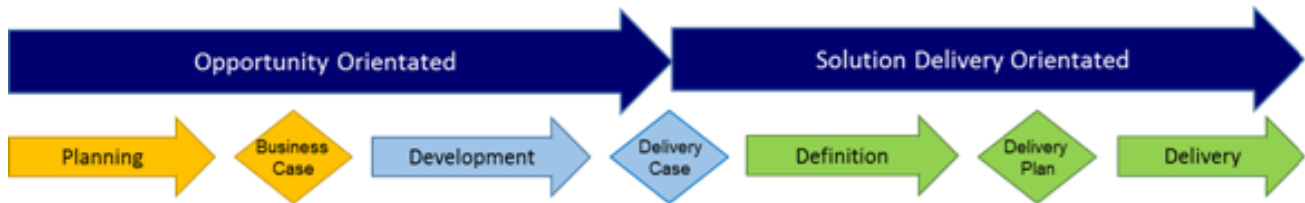
Background

The Shire engaged LogiKal Projects in November 2016 to undertake a review of project management practices and to identify critical blockers to the effective management and delivery of projects. As part of the review, the focus was on staff roles and responsibilities, current processes and the consistent



application of tools and templates. Stronger project governance was a key deliverable to improve the project 'gate' process to ensure projects are commenced and approved in a controlled measure.

A number of project templates have now been developed, as per the framework below, to ensure that ownership of projects is retained until the point of handover to the Infrastructure Services Team for delivery.



The sequence for project development is the Business Case, then Delivery Case and finally the Delivery Plan. The Delivery Case is to achieve a P70 (70% confidence) with regards to project scope/design, to be further refined into a Delivery Plan to achieve P90 (90% confidence). A Delivery Plan will usually be supported by technical specifications and drawings, as well as a formal cost estimate.

Delivery Plans will be presented to Council for all new Community Infrastructure Projects to demonstrate that project scope and budget have been fully considered. This will ensure that project scope is not compromised due to the unavailability of funds.

Community / Stakeholder Consultation

Byford Youth Space Consultation and Design Report.

Statutory Environment

Pursuant to section 6.8 of the *Local Government Act 1995*, a Local Government is not to incur expenditure from the municipal fund unless it is *generally* authorised in advance by absolute majority resolution of Council. A budget variation will be required to enable the delivery of the remaining works.

Comment

The following Delivery Plan is presented for Council approval:

- Byford Skate Park Stage 1B

Stage 1A of the Byford Skate Park project has been completed. The Shire has received \$50,000 from the Peel Development Commission towards the completion of Stage 1B which includes security lighting, street furniture (bench, access seating, and water fountain) and a stage shelter. Following a site inspection (which included a meeting with cricket club representatives), additional works have been identified such as:

- A retaining wall to protect the structural integrity of the skate bowl.
- Additional landscaping to improve the amenity of the site.
- Extension of perimeter fencing around Briggs Park to prevent intrusion of unauthorised vehicles.
- Additional electrical works which includes a conduit to the cricket nets to power the bowling machine (currently powered by a generator).

The additional works require an additional budget of circa \$68,000. This will however ensure that the project is closed out in full, and that the Shire is not compromising project deliverables due to funding constraints.



The Shire has received an approved extension from the Peel Development Commission, with Stage 1B to be completed by 31 March 2018 and acquitted by 30 June 2018.

Attachments

- [OCM178.1/12/17](#) – Delivery Plan - Skate Park Stage 1B (E17/12026)

Alignment with our Strategic Community Plan

The upgrade of community facilities is aligned to the following key themes in the Strategic Community Plan:

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.

Financial Implications

Implications on the 2017/18 Budget are as follows:

Description	General Ledger Account/Job Number	Adopted 2017/18 Budget (A)	Year to Date Actual	2017/18 Forecast (B)	Budget Variation Required (B-A)
Briggs Park Skate Park Maintenance	BSK625	(\$12,206)	(\$108)	(\$2,206)	\$10,000
Briggs Park Skate Park Construction	BYP900	(\$346,635)	(\$315,168)	(\$424,635)	(\$78,000)
Grant Revenue	OSR404	\$50,000	\$50,000	\$50,000	\$0
					(\$68,000)

An additional \$68,000 in municipal funding will be required to complete the full scope as presented in the Delivery Plan.

Risk Implications

Risk has been assessed based on the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not support the Delivery Plans resulting in an impact on the serviceability of community facilities.	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**OCM178/12/17 COUNCIL DECISION / Officer Recommendation**

Moved Cr Coales, seconded Cr McConkey

That Council:

- Endorses the Delivery Plan and supporting documentation for the following community infrastructure projects, to allow handover to the Infrastructure Services Team for delivery:
 - Byford Skate Park Stage 1B – attachment OCM178.1/12/17
- Pursuant to section 6.8 of the *Local Government Act 1995* authorises the following variations to the 2017/18 Budget, resulting in an unfavourable change in net current assets of (\$68,000) as at 30 June 2018:

Description	General Ledger Account/Job Number	Adopted 2017/18 Budget (A)	Year to Date Actual	2017/18 Forecast (B)	Budget Variation Required (B-A)
Briggs Park Skate Park Maintenance	BSK625	(\$12,206)	(\$108)	(\$2,206)	\$10,000
Briggs Park Skate Park Construction	BYP900	(\$346,635)	(\$315,168)	(\$424,635)	(\$78,000)
Grant Revenue	OSR404	\$50,000	\$50,000	\$50,000	\$0
					(\$68,000)

CARRIED BY ABSOLUTE MAJORITY 9/0



OCM179/12/17 – Review of Council Policies 2017 (SJ526)	
Author:	Kellie Bartley, Manager Corporate Services
Senior Officer/s:	Peter Kocian, Acting Director Corporate & Community Kenn Donohoe, Chief Executive Officer
Date of Report:	21 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report presents the outcomes of the Council Policy Review. A Policy Manual is being presented to Council for consideration which includes amendments to existing Policies as well as a number of proposed new Policies. It is also recommended that a number of Policies be revoked and endorsed as Business Operating Policies (BOP) due to their administrative nature.

Relevant Previous Decisions of Council

OCM187/09/15 – Review of Council Policies (29 September 2015).
ARG005/07/17 – Report and findings from the Department of Local Government and Communities on alleged breaches (28 August 2017).

Background

Council reviewed its Council Policies in September 2015. Historically the Policy review has been synchronized with the review of the Delegation Register, as Policies are required to provide guidance to staff when exercising a decision under delegation.

There is no formal requirement for Council to review the Policy Manual, however it is one of the principal roles of Council under Section 2.7 of the *Local Government Act 1995* which is to determine the Policies of the Local Government and as such they should be regularly reviewed by Council.

Regular review of the Shire's Policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which could be made.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	4 December 2017
Councillors in Attendance	Cr Coales, Cr Byas, Cr Denholm, Cr Atwell, Cr Rich, Cr McConkey

Policy Workshop

Meeting Date	5 December 2017
Councillors in Attendance	Cr Coales, Cr Byas, Cr Atwell, Cr Rich, Cr See, Cr McConkey

The Policy Manual has been reviewed internally and a workshop was conducted with Councillors as per the above tables. The Executive Management Group (EMG) completed a workshop and identified the relevant BOPs to be transferred from Council Policies.

Statutory Environment

Section 2.7.(2) (b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government's Polices.

Section 2.7 (2) (b) of the *Local Government Act 1995* requires that Council determines obligations in the areas of policy development for the Shire.

2.7 Role of Council

- (1) *The council –*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *without limiting subsection (1), the council is to –*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's Polices.*

Section 5.41 (c) of the *Local Government Act 1995* prescribes that a function of the CEO is to cause Council's decisions to be implemented and this includes giving effect to Council Policies.

Comment

Guided by the principles of good governance, Council Policies are required to support the delivery of the Shire's strategic goals, assist in fulfilling statutory requirements and provide guidance to staff when exercising delegations.

Council Policy

The Policy review has involved the following process;

- Policy Revocation – the Policy is deemed to no longer be applicable. In some instances, the existing Policy has been determined to be an administrative procedure and these Policies have been converted into a Business Operating Policy (BOP).
- Requiring minor amendments – changes to language, style, formatting, etc. that do not impact on the objectives of the policy.
- Requiring major amendments – changes that significantly alter the Council's position on an issue or change the strategic intent/objectives of the Policy.

Business Operating Policies (BOPs)

Business Operating Policies (BOPs) focus on operational and functional activity and decision making relative to the administrative responsibilities and statutory duties of the CEO in managing the day to day operations of the Local Government in pursuant to section 5.41(d) the *Local Government Act 1995*.



