



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Ordinary Council Meeting Minutes

**Monday, 19 December 2016
7.00pm**

TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence):	4
2.	Response to previous public questions taken on notice:.....	4
3.	Public question time:.....	4
4.	Public statement time:.....	8
5.	Petitions and deputations:	10
6.	President’s report:	11
7.	Declaration of Councillors and officers interest:.....	11
8.	Receipt of minutes or reports and consideration for recommendations:.....	12
8.1	Minutes from previous Meetings:.....	12
8.2	Planning Reports:	13
OCM217/12/16	Community Infrastructure and Public Open Space Strategy (SJ2081)	13
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)....	17
OCM219/12/16	Report back from the Off-Road Vehicle Site Working Committee tasked to investigate suitable sites for Off-road vehicles in Serpentine Jarrahdale (SJ1266 & SJ869).....	23
OCM220/12/16	Endorsement of the Shire of Serpentine Jarrahdale Health & Wellbeing Strategy 2016 - 2019 (SJ514-07)	29
OCM221/12/16	Proposed Child Minding Centre - #125 (Lot 856) Kalyang Loop, Byford (PA16/346)	33
OCM222/12/16	Proposed Tavern - Lot 50 (#859) South Western Highway, Byford (PA16/79) 44	
OCM223/12/16	Road Renaming Proposal – Part of Shorthorn Circuit, Byford (SJ500-03).....	48
OCM224/12/16	Lot 5 (#34) Abernethy Road, Byford – Amended JDAP application to include water tanks and a plant and equipment room and minor tenancy modifications (PA16/405).....	52
OCM225/12/16	Town Planning Scheme Amendment No. 187 – West Mundijong Industrial Area – Various Lots from Rural and Farmlot to Urban Development & Development Contribution Plan – Final Adoption (SJ1533)	62
OCM226/12/16	Proposed Local Development Plan – Lot 9078 Orton Road, Byford - Byford Main Precinct (Icaria Stage 7) (PA16/96)	76
OCM227/12/16	Lot 9502 Briggs Road, Byford - Proposed Local Development Plan (PA16/103).....	85
OCM228/12/16	Proposed Restaurant and Stall Wayside on Lot 50 Nicholson Road, Oakford (PA16/136)	91
OCM229/12/16	Bushfire Advisory Committee Information Report	102
8.3	Engineering Reports:.....	105
OCM230/12/16	Parks and Reserves Asset Management Plan (SJ1816).....	105
OCM231/12/16	Natural Assets Management Plan (SJ490).....	108

OCM232/12/16 Request for Tender RFT 07/2016 Provision of Turf Maintenance Services (SJ2125)	110
8.4 Corporate and Community Services Report:	113
OCM233/12/16 Organisational Risk Register – Risk Matrix (SJ136)	113
OCM234/12/16 Report on Review of Risk Management, Legislative Compliance and Internal Controls (SJ514-07)	117
OCM235/12/16 2015/16 Carried Forward Surplus and Schedule of Variations 2016/17 Budget	121
OCM236/12/16 Confirmation of Payment of Creditors (SJ514-07)	129
OCM237/12/16 Monthly Financial Report - November 2016 (SJ514-07)	131
8.5 Chief Executive Officer Reports:	133
OCM238/12/16 Annual Report 2015/2016	133
8.6 Confidential Reports:	136
8.7 Late Items:	136
OCM239/12/16 2017 State Election – Six Strategic Projects for the next State Government	136
9. Motions of which notice has been given:	140
10. Information Reports:	140
12. Councillor questions of which notice has been given:	140
13. Closure:	140

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 19 December 2016. 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 Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J ErrenPresiding Member
D Atwell
K Ellis
D Gossage
S Hawkins
S Piipponen
J See
M Rich

Officers: Mr G ClarkActing Chief Executive Officer
Mr A Schonfeldt Director Planning
Mr D Elkins Director Engineering
Mrs K Bartley Manager Corporate Services
Ms K Cornish Governance Advisor
Ms K PeddieExecutive Assistant to the CEO (Minute Taker)

Leave of Absence:

Apologies: Cr B Urban
Mr P Kocian

Observers: Nil

Members of the Public – 41

Members of the Press – 1

2. Response to previous public questions taken on notice:

The following question by Mr Kirkpatrick was taken on notice at the Ordinary Council Meeting on 28 November 2016. A response has not yet been provided and Mr Kirkpatrick has been advised he will receive a response once it has been fully investigated.

Question 1

My question is where did the money go considering it was spent on land vested in the Shire, this is not privately owned land and as such should have been acquitted through the Shire.

3. Public question time:

Public question and statement time commenced at 7.01pm

Mrs R Collins, on behalf of Mrs D Sparkman, address supplied.

Question 1

Why are the Shire waiting to purchase the land to be used for the freight line when this is normally the role of the State Government?

Response:

The Shire is recommending to the State Government that this be included in the Developer Contribution Scheme and equitable mechanism be put in place to deal with the purchase of the land and the construction for the freight rail realignment. The land won't be purchased by the Shire it would be left as State infrastructure.

Mr D Houseman, address supplied.

Question 1

This question is directed to the C.E.O.

To assist in a better understanding of this question I ask that you please refer to a copy of an article published in The Examiner dated November 17 with the heading "Corbel Lane talks continue".

In an article published Nov 17 2016 in The Examiner Mr Erren states "Mr Houseman did not accept The Shire's offer". This offer refers to the widening of Corbel Lane.

Do you accept that Mr Erren's assertion about me, as contained in his statement, is true?

Response:

In accordance with Standing Orders questions are addressed to the Presiding Member, in response to your question it is my view that the comments made in The Examiner Newspaper are accurate because at the time the offer was made you did not respond to the letter and did not take the action required to remove the fence.

Question 2

This question is directed to the CEO:

In an article published in the Examiner on Nov17 2016 Mr Erren states "Approximately 18 months ago the Shire offered to widen Corbel Lane if Mr Houseman removed his fence which was located within the lane".

Do you accept that this statement is untrue with regards to Mr Erren stating that the offer was made approximately 18 months ago?

Response:

In accordance with Standing Orders questions are addressed to the Presiding Member, in response to your question, the statement in the Examiner Newspaper was an estimate based on staff recollection at that time, on checking records it was in fact 12 months which is still a significant period of time.

Question 3

The response to one of my questions at the last Ordinary Council Meeting was published in the Council minutes, which are available for the general public to read, states that I rejected the offer to widen the laneway. Where and what is the evidence that I rejected this offer?

Response

In order to accept an offer you need to respond in a reasonable time. Twelve months could not be considered reasonable. You did not respond or take the action required.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question 1

As this information is not readily available in the minutes available online, could I have the answer to the following question. Could I have copies of all the payments to all Councillors individually as presented to Council for payment for the year 1.1.2016 to 30.11.2016 for Sitting Fees including electronic allowances and mileage allowance paid and expenses claimed as separate amounts?

Response

No, because it is not an appropriate use of the community's resource to provide this level of operational detail.

Question 2

Having contacted the Coles Centre Manager at Byford Village and being advised to contact the Shire Council as it is their responsibility, as there is no footpath or disabled access to the area known as Byford Village when is the Council going to construct a footpath along Abernethy Road and road crossing to access the village centre that meets the criteria of the disabled access legislation and the Council's obligations under the Duty of Care requirements to provide a safety environment, to enable residents and ratepayers from the urban areas to use these facilities safely?

Response:

It is the responsibility of the Coles developer to complete the footpath construction in order to meet the requirements of the Disability Discrimination Act 1992. The Shire is actively engaging with Coles to ensure they meet their obligations to the community.

Question 3

As there is no record of the Darling Downs Residents Association having obtained a permit to clear vegetation on the Public Open Space they maintain and no planning approval to change the form of the reserve. When is the Council going to prosecute the office bearers of the Darling Downs Residents Association for clearing the vegetation and altering the land form without planning approval contrary to the MOU between this group and the Shire which clearly states maintenance of existing infrastructure.

Response:

The alleged clearing was investigated by the Department of Environment Regulation and they have advised that they will take no further action. The Darling Downs Ratepayers Association has acted in good faith to ensure the public open space is maintained for the community.

Ms T Male, Shop 3, 867 South West Highway, Byford, WA, 6122

Question 1

The agenda has stated that we are seeking a variation to the Byford Town Centre Structure Plan and the Byford Town Centre Built Form Guidelines. Why is this the case when parking has been sustained on numerous occasions? We are not varying any planning policies, we can provide as many parking bays on George Street as the Council require.

Response:

Car parking is to be provided on site and not within the road reserve or an adjoining property. The IGA component is in fact on a different property and the leased land from PTA across the road is again another property. Therefore any additional car parking requirements or significant changes in land use triggers an assessment against the relevant policy provisions. In this instance the variation to the policy required is for Council to agree on the parking arrangements to occur within the road reserve and within adjacent properties.

Question 2

Tandoori Restaurant is relocating to shop 8 on the other side of the complex, why would the Tandoori Restaurant be objecting when they are relocating to a more prominent and favourable position?

Response:

The Shire cannot respond to this question as it should be directed to the relevant persons and not to the Shire.

Question 3

Could you please explain why the agenda states that the tavern has a shortfall of 14 car bays when that is not the case? We have liaised with the Shire's officers on numerous occasions providing detailed car parking plans which results in an additional 22 car park bays on George Street.

Response:

Bays in the road reserve is not included in the calculation as the Scheme requires the bays to be on site. As such the report is accurate indicating a short fall and then considering the policy provisions in whether or not the bays within George Street should be supported. In this instance officer are recommending support.

Mrs L and Mr A McMahon, 21 Manar Way, Byford, WA, 6122

Question 1

The blocks around Kalyang Loop are small businesses with residences at the front of the block. This has no residence and is a purely commercial property. What makes this business so special it does not need to fall into the requirements of 'mixed land' given there is no residence at the fore of the property? When the residents of this part of the estate initially purchased, all land was deemed residential apart from the 1 block at the corner – the garage/gym. Suddenly without prior warning all land along Kalyang was deemed small business and residential combined and each has had to adhere to the regulations. This block does not adhere to the regulations whatsoever.

Response:

The subject site was recently changed to have only a residential designation across the whole site and does not have a composite land use designation anymore. Table 1 of the Shire's Town Planning Scheme No. 2 permits a 'Child Minding Centre' in the Residential zone. This means that any land within the Residential zone could potentially have a 'Child Minding Centre' approved on it and there is no requirement for the land to retain a house as part of the development.

Question 2

The traffic at the corner of Kalyang Loop and Kardan Boulevard is already busy with the customers at the petrol station – the traffic that will be generated by the early learning centre will make exiting the estate almost impossible from Kalyang Loop to Kardan Boulevard. The amount of traffic that will be unable to park inside the Centre's ground will undoubtedly be parking on the street. How do you propose to address this?