BOP's are determined at the discretion of the CEO and EMG and are supported by procedures and processes.

The process undertaken in reviewing Council Policies was divided into the following categories:

Revised Policies recommended for adoption

Most of the changes to Council Policies have been minor in nature including updating references to the Strategic Community Plan and the Corporate Business Plan. The balance of the changes related to amending details such as formatting, grammatical changes, and references to state legislation or guidelines.

These changes are outlined in attachments OCM179.1/12/17 and OCM179.2/12/17.

New Policies recommended for adoption

The review identified some Policies that the Shire did not have in place. These new Policies are recommended to provide Council direction on;

- Habitual or Vexations Complainants
- Forums of Council – Policy Concept Forums, Questions & Answer Agenda Forums and Workshop
- Refreshment and Alcohol Policy
- Complaint Resolution
- Social Media
- Significant Accounting Policies
- Borrowings
- Cash Reserves
- Customer Service
- Waiving and Refunding of Fees
- Street Trees
- Panel of Prequalified Suppliers

The draft New Council Policies are outlined in attachments OCM179.3/12/17 and OCM179.4/12/17.

Outdated or redundant Policies recommended for revocation

The review identified a number of Policies that were outdated or superseded by various documents such as our Town Planning Scheme, state government guidelines or changes to legislation.

The list of Council Policies to be revoked are outlined in attachments OCM179.5/12/17 and OCM179.6/12/17.

Policies recommended for revocation transferred to BOPs

There are 24 Council Policies identified by the CEO and EMG that have been determined to be administrative in nature and have been recommended for revocation and transferred to Business Operating Policies. These BOPs will now become Administration Policies and are submitted to Council for endorsement. The CEO will administer these new BOPs to maintain the guidelines and requirements as required under section 5.41 (d) of the *Local Government Act 1995*.

The Council Policies identified for revocation and endorsement as BOPs are in attachments OCM179.7/12/17 and OCM179.8/12/17.



Department of Local Government Investigation

On 23 December 2016, representatives from the Department of Local Government and Communities (the Department) met with the then Acting Chief Executive Officer (CEO) and Shire Officers. Two letters were hand delivered requesting information as a result of complaints received by the Department.

The first request for information related to alleged unauthorised corporate credit card expenditure during 2013, 2014 and 2015 and included some 150 transactions. The second request for information related to 7 allegations that a number of breaches had occurred.

Of the 7 allegations, 3 of these identified that the following Council Policies need to be reviewed and highlighted recommendations to these Policies.

- Allegation 1 – Council Policy – G917 – Corporate Purchasing Cards

The Policy has been updated and includes only 1 (one) Corporate Purchasing Card for the organisation for the purpose of Shire business transactions only. The reporting requirements have been tightened to ensure the consistency, openness and transparency of all transactions.

- Allegation 6 – Council Policy – G807 – Legal Representation and Cost Indemnification

The Department made recommendations to Policy G807 to ensure that Council, the Shire and their legal representatives are of the same opinion with similar matters going forward. Officers have made the recommended changes as requested and in accordance with the Department of Local Governments Guideline 14 – Legal Representation to Elected Members and Employees.

- Allegation 7 – Council Policy – G003 – Councillor Entitlements

The Department findings identified that training undertaken had exceeded the Shire's per Councillor budget allocation. The Department recommended changes to provide consistent and clear guidelines for Councillors, the Council and the CEO going forward. Proposed clause 4.3 has been added to the Policy to include the following:

Clause 4.3

Any interstate or intrastate (outside the Metropolitan Perth) training/conference shall be authorised by Council either as part of the budget process or as a separate item to Council.

These amendments are detailed in attachment OCM179.2/12/17. Once the Policies have been reviewed and amended, a report back to the Department is required in order for them to finalise their investigation. Should the Department of Local Government not accept the changes adopted, they may require further consideration by Council.

Review of Policies going forward

It is intended to present a number of new Policies to Council over the next 12 months with a view of 1 to 2 new Policies per Council meeting. A full review of the Policy Manual will occur every 2 years to coincide with the Council Election cycle.

There will be an opportunity for Councillors to nominate new Policies during informal workshops with the administration or alternatively through Motions on Notice should urgent consideration be required.



Conclusion

All relevant track changes are contained within attachment OCM179.9/12/17.

Attachments

- [OCM179.1/12/17](#) – Revised Policies recommended for adoption (E17/12128)
- [OCM179.2/12/17](#) – Worksheet - Revised Council Policies (E17/12138)
- [OCM179.3/12/17](#) – New Policies recommended for adoption (E17/12136)
- [OCM179.4/12/17](#) – Worksheet – New Draft Policies (E17/12139)
- [OCM179.5/12/17](#) – Policies recommended for revocation (E17/12134)
- [OCM179.6/12/17](#) – Worksheet - Revoked Council Policies (E17/12140)
- [OCM179.7/12/17](#) – Polices recommended for revocation transferred to BOPs (E17/12111)
- [OCM179.8/12/17](#) – Worksheet - Council Policies identified as Business Operating Policy (E17/12141)
- [OCM179.9/12/17](#) – Current Council Policy with track changes (E17/12175)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community.
Outcome 4.2	A strategically focused Council.
Strategy 4.2.3	Provide clear strategic direction to the administration.

Financial Implications

There are no direct financial implications.

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 not determine appropriate Policies for the Local Government which may adversely impact the planning and decision making framework.	Unlikely (2)	Major (4)	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 8 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**OCM179/12/17 COUNCIL DECISION / Officer Recommendation**

Moved Cr See, seconded Cr Atwell

That Council:

- 1. Adopts the revised Policies as contained in attachment OCM179.1/12/17 effective from 18 December 2017.**
- 2. Adopts the new Policies as contained in attachment OCM179.3/12/17 effective 18 December 2017.**
- 3. Revokes the Policies as contained in attachment OCM179.5/12/17 effective 18 December 2017.**
- 4. Revokes Council Policies identified as Business Operating Policies as contained in attachment OCM179.7/12/17 and endorses them as Business Operating Policies effective 18 December 2017.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Administration Note:

Council Policy 1.1.15 Councillor Fees and Entitlements – Number 3.1.8 was amended to refer to Part 3.1.1 instead of 4.2.

**8.4 Audit, Risk and Governance Committee reports**

OCM180/12/17 / ARG010/12/17 – Annual Financial Statements and Audit Report 2016-2017 (SJ800)	
Author:	Les Mainwaring – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	20 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report presents the audited Annual Financial Statements and Audit Management Report for the period 2016/2017. The Shire's Auditor, Moore Stephens, has provided the Audit Report and Management Report for the financial year ended 30 June 2017.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

Pursuant to Sections 6.4, 7.2, 7.3 and 7.9 of the *Local Government Act 1995*, Local Governments are required each year to have the accounts and annual financial report of the Shire audited by an auditor appointed by the local government.

Community / Stakeholder Consultation

Nil

Statutory Environment

Section 6.4 of the *Local Government Act 1995* states that, "*the local government is to prepare an annual financial report for the preceding financial year, and submit to its auditor by 30 September following each financial year, including the accounts of the local government balanced up to the last day of the preceding financial year.*"

Section 7.2 of the *Local Government Act 1995* states that, "*the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.*"

Section 7.3 of the *Local Government Act 1995* states, "*A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the Audit Committee, to be its auditor.*"

Section 7.9 (1) of the *Local Government Act 1995* states, "*An auditor is required to examine the accounts and annual financial report submitted for audit and, by 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to:*"

- a) *The Mayor or President;*
- b) *The Chief Executive Officer of the local government; and*
- c) *The Minister.*"

Comment



Audit Report

The Audit Report highlighted non-compliance with regulatory requirements. The Annual Financial Report for the year ended 30 June 2016 was not sent to the Department of Local Government and Communities (the Department) within 30 days of receiving the audit report as required by Local Government (Financial Management) Regulation 51(2).

The report was sent after 35 days due to an administrative oversight. Improvement has occurred in this current year whereby the Annual Financial Report was forwarded to the Department within one (1) day of receiving the audit report.

Audit Management Report

In their Management Report for the financial year ended 30 June 2017, Moore Stephens would like to bring to Council's attention to the following matters relating to ratios.

Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends. Whilst not conclusive in themselves, understanding ratios, their trends and how they interact is beneficial for the allocation of scarce resources and planning for the future.