Response:

The traffic impact study that forms part of the application on page 12 indicates the following:

The WAPC Transport Assessment Guidelines for Developments (2016) provides guidance on the assessment of traffic impacts:

"As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road, but increases over 10 percent may. All sections of road with an increase greater than 10 percent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. Therefore any section of road where the development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis."

The estimated trip generation and distribution indicates that the maximum possible traffic increase on any traffic lane would be 50 vehicles per hour. Therefore, the proposed development traffic will only be half of the quoted WAPC threshold and does not warrant further detailed analysis. Therefore the impact on the surrounding road network is considered to be insignificant.

Question 3

Is the position of an early learning centre on an already busy intersection by a petrol station that has strong fumes, that has cars in and out for the gym really an appropriate place for young children that is especially hazardous for children running out into the traffic as children do?

Response:

The potential impacts of odour and vapour from the service station have been addressed in the application and is not considered to be a significant risk. The site will be fenced to allow only the frontage to be open which will mean that the children will be picked up from inside the property boundary where they are likely to be supervised by parents or teachers. This is not an unusual design for these types of developments and colocation with other facilities does occur as well.

Mr K Scott and Ms N Riley, PO Box 48, Parkwood, WA, 6147

Questions in relation to OCM221/12/16

Question 1

For a 128 place centre, 26 car bays are required for parents (128/5) and 25 bays for staff, equals 51 bays. How can any approval be granted for a maximum of 26 bays?

Response:

Table 5 of the Shire's Town Planning Scheme No. 2 requires 1 bay per 5 children attending the facility, it does not require additional parking for staff over and above this figure. Accordingly the 26 bays satisfies the requirement of the Scheme.

Question 2

What checks and balances are in place at Council to enforce only nine staff can park the vehicle on site?

Response:

There is no requirement under the scheme for the car parking spaces to be delineated differently however the plans attached does indicate which bays are to be made available for visitors.

Question 3

Where is the assessment process, does Council check if the childcare centre is telling the truth with regards to how many staff are really required for a centre of this size? Staff numbers should be closer to 34 and not 25.

Response:

The Shire's statutory role relates to enforcement of the Town Planning Scheme and related policies. The enforcement of the Child Care Services (Child Care) Regulations 2006 is the responsibility of State Government. Should this be approved the Shire will continue to monitor the development against the relevant approval.

4. Public statement time:

Shire President on behalf of Ms S Chowdhury, Tandoori Palace, South Western Highway, Byford, WA, 6122

In relation to OCM222/12/16.

I object to the approval of this proposed grant of a tavern restricted license on the following grounds:-

1. I am still legally the Lessee of Shop 4, Byford Shopping Centre t/as Tandoori Palace.
2. This Lease, for a 5 year term with a further 5 year option to renew, was granted to me on 3 March 2014 by Lenz Corp Pty Ltd (Steven Lenz).
3. The Lease for Shop 4 is currently still legally in force and the initial 5 year term does not expire until 2 March 2019.
4. Contrary to the plans and numerous statements made in Lemas' Public Interest Assessment (3.6 / 6.9.2(a) / 6.9.3(a),(c),(d) / 6.9.5(a), Shop 4 is NOT vacant. In fact, Tandoori Palace is trading 7 days a week.

5. The location of Tandoori Palace as shown at **6.9.2(a)** on the plan on page 25 is incorrect. Tandoori Palace is in fact located on the corner and next door to Lemas, having a frontage to South Western Highway.

I strongly oppose the granting of Lemas' Application as, I currently hold a valid Lease of Shop 4 until at least 2 March 2019; and Lemas' application is based on false and misleading statements indicating that Shop 4 is vacant.

Mr D Houseman, address supplied.

At the OCM on 24 October I asked whether the Shire would pay me interest on the \$20,000 I paid for laneway construction. This money is held in restricted cash until such a time as the entire length is constructed; that is when all properties on Corbel Lane are subdivided. This outcome is improbable given that at any one time there may be one property owner who has no desire to do so.

Mr Erren did not answer my question, instead opting to inform me where my \$5,000 developer contribution payment would be spent. This \$5000 payment is separate to the \$20,000 laneway payment. Given that the Shire is acutely aware of this fact I am bewildered by the response given.

In an article published on November 17 in The Examiner newspaper Mr Erren makes the assertion that the Shire made the offer to widen Corbel Lane up to the boundary of my property 18 months ago. This is untrue; it was drafted on Oct 22 2015, meaning that at the time of publication the offer was made only 12 months ago. In the same article he states "Mr Houseman did not accept the Shire's offer". This is untrue; at no time whatsoever have I rejected the offer. This is demonstrated in emails to the CEO's Department and also the Engineering department. The department even scheduled onsite meetings with three different council representatives to discuss the construction standards prior to me accepting the offer in writing. I consider some content of the article libellous.

The offer is worded thus: "The Shire will however as an act of good faith, once you have removed the fence around lot 63, agree to widen the laneway up to the boundary of lot 62 at our cost.

The Shire now informs me that widening is not considered urgent and consideration of releasing funds will occur within normal Council time frames. The offer implies that once the fence is removed works will commence. The offer does not state that widening is subject to the Shire having to consider releasing funds. The offer simply states that it will widen unconditionally. I feel that the Shire may be engaging in deliberately misleading conduct if it does not commence works without further delay.