Asset Sustainability Ratio

The Asset Sustainability Ratio (ASR) expresses capital expenditure on renewal and replacement of existing assets as a percentage of depreciation costs. This ratio is used to identify any potential decline or improvement in asset conditions. A percentage of less than 100% on an ongoing basis indicates assets may be deteriorating at a greater rate than spending on renewal or replacement. This ratio is below target levels and is trending downwards.

The 2017 ratio (0.64) shows a decrease from the 2016 ratio (0.71). This suggests Council is currently replacing or renewing its existing assets at a lower rate than they are wearing out. The reason for the deterioration in this ratio is a combination of the increase in depreciation expense and capital renewal and replacement expenditure being under budget during the year ended 30 June 2017.

Interpretation of this ratio should be considered together with the Asset Consumption Ratio (ACR) (above target at 0.96) and the Asset Renewal Funding ratio (ARF) (below target at 0.67).

The downward trend should prompt a review of the depreciation calculations along with reviewing the Shire's long term capital investment program to help ensure asset renewal is maintained at an appropriate level with sufficient funding support in the future.

Operating Surplus Ratio

The adjusted Operating Surplus Ratio represents the percentage by which the operating surplus (or deficit) differs from the Shire's own source revenue which includes rates and operating grants.

This ratio has declined in the current year and is trending marginally downwards over the last five years. Whilst it is below the target level, it appears to be better than the 5 year Regional and State averages which have deteriorated on previous years.

In order to progress towards a positive ratio, both Council and Management will need to consider ways to improve the operating surplus position either via increasing revenue or by decreasing expenditure (or a combination of both). Once again, this will be dependent upon the Council and Managements understanding of the Shire's circumstances and the interaction operating surplus has on other ratios and operations in general.

Asset Renewal Funding Ratio

The Asset Renewal Funding ratio indicates whether the Shire's planned capital renewal expenditure over the next 10 years as per its Long Term Financial Plan (LTFP) is sufficient to meet the required capital



renewal expenditure over the next 10 years as per its Asset Management Plans (AMPs).

Whilst this ratio is below the target level and both Regional and State 5 year averages, it is trending upwards over the longer term.

Interpretation of this ratio should be considered together with the Asset Sustainability Ratio (ASR) (below target at 0.64) and the Asset Consumption Ratio (ACR) (above target at 0.96).

Council should identify the reasons why its Asset Management Plans require more renewal expenditure than is provided for in its Long Term Financial Plan. Council should also consider a review of the Shire's long term capital investment program to help ensure asset renewal is maintained at an appropriate level with sufficient funding support in the future.

Summary

Whilst some ratios are below the accepted industry benchmark, given the strength of the other ratios and the Shire's balance sheet, lower ratios may be expected and accepted in the short term, provided other measures/strategies are maximised.

Notwithstanding this, three of the ratios do appear to be trending downwards over the longer term and this should be considered moving forward. In particular, some attention should be paid to the asset ratios to determine if changes are required or if the ratios are reflective of the current short to medium term asset management approach of the Shire (based on condition assessments).

Officer Comment

Fair value assessment has resulted in a valuation increment of \$185m since 2013. This has resulted in an increase in depreciation expense of \$2.94m or 211% which is the main explanation for the deterioration in ratios.

It is now incumbent on the quality of preparation of Long Term Financial Plan (LTFP) funding information to develop improving trends in the areas of asset management within the forward financial capacity of the Shire. The Long Term Financial Plan and Asset Management Plan are to be continually improved as an essential priority of the Shire each and every year. Ratios will continue to be monitored as part of the overall financial management of the Shire to ensure the Shire's scarce resources are managed effectively.

The adverse trends in the Asset Sustainability Ratio and the Asset Renewal Funding ratio are consistent with the funding gaps identified in the existing asset management plans. This indicates that the Shire will need to allocate an increasing proportion of revenue to the asset renewal functions in the LTFP and future budgets.

The 2017/18 Budget sets a target Asset Renewal Funding ratio of 80% compared to a ratio of 67% for the 2016/17 financial year. The draft Long Term Financial Plan sees this ratio decrease to 60% in 2018/19 and steadily increasing back to 80% by 2026/27.

The Shire has a small range of options to increase growth in revenue through rates or fees and charges, otherwise net revenue can also be released by improving efficiency and effectiveness. These matters should be a continuing focus of the revised Strategic Community Plan and Long Term Financial Plan to mitigate future financial shocks or failure to meet the level of service that the community expects.

The summary table below provided by Moore Stephens indicates that there is a mix of trends over 5 years, some trending downwards, but a relative strength in other ratios, however the trend is the important interpretive aspect rather than the one off result at a particular point in time. That said, the enduring



message given our mix of ratios is to focus our attentions on condition assessments to determine if the asset ratios are reflective of our current short/medium term asset management approach.

Moore Stephens also advised that three of the ratios in the below table were distorted by an item of significant revenue relating to the early payment of 2017/18 Financial Assistance Grants (FAGs) totalling \$1,334,613 received before 30 June 2017. The early payment of the grant increased operating revenue in 2017, therefore is considered "one-off" in nature and was adjusted when calculating the ratios in the below table (as shown by "**") as were relevant comparative year ratios (which had been affected by similar "one-off" items).

	Target Ratio ¹	Actual 2017	Council's Adjusted Ratios					Council's 5 Year Trend ²	5 Year Average ³	
			2017	2016	2015	2014	2013		Regional	State
Current Ratio	≥ 1	1.73	1.41*	1.55	1.46	1.39	1.21	□	1.12	2.22
Asset Sustainability Ratio	≥ 1.1	0.64	0.64	0.71	0.84	1.22	0.69	□	0.87	1.18
Debt Service Cover Ratio	≥ 10	12.25	9.43*	11.50*	4.89	0.63	2.56	□	4.27	12.41
Operating Surplus Ratio	≥ 0.15	0.00	(0.04)*	(0.01)*	0.04*	(0.05)	0.01	□	(0.12)	(0.11)
Own Source Revenue Coverage Ratio	≥ 0.9	0.86	0.86	0.87	0.90	0.86	0.86	□	0.76	0.67
Asset Consumption Ratio	≥ 0.75	0.96	0.96	0.98	0.74	0.78	0.71	□	0.71	0.73
Asset Renewal Funding Ratio	≥ 1.05	0.67	0.67	0.56	0.44	0.62	0.60	□	0.97	0.94

Financial Performance

The financial performance of the Shire continues to improve from previous years. Below is a table of the 2016/2017 and previous financial years for comparisons. As detailed below, the operating expenditure is keeping pace with operating revenue. The future trend should be looking to grow operating revenue in excess of operating expenditure growth, which will result in more funding to be dedicated to asset renewal purposes. This position is generally confirmed by the interpretation of the key ratios.

This performance will need to continue to improve to enable the Shire to meet the asset management requirements for a rapidly growing community.

	2016/2017	2015/2016	2014/2015	2013/2014	2012/2013	2011/2012
Rates Raised	20,383,470	18,407,251	16,389,803	14,492,919	12,976,751	11,527,614
Operating Expenditure	32,374,491	29,618,264	26,072,294	24,352,565	22,460,557	21,524,499
Operating Revenue	32,547,447	28,221,053	28,381,374	23,490,214	23,529,257	21,498,379
Non-Operating Revenue	4,839,778	6,854,731	9,355,608	5,192,179	3,967,341	4,893,664
Actual Net Result	4,940,857	5,411,170	11,553,109	4,102,201	5,036,041	4,867,544
Capital Expenditure	5,155,581	11,385,576	8,081,375	6,433,078	9,119,851	5,098,768
Loan Borrowing Balance	1,363,958	1,750,681	2,116,790	2,796,675	5,787,337	4,486,292



	2016/2017	2015/2016	2014/2015	2013/2014	2012/2013	2011/2012
Reserve Balance	19,354,297	6,103,511	5,860,863	4,841,087	2,617,973	2,101,206
Unrestricted Cash	5,165,307	3,947,481	3,797,859	2,989,651	3,010,059	2,841,460

Delegations Register

The annual review of the delegations register was not carried out by 30 June 2017 as required by section 5.46(2) of the Local Government Act.

Officer Comment

Due to the organisational restructure, the annual review of delegations was delayed and will be presented to Council at the Ordinary Council Meeting on 18 December 2017.

Options and Implications

Nil

Conclusion

The attached Annual Financial Report and Audit Report was presented to the Audit, Risk and Governance Committee for recommendation to Council for adoption and acceptance.