Mr Houseman, my response to your previous questions sufficiently addresses why the Shire has not yet constructed the laneway. If you require any further clarification please contact the staff.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Statement time is not an opportunity to use selective information and innuendo to imply that the Shire has failed the community in some way. If you have a maintenance request or a complaint then you should direct it to the Shire's customer services so that it can be attended to. If the matter is not resolved to your satisfaction then you can raise the matter with the CEO.

Public question and statement time concluded at 7.25pm

5. Petitions and deputations:

5.1 Mr Ross Underwood from Planning Solutions presented a deputation in relation to item OCM221/12/16 Proposed Child Minding Centre - #125 (Lot 856) Kalyang Loop, Byford.

Planning Solutions acts for TDGP Pty Ltd, the proponent of the proposed child minding centre at 125 Kalyang Loop, Byford (subject site). We are pleased to read the officers' recommendation for the above item, which is to recommend that the Metropolitan East Joint Development Assessment Panel (JDAP) approve the application. I hope to receive Council's support for this proposal.

Employment and growth for the Byford community

Approval to this application would greatly benefit the community. The centre will:

- Employ 25 full-time staff, and
- Provide placement for 128 children in the Byford community.

Byford's population will *double* in the next 20 years, from 15,049 to 30,636 (2036 forecast). Young working families are expected to be the major household type. There will continue to be a significant and growing demand for child care places in Byford. This proposal will safeguard and buffer the Byford community against strong growth by keeping ahead of forecast demand for child care placements. Jobs for 25 people is a direct outcome of this proposal. Indirectly, however, the proposal provides far more employment for parents of young children, by allowing parents to return to work knowing that children can be cared for close to home.

Location and adjoining land uses

The site is ideal for a child minding centre. Benefits to this location include:

- located next to a commercial site.
- easy access to Tonkin Highway via Kardan Boulevard by car.
- large 1,906m² site allowing buildings to be setback 3m from side boundaries, with plenty of room for outdoor play areas and car parking. Previous mention has been made to the service station next to the subject site. Council should have confidence to give its full support to this application knowing that this issue has been thoroughly considered, and the service station does not present any concern whatsoever to the child minding centre.

I note:

- Council approved the service station at its ordinary meeting held on 7 December 2015 after being advised by the officers that there would be no off-site impacts to the adjoining property. The officers' assessment included detailed consideration of noise, odour and vapour, and risk.
- The service station is oriented towards Kardan Boulevard. The retail building, which is also oriented to Kardan Boulevard, shields the fuel bowsers and other infrastructure from the subject site. The building itself is setback 12m from the subject site.
- There is no above-ground LPG tank proposed as part of this service station. A copy of the site plan for the service station is attached. The Shire's officers, on page 27/28 of the Council agenda, confirm they are satisfied the impacts from adjacent land uses has been addressed.

Finally, I note the subject site adjoins a Composite Residential/Light Industry lot to the west. The fence along the western boundary will be upgraded to the following minimum to achieve acoustic compliance for a house on this site:

- The first 30m of the boundary will be a 2.1m high solid fence.
- The remainder of the boundary line will be a 1.8m high solid fence.

5.2 Ms Samantha Thompson from Taylor Burrell Barnett Town Planning and Design presented a deputation in relation to item OCM226/12/16 Proposed Local Development Plan – Lot 9078 Orton Road, Byford – Byford Main Precinct (Icaria Stage 7).

Deputation not provided for inclusion in minutes.

6. President's report:

Byford, along with the City of Mandurah and Shire of Murray, has been excluded from the Federal Governments Building Better Regions Fund as it has been deemed Metropolitan by the Federal Government. We are working very closely with Federal Member for Canning Andrew Hastie MP to make sure the Federal Government includes the Peel Region back in the Building Better Regions Fund as without this funding, it leaves us with limited options to plan community infrastructure for our growing population.

The Shire thanked over 100 volunteers from numerous local groups at the annual Thank a Volunteer lunch held on 5 December. We would like to recognise the tireless work volunteers do across the Shire as these community groups wouldn't run as efficiently without your assistance.

While it may seem a long way off, the Shire is hosting a free family event on Australia Day, 26 January 2017, with activities and entertainment for the whole family to enjoy, including a free breakfast. This will be held at the SJ Community Recreation Centre from 7.30am – 11am.

The Shire offices and Mundijong Public Library will be closed from 5pm on Friday 23 December until Tuesday 3 January 2017. For contact details in emergency situations over the Christmas period, please check the Shire's website.

There will be no changes to the bin collection days during the festive break, even if your collection day falls on a public holiday.

We would like to wish you all a very Merry Christmas and hope you relax and enjoy the time with your family and friends.

7. Declaration of Councillors and officers interest:

Councillor Piipponen declared a Financial Interest in item OCM217/12/16 as he is associated with a planning company that have been acknowledged as owning a block of land identified as a potential sporting precinct. Cr Piipponen will leave the meeting while this item is discussed.

Councillor Hawkins declared a Proximity Interest in item OCM218/12/16 as she lives in close proximity to one of the parks being proposed as a potential site for the dog park. Cr Hawkins will leave the meeting while this item is discussed.

Councillor Atwell declared a Financial Interest in item OCM225/12/16 as he is a part owner of property in the subject area. Cr Atwell will leave the meeting while this item is discussed.

Councillor Atwell declared a Financial Interest in item OCM228/12/16 as he has executed firebreaks for a property owned by the proponent.

In accordance with authority delegated by the Minister for Local Government, the Director General has approved the Shire's application, in part, under section 5.69(3)(a) of the *Local Government Act 1995*. This approval allows disclosing member Councillor

David Atwell to fully participate in the discussion and decision making relating to item OCM228/12/16 subject to the following conditions.

1. The approval is only valid for the abovementioned item, when it is considered at the Shire's Ordinary Council Meeting of 19 December 2016;
2. The abovementioned Councillor must declare the nature and extent of his interest at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declaration, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interest disclosed by the abovementioned Councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

Councillor Erren declared a Financial Interest in item OCM228/12/16 as he is an employee of Byford Legal who assisted in the provision of settlement of land and other properties owned by the proponent. Cr Erren will leave the meeting while this item is discussed.

Councillor Piipponen declared a Financial Interest in item OCM228/12/16 as he is the proponent in the item. Cr Piipponen will leave the meeting while this item is discussed.

Councillor See declared a Financial Interest in item OCM228/12/16 as she is a Solicitor for Byford Legal who completed the provision of settlement of land and other properties owned by the proponent. Cr See will leave the meeting while this item is discussed.

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Minutes from previous Meetings:

8.1.1 Ordinary Council Meeting – 28 November 2016

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 28 November 2016 be confirmed (E16/9826).

CARRIED UNANIMOUSLY

8.2 Planning Reports:

Councillor Piipponen declared a Financial Interest in item OCM217/12/16 and left the Chambers at 7.49pm while this item was discussed.

OCM217/12/16	Community Infrastructure and Public Open Space Strategy (SJ2081)
Author:	Evian Elzinga – Strategic Community Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction

The purpose of this report is for council to consider the adoption of the Community Infrastructure and Public Open Space Strategy (The Strategy).

The Strategy has been developed to provide a strategic planning document for community infrastructure and public open space within the Shire of Serpentine Jarrahdale. It will form the basis of a range of implementation plans including Community Development Contributions Plans.

The Strategy will be an informing strategy as part of the Integrated Planning and Reporting Framework (IPRF). It will likely impact the review of the Strategic Community Plan, Forward Capital Works Plan, Community Development Plan, Long Term Financial Plan and Annual Budget. It also aligns with the terminology and provisions prescribed within *State Planning Policy 3.6 – Development Contributions for Infrastructure*. As an informing strategy, it will have a dual role in informing Shire expenditure and identifying projects to include in the various Development Contribution Areas in the *Local Planning Scheme*.

It is recommended that Council adopt the Strategy as attached, and receives the Community Infrastructure Implementation Plan.

Background:

The Strategy has been developed to provide a planning document for community infrastructure and public open space within the Shire of Serpentine Jarrahdale. It primarily provides guiding principles and rationale for community infrastructure and public open space needs for the Shire in a complete built-out scenario of approximately 100,000 people by 2050. The strategy will enable the development of Community Development Contribution Plans. Similarly, financial allocations and contributions will be considered by the Shire to adequately meet provision at appropriate timeframes as part of the Long Term Financial Plan and Strategic Community Plan.

It is important to establish a council position on the community's needs so that there is a reference document for shire officers, councillors, and community members. This can clarify priorities and assist with grant applications and the implementation process. The strategy intends to serve as a consolidated version of previous studies and should enable the Shire to progress with relevant policies, implementation plans and developer contribution plans.

The outcomes of the report are based on a community consultation process which included three workshops in late January to early February 2016 for the wider community, as well as direct contact with community groups through surveys. The wants and needs of the community were rationalised by identifying existing facilities, the population projections and justification for new facilities (gap analysis) and the Shire's capacity to afford and maintain

new facilities. A range of complementary facility and asset management practices are also suggested within the document.

The vision and guiding principles that have been used to rationalise the planning of infrastructure have been listed for ease of reference below.

1. A co-ordinated network of facilities
2. Central to catchment and equitable access
3. Location to promote visibility and accessibility
4. Integrated/co-located
5. Resilient and multiple use
6. Serving identified social needs
7. Contribute to public domain and sense of place
8. Connected to public transport, pedestrian and cycling networks
9. Sufficient size and design to enable expansion and adaptation
10. Financial viability and environmental sustainability
11. Safety and security
12. Master planned and staged strategy

The process of the Strategy has been extensive with several project phases. Initially, consultants were appointed to audit the Shire facilities, conduct the community consultation processes and prepare a draft report. This part of the work was completed around July. This preliminary report went through several rounds of internal review and discussions in order to adapt the recommendations to local conditions. Furthermore, consultants were appointed in October to consolidate existing Shire plans and to integrate their specialised sporting facility and space knowledge. Finally, it was adapted by Shire officers to include public open space content and to recommended implementation plans that offer a holistic approach.

Relevant Previous Decisions of Council:

The following documents have been reviewed and relevant sections have been integrated into the strategy:

OCM149/03/14 The Briggs Park Recreation Precinct Master Plan (2014) – Council approved the Briggs Park Recreation Precinct Master Plan as satisfactory for advertising, with a range of conditions for advertising and accessibility;

OCM130/01/13 Feasibility Study for a Community Sport & Recreation Precinct in Serpentine Jarrahdale Shire (2013) – Council supported efforts to provide a multipurpose sporting and recreation precinct. The preferred location was within Mundijong-Whitby urban cell with three reserves to be requested for transfer from the State Government to Shire land; and

SD071/02/09 Serpentine Jarrahdale Shire Community Facilities and Services Plan (2009) – Council endorsed the Serpentine Jarrahdale Community Facilities and Services Plan as a guide for future financial, strategic land use and community planning decisions. It was highlighted that ten recommendations from Report 6 were to be considered through the Plan for the Future Progress. A copy of the plan was to be distributed to relevant government agencies, organisations and developers.