Attachments

- [OCM180.1/12/17 / ARG010.1/12/17](#) - Annual Financial Report – 30 June 2017 (E17/10742)
- [OCM180.2/12/17 / ARG010.2/12/17](#) - Audit Management Report – 30 June 2017 (IN17/23355)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Budget provision has been included in the 2017/2018 budget to accommodate the expenses associated with carrying out the external audit.

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 not adopt the Annual Financial Report	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory	Accept Officer Recommendation



				requirements imposed	
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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 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

OCM180/12/17 / ARG010/12/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:

Moved Cr See, seconded Cr Coales

That Council:

- 1. Receives the 2016/2017 Annual Financial Report including Independent Audit Report from Moore Stephens as per attachment OCM180.1/12/17 /ARG010/12/17.**
- 2. Receives the Moore Stephens Audit Management Report as per attachment OCM180.2/12/17 / ARG010.2/12/17.**

CARRIED BY ABSOLUTE MAJORITY 9/0



OCM181/12/17 / ARG011/12/17 – Significant Accounting Policies (SJ526)	
Author:	Les Mainwaring – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	20 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report presents the Significant Accounting Policies that are used to compose the Annual Budget and the Annual Financial Report. They are also relied upon for guidance in the treatment of accounting transactions during the financial year.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

In deciding whether a particular accounting policy shall be disclosed, management considers whether disclosure will assist users in understanding how transactions, other events and conditions are reflected in the reported financial position of the organisation. Accounting policies shall be disclosed for all material components.

The summary of significant accounting policies is a section of the notes that accompany an entity's financial statements, describing the key policies being followed by the finance section. This summary is usually placed at or near the beginning of the notes.

The policy summary is mandated by the applicable accounting framework Generally Accepted Accounting Principles (GAAP) or International Financial Reporting Standards (IFRS). These frameworks require an entity to disclose its most important policies, the appropriateness of those policies, and how they impact the reported financial position of the entity.

The policy summary can include policies from a broad range of operational and financial areas, including cash, receivables, intangible assets, asset impairment, depreciation, inventory costing, types of liabilities, revenue recognition, and capitalised costs.

Community / Stakeholder Consultation

Nil

Statutory Environment

AASB 101 – Presentation of Financial Statements 10(e) - A complete set of financial statements comprises notes including a summary of significant accounting policies and other explanatory information.

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

**Comment**

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996 (as amended)*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error, selecting and applying appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

Significant accounting policies are reviewed annually, after consultation and advice from external auditors, and disclosed in Note 1 of every adopted annual budget and annual financial report. The accounting policies in this report are relevant for the period 2017/2018, whereas the annual report 2016/2017 is based on policies adopted in the previous year's budget.

In the interests of continuously improving good governance practices, it is considered good practice to adopt significant accounting policies as a separate part of the budget process.

Options and Implications

Nil

Conclusion

Significant Accounting Policies should be reviewed and adopted at least annually.

Attachments

- [OCM181.1/12/17 / ARG011.1/12/17](#) - Significant Accounting Policies (E17/11449)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Nil

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not adopt the Significant Accounting Policies	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	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

OCM181/12/17 / ARG011/12/17 COUNCIL DECISION ARG Committee Recommendation / Officer Recommendation:

Moved Cr Gossage, seconded Cr Byas

That Council adopts the Significant Accounting Policies as per attachment OCM181/12/17 / ARG011.1/12/17, in accordance with Section 7.2 of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

**OCM182/12/17 / ARG012/12/17 – Quarterly Status Reports**

Author:	Kellie Bartley – Manager Corporate Services
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	16 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to provide Council with progress status reports in relation to the following:

- Audit Regulation 17 Improvement Plan Progress (Reg 17)
- Capital Works Program
- Department of Local Government Report
- Financial Management Review (FMR)
- Governance Health Review (GHR)
- Statutory Compliance Calendar (SCC)

Relevant Previous Decisions of Council

ARG007/09/17 – Audit Regulation 17 Improvement Plan Progress Report

ARG008/09/17 – Status Reports on Statutory Compliance Calendar, Financial Management Review and Governance Health Review

Background**Audit Regulation 17 Improvement Plan Progress Report**

The Regulation 17 review audit produced a comprehensive “Improvement Plan” sanctioned into the following main compliance areas:

- Risk Management (RM)
- Legislative Compliance (LC)
- Internal Controls (IC)

A cumulative total of 61 framework components and actions items were identified to increase procedural and system effectiveness in accordance with legislative requirements.

Capital Works Program

Council have assigned the Chief Executive Officer a Key Performance Indicator to achieve a 80% clearance rate of budgeted capital works for the 2017/18 financial year.

A capital works program totalling \$22,094,978 for investment in infrastructure, land and buildings, plant and equipment, and furniture and equipment was adopted by Council in the 2017/2018 Budget. Major project spends include roads (\$18.4m), land and buildings (\$1.4m), footpaths (\$476k), parks and reserves (\$372k) and drainage (\$340k).



Financial Management Review

Moore Stephens (WA) Pty Ltd was engaged to conduct a limited assurance review of the appropriateness and effectiveness of the Shire of Serpentine Jarrahdale's financial management systems and procedures. The objective of the review is to assist the Chief Executive Officer discharge responsibilities in respect to Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

Governance Health Review (GHR) & Department of Local Government Report

The GHR and the Department's report intends to capture the recommendations and actions that were received by Council at the Ordinary Council meeting on the Monday 28 August 2017 (ARG004/07/17) and (ARG005/07/17) respectively. Presenting the GHR and the Department's reports to Council, and consequently the wider community having access to the report, endorses transparency and accountability.

Statutory Compliance Calendar (SCC)

The SCC has been sourced from the Western Australia Local Government Association (WALGA). It is a tool to assist the Shire identify yearly compliance activities. The objective is to assist responsible Officers to review the relevant activities requiring compliance and accountability across a various legislative components on a monthly basis.

Community / Stakeholder Consultation

There has been no community consultation in the undertaking of these reports. Internal stakeholder consultation has occurred with Responsible Officers as designated in the status reports attached to this item.

Statutory Environment

Audit Regulation 17

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer to review the appropriateness and effectiveness of the local government's systems and procedures in relation to Risk Management, Internal Control and Legislative Compliance separately or all at the one time, on the provision that each matter is reviewed at least once every two years.

Capital Works Program

The *Local Government Act 1995* establishes the requirements for determining budgets and the establishment of the Plan for the Future.

Financial Management Review

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer of the Local Government to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the Local Government regularly (and not less than once in every 4 financial years) and report to the Local Government the results of those reviews.

Department of Local Government Report, Governance Health Review & Statutory Compliance Calendar

Whilst there are many provisions in the *Local Government Act 1995* and associated Regulations regarding the auditing of financial records, assessment of risk management, internal control and legislative compliance, the undertaking of the SCC and GHR is not bound by legislative requirements. The legislative imperative for each action is noted in the SCC.



Comment

Audit Regulation 17 Improvement Plan Progress Report

The Improvement Plan provides the organisation with a comprehensive overview of business practices and continuous improvement methodologies that work towards increasing best practice standards across all Shire business units.

There are a number of actions that are partially completed or in progress. Full details are contained in attachment ARG012.1/12/17.

The following action items have been completed in accordance with the Regulation 17 Review.

No.	Framework Component Improvements (Completed)
RM1.3	Management Procedure – OHS procedures – reviewed and to be presented to OCM Dec 2017
RM1.10	Insurance – Fair Value completed building & Land
RM1.14	Audit & Risk Committee – TOR and activated ARG committee
RM1.16	Council Agendas & Minutes – Organisational Risk Implications to agenda template completed August 2017
IC1.2	Code of Conduct for Elected Members and Staff – completed by CEO Nov 2017
IC2.3	Staff Training – completed with performance appraisals process
IC2.5	Council Policy G003 Councillor Entitlements – reviewed by Council May 2017
IC2.8	Council Policy PC102 Financial Assistance to Community – review completed June 2017
IC2.9	Council Policy G006 Investment of Surplus Funds – review completed June 2017
IC2.14	Council Policy G917 Corporate Purchasing Cards – review completed August 2017
IC3.2	Ordinary Council Meetings – reviewed by Council on consist reporting
IC3.3	Executive Management Group – Financial reporting on a monthly basis completed
IC3.4	Effective Management Group – Statutory Compliance Calendar reviewed and report Dec 2017
LC2.6	Access to information – Staff emailed relevant changes/information – completed and ongoing
LC2.10	Code of Conduct & complaints register – training completed by CEO Nov 2017
LC3.2	Annual Compliance Return – Completed March 2017
LC3.3	Audit & Risk Committee – CAR completed March 2017
LC3.4	Effective Management Group – Legislative Compliance – Statutory Compliance Calendar Completed and reviewed Dec 2017
LC4.1	Monitoring Compliance – Risk Template completed for OCM