Community / Stakeholder Consultation:

The community consultation process included forums held during late January to early February 2016 in Mundijong, Byford and Serpentine. Additionally, community groups were contacted either through phone calls and/or email and completed surveys. The outcomes of this consultation process have been integrated with the Strategy. Further community consultation can be undertaken as part of the Integrated Planning and Reporting Framework.

Comment:

It is proposed that the Community Infrastructure and Public Open Space Strategy be adopted to provide a framework for future community infrastructure investment. It would provide the Shire with a strong and clear position for the future, and allow for the proposed infrastructure items to be funded through development contributions, planned municipal funding and potential grant sources. It is a fundamental component of Integrated Planning and Reporting Framework alongside the Strategic Community Plan and Corporate Business Plan.

Proposal

It is proposed that the Community Infrastructure and Public Open Space Strategy be adopted to provide a clear guiding document for future planning. It would enable the Shire to progress with relevant policies, implementation plans and a community developer contribution plan.

Options and Implications

Option 1 - Resolve to adopt the Community Infrastructure and Public Open Space Strategy;

Option 2 - Resolve not to adopt the Community Infrastructure and Public Open Space Strategy.

It is recommended that Council support Option 1.

Conclusion

It is proposed that the Community Infrastructure and Public Open Space Strategy be adopted.

Attachments:

- [OCM217.1/12/16](#) – Community Infrastructure and Public Open Space Strategy (E16/9550)
- [OCM217.2/12/16](#) – Community Infrastructure Implementation Plan (E16/9551)

Alignment with our Strategic Community Plan:

The proposal aligns with the following specific objectives outlined in the Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability.
Objective 2.4	Business Efficiency
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.
Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 4.2	Tourism
Key Action 4.2.2	Maximise the Shire's tourism, cultural, heritage and recreation potential through integration of natural and built environments.
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

Nil

Financial Implications:

This document will influence the forward capital works plan and annual budgets.

Voting Requirements: Simple Majority**Officer Recommendation:****That Council:**

1. **Adopt the Community Infrastructure and Public Open Space Strategy included in the attachment OCM217.1/12/16.**
2. **Receives the implementation options detailed by the Community Infrastructure Implementation Plan in attachment OCM217.2/12/16 and request the Chief Executive Officer to ensure this is further considered as part of the Integrated Planning and Reporting Framework review including the consideration of funding options within the long term financial plan and the development of a Development Contribution Plan.**

OCM217/12/16 COUNCIL DECISION / Alternative Recommendation:**Moved Cr Erren, seconded Cr See****That Council:**

1. **Adopt the Community Infrastructure and Public Open Space Strategy included in the attachment OCM217.1/12/16 with the exception of Appendix A: Schedule of Community Infrastructure.**
2. **Receives the implementation options detailed by the Community Infrastructure Implementation Plan included in attachment OCM217.2/12/16 and request the Chief Executive Officer to:**
 - a. **Modify the plan to reflect a preference for the concept design as envisaged in the original Tredwell Sport & Recreation Precinct Draft Feasibility Study endorsed by Council through OCM032/09/13;**
 - b. **Incorporate Appendix A: Schedule of Community Infrastructure as an attachment to OCM217.2/12/16 as part of this document and ensure this is further considered as part of the Integrated Planning and Reporting Framework review including consideration of priorities and funding options.**

CARRIED UNANIMOUSLY**Councillor Piipponen returned to Chambers at 8.00pm**

Councillor Hawkins declared a Proximity Interest in item OCM218/12/16 and left the Chambers at 8.02pm while this item was discussed.

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)
Author:	Markus Gaschk – Coordinator Rangers and Compliance
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	28 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

The purpose of this report is for Council to consider possible off-lead dog exercise areas in Byford.

Council previously resolved to engage with the community regarding the possibility of establishing dog exercise areas in Byford. Officers have completed community consultation with nearby affected land owners on five parks. As a result of this process the Shire received a number of submissions that included support and objections to the proposals. Officers have also consulted with other neighbouring local governments in relation to their dog exercise areas to determine what the best outcomes would be for the Shire in this regard.

Officers recommend that the Bill Hicks reserve be identified as the most suitable park for an unfenced off-lead dog exercise area. It is suggested that this be run as a trial for 12 months, with officers bringing options back to Council in December 2017. As an alternative Council could consider Percy's park as an off-lead dog exercise area. As this park is an intensively utilised park with a mix of different users it is recommended that the park be fenced off if it is to be utilised as an off-lead dog exercise area.

Background:

The Shire as of December 2016 has 3972 registered dogs of which 1766 are registered in Byford. Many of these dogs reside in the smaller houses that are currently being supplied by the market in Byford and therefore there is a need to identify larger public open spaces to enable the dogs to be active in the urban 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.*

The Shire has previously had a general presumption against the establishment of off-leash dog exercise areas due to the perceived risks involved. Parks and reserves located within the Shire are also generally used by more than one user group such as sporting groups and the general public (multi-use) that may result in conflict between the various groups. Therefore there are currently no approved dog exercise areas within the Shire.

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.
- 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.
- SCM011/07/16 Adoption of 2016/2017 Statutory budget with Budget item BDP900 Byford Dog Park.

Community / Stakeholder Consultation:

Council resolution OCM079/05/16 resolved to do extensive public consultation regarding dog parks. Five parks that have the potential to be established as dog parks were identified being:

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.
5. Reserve R50321 Bill Hicks Reserve along Plaistowe Boulevard Byford.