The following action items have been progressed in accordance with the Regulation 17 review pending Council consideration:

No.	Framework Component Improvements (In Progress)
RM1.1	Council Policy – Risk Management Policy
RM1.2	Risk Management Framework
RM1.4	Management Plan – Emergency Evacuation Plan
RM1.5	Business Continuity Plan/Disaster Recovery Plan
RM1.6	LEMA – Draft Local Emergency Management Arrangements
RM1.7	Staff Knowledge – Staff Induction
RM1.8	Entity Risk Register
RM1.12	Workforce Risk Assessment
RM1.13	Project Management & risk assessment training



No.	Framework Component Improvements (In Progress)
RM1.15	Executive Management Group – Organisational Risk Register
RM1.19	Ongoing Improvement Plan – Risk Management Framework
LC2.2	Management Procedure – Reporting Legislative Breaches
LC2.3	Management Procedure – Staff Inductions
LC2.7	Management Procedure – Statutory Environment in Council Agendas
LC2.8	Council Policy – G009 - Depreciation
LC4.2	Complaints Handling
IC2.1	Communications of Modifications – Policy & BOP's
IC2.2	Experienced Staff – refer to LC4.2
IC2.4	Council Policy – G814 – Process for review of Policies
IC2.10	Council Policy – G903 – Rates Collection and General Debtors Policy
IC2.11	Council Policy – New policy for self supporting loans
IC2.12	Council Policy – G001 – Purchasing Amounts Under \$150,000
IC2.13	Council Policy – G002 – Procurement of goods or services through Public Tendering

All relevant policies identified will be completed through the review process with Executive Management Group and relevant Responsible Officers and is proposed to be presented to Council by December 2017.

In summary, 61 areas have been assessed to date. The majority of areas audited have substantial effective systems and procedures in place. More specifically, 17 controls have been assessed as being high priority with 6 items completed.

Of the 28 controls identified as being medium priority, 11 items are now completed and of the 16 controls being low priority, 4 have now been finalised.

Therefore, 21 items have now been completed of the 61 items. It is envisaged that the majority of items will be completed by the end of the 2017/2018 financial year.

The report in ARG012.1/12/17 outlines recommendations for improvements to increase all identified partially effective and ineffective controls to completion status.

Capital Works Program

A fully itemised capital works budget has been developed giving due regard to asset renewal requirements. The Shire's asset renewal ratio has steadily improved, increasing from 44% in 2014/15 to 67% in 2016/17. The Shire's 2017/18 Budget targets an asset renewal ratio of 80%. Notwithstanding an increase in asset renewal expenditure over the last 4 years, there is a significant infrastructure backlog due to a historical recurrent funding gap. Council will need to consider a funding strategy in its asset management plans to address this infrastructure backlog, otherwise the serviceability of assets will become reduced into the future.

For the month ending October 2017, \$4,372,617 had been expended on capital works against a full-year budget of \$22,094,978. This equates to 19.8% of Budget. The Abernethy Road project is the most significant project that the Shire will complete during the 2017/18 financial year, with a total budget of \$13,649,220 (62% of the total capital works budget). This project has commenced and is expected to be fully completed this financial year. The status report for Capital Works is as attachment ARG012.2/12/17.

Financial Management Review

A FMR was undertaken by Moore Stephens (WA) Pty Ltd in April 2017. The review included a number of findings that were noted for improvement. The findings and status of progress is outlined in attachment ARG012.3/12/17.



Governance Health Review

The scope of the GHR concentrated on governance, financial and compliance aspects of the Shire's operations, including: local laws, delegations, disclosure of interests, credit card control, risk management, tendering, procurement, compliance and internal control, policies, financial management systems, primary and annual returns.

The actions taken to implement the key recommendations of the GHR is to be recorded and reported to the ARG Committee. The key recommendations and status of progress is outlined in attachment ARG012.4/12/17.

Department of Local Government Report

In order to monitor the recommendations made, the Department has requested that the Shire provide the Department with evidence of the progress made towards implementing the recommendations within three months.

The actions taken to implement the key recommendations of the Department's report is to be recorded and reported to the ARG Committee. The key recommendations and status of progress is outlined in attachment ARG012.5/12/17.

Statutory Compliance Calendar

The SCC is based on the template from WALGA and is presented for consideration by the ARG Committee. It aims to provide a corporate calendar for all compliance requirements over the course of a year, including the next due date where an item is not carried out at least once per year.

The calendar's actions have been recorded and report from Responsible Officers, populating the relevant details as outlined in attachment ARG012.6/12/17.

Conclusion

In summary, the status reports provide the organisation with a comprehensive overview of business practices and continuous improvement activities that work towards increasing best practice standards across all Shire business units.

Attachments

- [OCM182.1/12/17 / ARG012.1/12/17](#) – Audit Regulation 17 Improvement Plan – December 2017 (E17/11485)
- [OCM182.2/12/17 / ARG012.2/12/17](#) – Capital Works Program Report – December 2017 (E17/11511)
- [OCM182.3/12/17 / ARG012.3/12/17](#) – Financial Management Review Status Report – December 2017 (E17/11486)
- [OCM182.4/12/17 / ARG012.4/12/17](#) – Governance Health Review Status Report – December 2017 (E17/11488)
- [OCM182.5/12/17 / ARG012.5/12/17](#) – Department of Local Government Report (E17/11489)
- [OCM182.6/12/17 / ARG012.6/12/17](#) – Statutory Compliance Calendar Status Report – December 2017 (E17/11487)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
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Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are financial implications associated with some of the key recommendations in the GHR, Capital Works Program & Audit Regulation 17. These costs have been identified and are part of the 2017/18 Budget.

There are no financial implications associated with the status reports for SCC, FMR or the Department of Local Government report.

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 proceeding with key recommendations for the individual status reports	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Control through improvements as identified in each status report

Risk Matrix

Consequence		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



ARG012/12/17 Officer Recommendation:

That the Audit, Risk and Governance Committee:

1. Receives the Audit Regulation 17 status report as contained in attachment ARG012.1/12/17 on the risk management, legislative compliance and internal controls.
2. Receives the Capital Works Program status report as contained in attachment ARG012.2/12/17.
3. Receives the Financial Management Review Status report as contained in attachment ARG012.3/12/17.
4. Receives the Governance Health Review Status report as contained in attachment ARG012.4/12/17.
5. Receives the Department of Local Government Review status report as contained in attachment ARG012.5/12/17
6. Receives the Statutory Compliance Calendar status report as contained in attachment ARG012.6/12/17.

OCM182/12/17 / ARG012/12/17

**COUNCIL DECISION / ARG Committee Recommendation
/ Alternate Recommendation**

Moved Cr See, seconded Cr Byas

That Council:

1. **Receives the Capital Works Program status report as contained in attachment OCM182.2/12/17 / ARG012.2/12/17.**
2. **Receives the Financial Management Review Status report as contained in attachment OCM182.3/12/17 / ARG012.3/12/17.**
3. **Receives the Governance Health Review Status report as contained in attachment OCM182.4/12/17 / ARG012.4/12/17.**
4. **Receives the Department of Local Government Review status report as contained in attachment OCM182.5/12/17 / ARG012.5/12/17**
5. **Receives the Statutory Compliance Calendar status report as contained in attachment OCM182.6/12/17 / ARG012.6/12/17.**

Reason for difference to Officer Recommendation

The alternate motion deleted the Officers recommendation No. 1. as Cr Rich highlighted that 3 line items within the Audit Regulation 17 Status Report required updating as Council will be considering Policy amendments at the December 2017 Ordinary Council Meeting.

CARRIED UNANIMOUSLY 9/0

**OCM183/12/17 / ARG013/12/17 – Adoption of Audit, Risk & Governance Committee Meeting Dates for 2018 (SJ2195)**

Author:	Angelyn Liersch – Agendas and Minutes Officer
Senior Officer/s:	Kellie Bartley, Manager Corporate Services Peter Kocian – Acting Director Corporate and Community
Date of Report:	18 October 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires local public notice to be given of the dates, time and place of Committee Meetings that are being held in the next 12 months.

The last publicly advertised Audit, Risk & Governance Committee date is 5 December 2017. The meeting schedule for 2018 needs to be adopted.

Relevant Previous Decisions of Council

AC002/03/17 Audit, Risk & Governance Committee – Adopt Terms of Reference

Background

Audit, Risk and Governance (ARG) Committee Meetings have previously been held every three months on the first Tuesday of the month.