Consultation was done by sending letters to property owners within a 500m radius of each location. 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. The 28 day submission period closed on 19 August 2016. A total of 2721 letters were sent to property owners and the Shire received a total of 193 responses, which is a response rate of 7.09%.

The responses are tabled below:

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%)
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%)

The submissions received have been summarised and are presented in Attachments OCM218.1/12/16 to OCM218.5/12/16.

It needs to be noted that the responses will mostly be received from the people who perceive that they will be most affected by the park and therefore the responses (both positive and negative) need to be considered in this light. Although there may be a number of negative responses to a park the overall percentage of residents who believe they will be affected may be low. It is also not possible to ascertain that everyone that did not respond supports the establishment of a dog park. Therefore the responses should be seen as a component of the process of considering which parks are to be utilised and not the definitive outcome to the process.

Summary of common themes and officer responses

Common Themes	Officer Response
Safety of children and community members in relation to dog attacks.	A fenced dog exercise area would contain dogs and restrict them to one area, effectively reducing the number of possible attacks. Patrols by Rangers would also assist in reducing the number of possible attacks. Exercising and socialising dogs could also reduce the amount of dog attacks in the medium and long term.
Increase in dog excreta.	Dog poo bag stations, bins, and relevant signage will be installed as part of the dog park infrastructure. Rangers would patrol the area to educate park users in relation to their responsibilities under the Dog Act.
Parking and Traffic issues.	The increase in traffic will be minimal and therefore not a consideration. Rangers will patrol the area in relation to possible parking issues.
Noise from dogs barking.	Most parks are far enough away from dwellings and other buildings to minimise negative impact. Barking complaints are generally received about dogs while they are at home. The exercise areas would be predominately be used during the day and for short duration periods of time while the dogs are being exercised.
Decrease in the amount of public space.	A fenced dog exercise area would contain dogs in one area and allow the community to use other parks, reserves and open spaces with less dogs being exercised in those areas. However allowing dogs onto a reserve without fencing it would not reduce the open space and would not create additional barriers for use.

A summary of the assessment of the various parks is attached as Attachment OCM218.7/12/16 to the report.

Taking all of the above into consideration, including the attachments to the item, officers recommend that the Bill Hicks reserve be identified as the most suitable park for an unfenced off-lead dog exercise area. This reserve includes a large area of open lawn and some additional amenities that would provide for family friendly outings with the pets also welcome. The reserve is not currently being used by a formal sporting club and therefore would reduce potential conflicts. It is proposed that plastic bag stations and bins be placed on the edge of the reserve to encourage owners to pick up after their dogs and to ensure that there are easy access to disposal points. It is recommended that a 12 month trial be instated that will then allow further consideration in December next year.

As an alternative Council could consider Percy's park as an off-lead dog exercise area. As this park is an intensively utilised park with a mix of different users it would probably have to be fenced off as per the map if it is to be utilised this purpose.

Comment:

To establish the best way to operate an off-lead dog exercise area officers spent time discussing the various options and issues with neighbouring local authorities who have established approved dog park exercise areas. Officers approached the Cities of Rockingham and Kwinana as they both have formally approved dog park exercise areas.

The exercise areas are both similar in that they have been fenced and have provided dog play and agility equipment in their respective exercise areas. Photographs of these parks have been included as an attachment to this report.

These discussions indicated that there are a few aspects that can improve the amenity of the surrounding areas with minimal complaints in relation to concerns raised during the Shire's public consultation process.

- the park can be fenced to contain the exercising dogs in one area; and
- dog play and agility equipment can be provided in the exercise areas.

Diagrams of the two exercise areas (Peace Park Parmelia and Bayview Reserve Rockingham) are provided below:

City of Kwinana – Peace Park Parmelia Avenue Parmelia



City of Rockingham – Bayview Reserve Rockingham



Fenced and unfenced

Dog exercise areas can be fenced or unfenced. The fence outlines the area for dogs and their owners and the general public. If fenced off it will provide an element of safety to other reserve users and local traffic alike, by the retention of the dogs within the site.

Unfenced dog exercise areas are considered to be more user-friendly as they retain their open range and have more interaction between the users, both physically and visually.

Dog play equipment and other facilities

Council would have to provide the necessary facilities in terms of dog poo bag stations, bins, and relevant signage. It was however clear that the local governments that were consulted have constructed their dog exercise areas to suit local conditions and that the Shire would have to consider what facilities would be appropriate.

Due to the maintenance costs and as it is simply proposed that people could take their dogs down to the park to exercise and socialise with other dogs and people it is not recommended that play equipment be installed at this stage. This should not be done until the parks are firmly established, are accepted by the community and a decision is made to make them a permanent feature of the area.

Timed approval / trial period

It is suggested that any decision of Council be trailed for a period of at least twelve months to determine what the impact of the dog exercise area would be. The necessary notifications will be required as discussed in the statutory environment section, yet can be revoked at any time.

Options and Implications:

With regards to the determination of a dog exercise area, the council has the following options:

- Option 1:* Council may resolve to determine and approve the establishment of a fenced dog exercise park at Reserve R5216 Percy’s Park Mead Street Byford. Notice will have to be given of this in terms of the Act.
- Option 2:* Council may resolve to determine and approve the establishment of an unfenced dog exercise park at Reserve R50321 Bill Hicks Reserve along Plaistowe Boulevard Byford. Notice will have to be given of this in terms of the Act.
- Option 3:* Council may resolve not support the establishment of a dog exercise areas.

Option 2 is recommended.