Community / Stakeholder Consultation

Nil

Statutory Environment*Local Government Act 1995*

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- (a) the matters to be dealt with at ordinary or at special meetings of councils; and
 - (b) the functions of committees or types of committee; and
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and
 - (c) the procedure to be followed at, and in respect of, council or committee meetings; and
 - (d) methods of voting at council or committee meetings; and
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
 - (g) the giving of public notice of the date and agenda for council or committee meetings; and



- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.

Local Government (Administration) Regulations 1996

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

The Local Government Act 1995 requires the giving of public notice of the date and time for Committee meetings and Regulation 12(1) and (2) of the *Local Government (Administration) Regulations 1996* requires that at least once in every year the local government is to give local public notice of the dates, time and place of Committee Meetings that are open to the public.

Comment

The Audit, Risk & Governance Committee meeting schedule has been set to comply with legislative requirements, the Committee's Terms of Reference and the Ordinary Council Meeting Schedule.

The Audit, Risk and Governance Committee does not have delegated authority, therefore all recommendations from the Committee are to be presented to Council for ratification.



Options and ImplicationsOption One

That Council adopts the suggested meeting schedule dates for 2018 as contained in attachment OCM183.1/12/17 / ARG013.1/12/17, and that if the meeting dates need to be changed, local public notice is given as required by Legislation.

Option Two

That the Audit, Risk and Governance Committee set their next meeting date at each meeting, but in compliance with Standing Orders 6.2, where the ARG Committee shall meet every three (3) months or more regularly as required at the discretion of the Presiding Member of the ARG Committee, the Shire President or the CEO.

Option One is recommended.

Conclusion

The Schedule of Meetings for the Audit, Risk and Governance Committee is contained in attachment OCM183.1/12/17 / ARG013.1/12/17 which complies with the Committees Terms of Reference, Legislative requirements and the OCM Meeting Schedule. These dates can be amended by the Presiding Member, Shire President or CEO if required.

Attachments

- [OCM183.1/12/17 / ARG013.1/12/17](#) – Draft Public Notice –Audit, Risk & Governance Committee Meeting dates 2018 (E17/11521)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

Local public notice is required to be given by which an advertisement will be placed in the local newspaper. The 2017/18 Budget contains an allocation for such advertising.



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 ARG Committee Meetings for 2018 be held as per the schedule which meets Shire requirements.	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no 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 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM183/12/17 / ARG013/12/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:

Moved Cr Coales, seconded Cr Gossage

That Council:

- Adopts the Audit, Risk and Governance Committee Meeting Schedule dates as contained in attachment OCM183.1/12/17 / ARG013.1/12/17 and holds the ARG Committee Meetings for 2018 on Tuesdays at 5.30pm in the Council Chambers.**



Continued

Ordinary Council Meeting Minutes
Monday 18 December 2017

2. In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, advertises by local public notice, the 2018 Audit, Risk and Governance Committee Meeting dates as:

6 March 2018

15 May 2018

21 August 2018

20 November 2018

CARRIED UNANIMOUSLY 9/0



8.5 Confidential reports

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Denholm

That the meeting be closed to members of the public at 9.03pm whilst item OCM184/12/17 is discussed pursuant to section 5.23(2)(d) of the *Local Government Act 1995* and item OCM188/12/17 is discussed pursuant to 5.23(2)(b) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

Members of the Public left the Chambers at 9.03 whilst items OCM184/12/17 and OCM188/12/17 were discussed.

Local Government Act 1995

5.23 Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (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; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



OCM184/12/17 – CONFIDENTIAL - Proposed Amendments to Development Application – L5, 34 Abernethy Road, Byford (SJ2358)	
Author:	Regan Travers – Senior Statutory Planning Officer
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	24 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM184/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council APPROVES the amended application including additional access to Lot 5 Abernethy Road from the western boundary of the site, shade sails and signage detail subject to the following conditions:

- 1. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.**
- 2. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- 3. A monetary contribution being paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.**
- 4. Intersections to Abernethy Road, future San Simeon Boulevard and future Pioneer Road must be designed and constructed to the satisfaction of the Shire prior to the occupation of the development.**
- 5. The entrances to the site shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy Road, future San Simeon Boulevard and future Pioneer Road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Shire.**
- 6. An Urban Water Management Plan being prepared in accordance with the Western Australian Planning Commission's Better Urban Water Management (2008) document and approved prior to the commencement of site works to the satisfaction of the Shire. Once approved, the Urban Water Management Plan is to be implemented in its entirety.**



- 7. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the Shire, prior to applying for a Building Permit.**

All works must be carried out in accordance with the Dust Management Plan, for the duration of development.

- 8. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.**
- 9. The owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or backfilling has been adequately compacted.**
- 10. Works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.**
- 11. A Landscape Plan must be prepared and include the following detail, to the satisfaction of the Shire, prior to applying for a Building Permit:**
- a. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;**
 - b. Any lawns to be established;**
 - c. Any natural landscape areas to be retained;**
 - d. Those areas to be reticulated or irrigated; and**
 - e. Verge treatments.**

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

- 12. The street setback area and all verge areas must be landscaped and reticulated, prior to the occupation of the development and must be maintained at all times.**
- 13. The carpark must:-**
- a. be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;**
 - b. include 196 car parking bays;**
 - c. include six (6) car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;**
 - d. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;**
 - e. have lighting installed, prior to the occupation of the development; and**



- f. confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times;

The car park must comply with the above requirements for the duration of the development.

14. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
15. A petrol and oil trap being installed in the car park drainage system prior to occupation of the development, to the satisfaction of the Shire.
16. Ten (10) short-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
17. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the Shire, prior to applying for a Building Permit:-
- a. the location of bin storage areas and bin collection areas;
 - b. the number, volume and type of bins, and the type of waste to be placed in the bins;
 - c. management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - d. frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

18. Floodlighting must not be illuminated after 10:00pm or before 7:00am. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
19. A Sign Strategy must be prepared and include the information required by Planning Policy No.5, Advertising Signs, to the satisfaction of the Shire, prior to applying for a Building Permit and implemented as such for the duration of the development.
20. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from the street, at all times.
21. The external walls of the loading area must be articulated to the satisfaction of the Shire.
22. All loading and unloading must take place within the boundaries of the premises.
23. Measures being taken to the satisfaction of the Shire to ensure the identification and protection of any vegetation on the site, not affected by necessary development works, which is worthy of retention prior to commencement of site works.
24. In respect of vehicle access to the development, and by reference to the plans attached to this approval and marked Figures 1, 2, and 3:



- a. until such time as the works coloured red on Figure 2 are completed and access is provided to the development from both Pioneer Street and San Simeon Boulevard as shown on Figure 2, access to/from the development by way of left-turn-in/out and right-turn-in/out movements will be provided at the access point on the southern boundary of Lot 5 to Abernethy Road shown on Figure 1 (Abernethy Road Access Point) and the Shire will not carry out any works within the Abernethy Road reserve to prevent or impede any such access movements (other than if temporarily necessary for maintenance or similar purposes);
 - b. once the works coloured red on Figure 2 are completed and access is provided to the development from both Pioneer Street and San Simeon Boulevard as shown on Figure 2, an independent traffic study (the Shire to appoint and manage the independent road safety auditor and the costs of which will be borne by the landowner) will be undertaken to review the Abernethy Road access arrangement, considering the public safety and operational function of Abernethy Road, and is to include Closed Circuit Television monitoring. This study will supplement the Shire's own periodic monitoring of the Abernethy Road access arrangement and in consideration of this study and the Shire's monitoring, at the Shire's absolute discretion, the Abernethy Road access shall be modified to either the left in / left out/ right in arrangement as shown on Figure 2 or the left in / left out only arrangement as shown on Figure 3. From that time there will be no restriction to the Shire's ongoing monitoring of the Abernethy Road access arrangement and any future changes.
25. The landowner must enter into a bond to the satisfaction of the Shire for the expense of the traffic study referred to in condition 24(b) above and the construction of the median within Abernethy Road to prevent right-turn-in and/or right-turn-out movements to the development at the Abernethy Road Access Point as shown on Figures 2 and 3, if required in order to comply with condition 24(b) above.
 26. A cash contribution, in lieu of the shortfall of on-site car parking for the development of 41 car parking spaces, with the calculation of the cash contribution being in accordance with clause 7.9 of Town Planning Scheme No.2, must be provided to the Shire of Serpentine Jarrahdale, prior to applying for a Building Permit.
 27. The landowner must enter into a legal agreement with the owner of Lot 4 (30) Abernethy Road, Byford to ensure reciprocal rights of vehicular access and carparking to the satisfaction of the Shire.
 28. The proposed multiple use corridor shown on the approved development plan as a reserve for Public Open Space/Drainage being vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Shire prior to the development being occupied.
 29. The proposed 4.9 metre right-of way is to be provided, constructed and drained at the landowner/applicants cost along the northern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the deposited plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Shire prior to the development being occupied.
 30. Prior to commencement of works, a Bushfire Management Plan being prepared, approved and relevant provisions implemented in accordance with Planning for Bushfire Protection



Guidelines, State Planning Policy 3.7 - Planning in Bushfire prone areas and to the specifications of the Shire of Serpentine Jarrahdale.

- 31. In accordance with clause 17A (3) of the *Planning and Development (Development Assessment Panel) Regulations 2011* provide the Development Assessment Panel with the following information:**
- a. the date of the determination;**
 - b. the determination; and**
 - c. the terms of any condition to which the approval of the application is subject.**

Advice Notes

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.**
- 2. The Landscape and Vegetation Management Plan shall:**
 - a. Be drawn to a scale of 1:200 and show the following:**
 - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;**
 - ii. Areas of drainage swales for at source storm water percolation; and**
 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.**
 - b. Incorporate measures creating sustainable landscapes extensively using local plants for nutrient reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.**
 - c. Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.**
- 3. The Shire encourages the following Water Sensitive Urban Design principles:**
 - a. The use of permeable surfaces within the car park;**
 - b. Installation of flush kerbs around tree wells;**
 - c. Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;**
 - d. Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);**
 - e. Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;**
 - f. Harvesting storm water run-off from roofs and hard surfaces wherever possible;**
 - g. Extensive use of local plants, grown to provenance; and**
 - h. The use of reticulation systems suitable for native plants where applicable.**
- 4. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.**
- 5. Any proposal to utilise the premises as a food business requires the submission of plans to the local government for health approval prior to any alterations, fitting out or use of such shop as a food business.**



Continued

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6. Any food business is not to commence the sale of food without the prior approval of the local government. The applicant is required to submit an Application for Registration of a Food Business at least two weeks prior to commencing operation.

CARRIED UNANIMOUSLY 9/0



Councillor Gossage declared an indirect financial interest in OCM188/12/17 and left the meeting at 9.05pm while this item was discussed.

OCM188/12/17 – CONFIDENTIAL - Bushfire Advisory Committee Information Report	
Author:	Gillian French – Technical Officer Emergency Services
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	8 December 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM188/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council notes the recommendation by the Bush Fire Advisory Committee and defers the appointment of the third Deputy Chief Bush Fire Control Officer, noting that the Chief Executive Officer may exercise delegation E005A once he is satisfied that all outstanding matters have been satisfactorily resolved.

CARRIED UNANIMOUSLY 8/0

Councillor Gossage returned to the Chambers at 9.06pm.

The Shire President advised Councillor Gossage that the Officer Recommendation for OCM188/12/17 was carried unanimously 8/0.

COUNCIL DECISION

Moved Cr Coales, seconded Cr McConkey

That the meeting to be reopened to the public at 9.07pm.

CARRIED UNANIMOUSLY 9/0

The Shire President informed the public that the motion for OCM184/12/17 was carried unanimously 9/0 and that the motion for OCM188/12/17 was carried unanimously 8/0.



9. Motions of which notice has been given:

Cr Coales submitted the below Motions on Notice to the Chief Executive Officer via email transmission to the Chief Executive Officer on Monday 4 December 2017.

Clause 3.10 of the Shire's Standing Orders Local Law 2002 requires that a notice of motion is to be provided to the Chief Executive Officer in writing at least four (4) full working days before the meeting at which the motion is moved.

The following is a full extract of clause 3.10 of the Local Law:

Motions on which Previous Notice has been Given

- (1) *Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.*
- (2) *A notice of motion under subclause (1) is to be given at least four (4) full working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good government of persons in the district.*
- (4) *The CEO—*
 - (a) *with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or*
 - (b) *may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and*
 - (c) *may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) *No notice of motion is to be out of order because the policy involved is considered to be objectionable.*
- (6) *A motion of which notice has been given is to lapse unless—*
 - (a) *the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or*
 - (b) *the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.*
- (7) *If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.*



OCM185/12/17 – Motion on Notice – Amend Council Policy – G808 Public Question and Public Statement Time – Ordinary Council Meeting

Author:	Councillor Rob Coales
Date of Report:	4 December 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM185/12/17 Councillor Recommendation

That Council amend Council Policy G808 Public Question and Public Statement Time – Ordinary Council Meeting so that there is no requirement for members of the public to have to lodge their question in writing prior to a Council Meeting.

OCM185/12/17

Moved Cr Byas, seconded Cr Atwell

That the Question be Adjourned pursuant to clause 11.1(b) Permissible Procedural Motions of the Shire’s Standing Orders Local Laws.

MOTION LOST 4/5

OCM185/12/17 Amended Councillor Recommendation

Moved Cr Coales, seconded Cr See

That Council amend Council Policy G808 Public Question and Public Statement Time – Ordinary Council Meeting so that there is no requirement for members of the public to have to lodge their question in writing prior to a Council Meeting and for Part 8 of the Policy to be amended to state 5 questions at a single meeting rather than 3 questions at a single meeting.

MOTION LOST 4/5

Councillors Piipponen, See and Coales requested their votes FOR the motion be recorded.

Officer Comment

Council reviewed Policy G808 Public Question and Public Statement Time at the Ordinary Meeting of August 2015. The intent of the Policy is to provide guidelines for the conduct of Public Question and Public Statement Time, the rules of which are embedded in the Shire’s Standing Orders Local Law.

Council has historically required questions/statements to be submitted on notice prior to the Meeting:

- This allows the Presiding Member to determine if questions/statements are appropriate or not prior to the meeting.
- This generally allows Officers a small window of time to research the question and provide an informed response at the meeting rather than take the question on notice.



- By requesting questions on notice in writing, this ensures that wording is accurately recorded in the Council Meeting Minutes and there is no ambiguity in the interpretation of questions and therefore the answers provided.
- The time allocated for public question/statement time can be better managed if questions/statements are submitted in writing.
- The conduct of public question/statement time can also be better managed if questions/statements are submitted in writing.

Clause 3.5 of the Shire's Standing Orders Local Law deals with public question/statement time. This clause is repeated below:

3.5 Public Question Time

Is to be made available in accordance with the provisions of the Local Government Act 1995.

- (1) *Any member of the public may at a meeting of the Council, only during the Public question time or the Statements, Petitions segment of the agenda and with the consent of the Presiding Member, ask a question on a matter affecting the local government, or make a statement or submit a petition on a matter effecting the local government.*
- (2) *In the case of a Committee meeting the matters will only be heard when they relate to an item on the agenda of that Committee, and are matters which are effecting the Local Government.*
- (3) *At the Ordinary Council meeting a member of the public may speak on any matter either on the agenda for the meeting or that comes under the jurisdiction of the Council, provided that:*
 - (a) *the member of the public's speaking rights are to be exercised before the meeting debates the particular item if it is on the agenda;*
 - (b) *a member of the public speaking during either the Public question time or the Statements or the Petitions segment of the agenda will be limited to a maximum period of three (3) minutes unless extended by the consent of the meeting which shall be signified without debate;*
 - (c) *the meeting may, by resolution (which may be moved without notice) bring forward and deal with any item listed in the agenda immediately following the conclusion of a person's address to the meeting during Public question time or the Statements or the Petitions segment of the agenda.*

The Standing Orders Local Law and the *Local Government Act 1995* and the *Local Government (Administration Regulations) 1996* provides the legislative requirements regarding public question time:

S 5.24 of the *Local Government Act* states that time is to be allocated for public questions at every Council and Committee Meeting to which a local government has delegated a power or duty. Regulation 6 of the *Local Government (Administration) Regulations 1996* requires for a minimum time of 15 minutes to be allocated for public question time.

Regulation 7 of the *Local Government (Administration Regulations) 1996* outlines the procedures for public question time:

- (1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —*
 - (a) *by the person presiding at the meeting; or*
 - (b) *in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*



having regard to the requirements of subregulations (2), (3) and (5).

- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) Nothing in subregulation (3) requires —*
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or*
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
 - (c) a committee to answer a question that does not relate to a function of the committee.*
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —*
 - (a) declare that he or she has an interest in the matter; and*
 - (b) allow another person to respond to the question.*

Council Policy needs to be consistent with the legislative provisions as the law prevails. Nothing in the legislation requires questions to be submitted in writing, although Regulation 7 (1) of the Local Government (Administration) Regulations 1996 states that procedures for the asking of and responding to questions are to be determined by the person presiding at the meeting. The Presiding Person can thus determine the format in which to receive questions, whether in writing or otherwise.

It is recommended that if Council wishes to amend Council Policy G808 Public Question and Public Statement Time to permit questions without notice, that Council consider adopting the attached amended Policy ([OCM185.1/12/17](#)) (HPRM ref E17/12052)



OCM186/12/17 – Motion on Notice – Councillor Training and Professional Development

Author:	Councillor Rob Coales
Date of Report	5 December 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM186/12/17 Councillor Recommendation

That Council does not pay the upfront cost of any fees for training and professional development for Councillors; rather the Councillor pays the cost of fees, and upon producing evidence of successful completion, is able to seek reimbursement from the local government.

OCM186/12/17 COUNCIL DECISION / Alternate Councillor Recommendation

Moved Cr Coales, seconded Cr Piipponen

That Council:

1. Resolves to amend Policy ‘Councillor Fees and Entitlements’ under the heading Training, Conferences and Events to state that “in the event that a Councillor does not attend a training session or finalise the local government diploma then they have to repay the Shire for the expenditure”.
2. Acknowledges point 1 does not apply where evidence can be provided that the Councillor had reasonable cause to be absent through sickness or other mitigating circumstances that can be clarified to Council.

CARRIED UNANIMOUSLY 9/0

Reason for difference to Councillor Recommendation

The Shire had received legal advice that the original Motion on Notice was not appropriate, and in fact may not be legal.

Officer Comment

The Shire’s 2017/18 Budget includes a blanket allocation of \$100,000 for councillor conference and training expenses. Conference/training budgets are generally allocated on a pro-rata basis, equating to approximately \$11,000 per councillor per annum.

Councillor entitlement to conference attendance and training is captured in Council Policy G003 Councillor Entitlements:

4. *Training / Conferences (Attendance)*
 - 4.1 *Council provides resources annually in the Shire’s budget to provide for the opportunity for Councillors to participate in appropriate training. Councillors are permitted to attend training and conferences in accordance with this policy up to an amount not exceeding the annual budget allocation per Councillor without further approval from Council.*



- 4.2 *The following training/conferences are identified as relevant to the Councillors role and responsibilities:*
- a) *WALGA Elected Member Training Modules*
 - b) *WALGA's Annual Local Government Week Conference and associated courses*
 - c) *Any training course or conference relevant to Councillors' roles and responsibilities.*
 - d) *Any surplus funds in a Councillor's budget allocation at the end of each calendar year will be deemed unused and forfeited.*
 - e) *The cost of training that is specifically arranged for attendance by all Councillors (e.g. team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Councillor's Training and Conference budget allocation.*
5. *Training / Conferences (Authorisation)*
- 5.1 *The Chief Executive Officer is to authorise training / conferences listed in Part 4.2 for Councillors in advance. Any request that is not in accordance with this policy or exceeds the budget allocation may be referred to the Council by the Chief Executive Officer.*
- 5.2 *Councillors are not permitted to nominate for attendance at a training course or conference six months prior to their term of office expiring.*
6. *Training / Conferences (Travel and Accommodation)*
- 6.1 *The Shire meets all costs associated with conferences including accommodation, reasonable meals, economy airfares and insurance in accordance with the Australian Tax Office reasonable travel expense amounts.*
- 6.2 *Accommodation costs for Councillors are to be paid for the duration of the conference including allowing the Councillor to arrive the day before the conference and to depart the day following the close of the conference. Any extended stay is to be at the cost of the Councillor.*

Councillor training is imperative to ensure that Councillors are provided with the essential skills and knowledge to perform their role as defined in the *Local Government Act 1995*. The requirement for Councillor training is deemed so important that it has been mooted to make councillor training compulsory. It is incumbent on the Shire to support the training and professional development of councillors to provide for the good governance of the district.

The Shire maintains a register of all training undertaken by Councillors which can be used to inform additional training requirements for Councillors, particularly in relation to modules undertaken in the WALGA Diploma of Local Government program.

Should Council support the motion on notice, it is suggested that Council Policy G003 be amended to include the following clause:

Excluding conferences that are identified in the Shire's annual budget for Councillor training and development, Councillors will be responsible for paying the upfront costs of registration fees for all training and professional development. Upon producing evidence of successful completion, Councillors will be eligible for reimbursement of registration costs from the local government. A business operating procedure will be developed to provide guidelines for the reimbursement process.

**10. Chief Executive Officer reports:**

OCM187/12/17 – Annual Report 2016/2017 (SJ2418)	
Author:	Louisa West – Senior Communications Officer
Senior Officer/s:	John O’Neill – Manager Economic Development, Tourism and Marketing Kenn Donohoe – Chief Executive Officer
Date of Report:	28 November 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council adopt the 2016/17 Annual Report as required by Section 5.54 of the *Local Government Act 1995*.

Relevant Previous Decisions of Council

ARG010/12/17 – Audit, Risk and Governance Committee Meeting recommended Council adopt the 2016/2017 Financial Statements and Audit Report.

Background

In accordance with section 5.54 of the *Local Government Act 1995 (the Act)* the Annual Report is to be adopted by Council no later than 31 December after that financial year, or no later than two months after the auditor’s report becomes available.

The Annual Report has been prepared in accordance with the requirements of the *Local Government Act 1995* and Regulations.

Community / Stakeholder Consultation

Following adoption of the Annual Report by Council, section 5.55 of *the Act* will be complied with.

Section 5.55 of the Local Government Act 1995 states that:

“the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”

Statutory Environment

Section 5.53 of *the Act* requires Local Government to prepare an Annual Report for each financial year and stipulates the format of the report.

Section 5.54 states that this report is to be accepted by the Local Government no later than 31 December each year unless the auditor’s report is not available.

Section 5.27 outlines the timeframe for holding an Annual Elector’s Meeting.

Section 5.29 outlines notice requirements for the CEO to convene an Annual Elector’s Meeting.

**Comment**

The 2016/2017 Financial Statements and Audit Report were considered by the Audit, Risk and Governance Committee on 5 December 2017 and are being presented to Council for adoption at this ordinary meeting.

The 2016/2017 Annual Report has been prepared in accordance with legislative requirements and includes the following:

1. President's Report.
2. Chief Executive Officer's Report.
3. Compliance Information Statements.
4. Annual Financial Report.
5. Auditor's Report.

In order to meet the requirements of Section 5.27 of *the Act*, an Annual Elector's Meeting must be held within 56 days from the acceptance of the Annual Report. Should the Annual Report be accepted by the Council at the Ordinary Council Meeting on 18 December 2017 the Annual Elector's Meeting would need to be held prior to 12 February 2018.

In line with Section 5.29 of *the Act*, it is recommended that the Chief Executive Officer convene an Annual Elector's Meeting on 5 February 2018 which will be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong.

The Annual Elector's Meeting will be advertised to the community in local newspapers as well as through community notice boards. The public will be asked to provide questions in writing at least 48 hours before the meeting to enable questions to be answered fully and without delay.

Conclusion

Copies of the Annual Report including the financial statements for the period ended 30 June 2017 will be able to be obtained from the Shire's Administration Centre in Mundijong and available on the Shire's website.

Attachments

- [OCM187.1/12/17](#) – Shire of Serpentine Jarrahdale Draft Annual Report 2016/2017 (E17/12027)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient, and effective organisation.
Outcome 4.1	A strategically focused Council.

Financial Implications

A budget provision has been made in the 2017/18 budget to accommodate the costs associated with producing the Annual Report.



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 officer recommendation	Unlikely (2)	Major (4)	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 8 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

OCM187/12/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Piipponen, seconded Cr See

That Council;

- 1. Accepts the 2016/2017 Annual Report for the Shire of Serpentine Jarrahdale as provided at attachment OCM187.1/12/17, in accordance with section 5.54 of the *Local Government Act 1995*.**
- 2. Resolves that the Annual Electors Meeting will be held on 5 February 2018 in the Council Chambers at the Shire Civic Centre in Mundijong commencing at 6.30pm.**

CARRIED BY ABSOLUTE MAJORITY 9/0



Continued

Ordinary Council Meeting Minutes Monday 18 December 2017

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure

There being no further business the Presiding Member declared the meeting closed at 9.33pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 February 2018.

.....
Presiding Member

.....
Date