Conclusion:

There is a definite need to provide adequate spaces for active dog exercise in Byford.

Officers recommend that the Bill Hicks reserve be identified as the most suitable park for an unfenced off-lead dog exercise area. It is suggested that this be run as a trial for 12 months, with officers bringing the results of the trial and further options back to Council in December 2017.

As an alternative Council could consider Percy’s park as an off-lead dog exercise area. As this park is an intensively utilised park with a mix of different users it is recommended that the park be fenced off as per the map in the attachment if it is to be utilised as such.

Alignment with our Strategic Community Plan:

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

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

The Local Government Act 1995 sets out provisions that permit a local government to allow a dog exercise area. Section 1.7 of the Local Government Act 1995 requires that notice is to be given for a local public matter.

There are no specific policies, legislation, or guidelines that outline how a dog exercise area is to be constructed.

Financial Implications:

Council has allocated \$35,000 within the 2016/17 financial year budget for the proposed dog exercise area. The cost to install two bins, their stands and a poo-bag dispenser each will be about \$1500.00.

Attachments:

- [OCM218.1/12/16](#) - Mead Street, Byford - Reserve R50216 (Percy's Park) - Proposed Dog Exercise Area - Summary of Submissions - (E16/6256)
- [OCM218.2/12/16](#) - Woolandra Drive, Byford - Reserve R50679 - Proposed Dog Exercise Area - Summary of Submissions – (E16/6255)
- [OCM218.3/12/16](#) - Larsen Road cnr Sansimeon Blvd, Byford - Reserve R50666 - Proposed Dog Exercise Area - Summary of Submissions – (E16/6254)
- [OCM218.4/12/16](#) - Barraberry Way, Byford - Reserve R50809 and R51732 - Proposed Dog Exercise Area - Summary of Submissions – (E16/6253)
- [OCM218.5/12/16](#) - Plaistowe Boulevard, Byford (L8007) - Reserve for Public Recreation - Bill Hicks Reserve - 50321 - Proposed Dog Exercise Area - Summary of Submissions – (E16/6252)
- [OCM218.6/12/16](#) - Photographs of dog exercise areas in the City of Kwinana and City of Rockingham – (E16/8823)
- [OCM218.7/12/16](#) – Assessment of the various parks from Community Engagement (E16/9961)

Voting Requirements: Absolute Majority

OCM218/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Atwell

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.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

 - (a) published under subsection (1)(a) on at least one occasion; and
 - (d) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.
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.

CARRIED ABSOLUTE MAJORITY 5/2

Councillor Hawkins returned to Chambers at 8.05pm

OCM219/12/16	Report back from the Off-Road Vehicle Site Working Committee tasked to investigate suitable sites for Off-road vehicles in Serpentine Jarrahdale (SJ1266 & SJ869)
Author:	Brian Owston – Senior Ranger
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	29 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction

The purpose of this report is to advise Council of the findings of the Off-Road Vehicle Site Working Committee tasked by Council to investigate suitable sites for Off-road Vehicles (ORV) within the Shire of Serpentine Jarrahdale.

The Off-Road Vehicle Site Working Committee was formed in response to a Council decision in April 2015 in terms of section 5.10 of the *Local Government Act 1995* to appoint Councillors Urban, Kirkpatrick, Rossiter and Erren and a representative of the CEO to form an Off Road Vehicle committee. The Working Committee was required to identify safe and suitable locations for the construction of a facility suitable for the use by off road motor cycles and other recreational equipment.

Officers propose that the recommendations of the Off Road Vehicle Site Committee be formally noted and that the actions resulting from these recommendations be included in the Community Infrastructure and Public Open Space Strategy (CIPOSS) and the Integrated Planning and Reporting Framework (IPRF).

Background:

The management of illegal Off Road Vehicle use is a complex issue that does not have a singular simple solution, and as such requires proper consideration and a holistic response. Concerns regarding ORV's within communities of many Local Government areas are that they operate illegally and in many circumstances are ridden on public roads or share the same paths, tracks and reservations as pedestrians, horses and cyclists resulting in unacceptable risks and noise to other land users. These effects the amenity of other passive and active recreational activities, often result in conflicts or concerns from the broader public.

Attempts have been made to regulate this unsafe practice through enforcement proceedings, or referring the riders to an approved site. Riders are recommended to join one of a number of stakeholder groups or clubs. To date the Shire does not have a dedicated Off Road Vehicle area where riders could be directed to.

At the Ordinary Council Meeting of 13 April 2015, Council in terms of *Clause 12.2 Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given* by Councillor Rossiter (quoted below) considered the establishment of an Off Road Vehicle Site Working Committee to investigate this.

“Recognising the growing demand for off road facilities for the use by off road motor cycles and other suitable off road recreational equipment such as quad bicycles etcetera, I ask that this Council forms a working group of four Councillors to identify a safe and suitable locations for the construction of a facility suitable for the use by off road motor cycles and other recreational equipment.

The working group will be required to consult with all necessary State Government agencies, the City of Armadale, Local Police, Recreational Trailer Bike Riders Association WA, and the Coastal Motor Cycle club and report back to Council by September 2015. During these discussions the working group must identify suitable locations and the necessary safety and environmental issues and identify if once constructed if the facilities could be maintained and operated by a suitably experienced motorcycle club and if the City of Armadale would consider financial assistance for construction of such facilities.”

COUNCIL DECISION

Moved Cr Rossiter, seconded Cr Kirkpatrick

That Council in accordance with section 5.10 of the Local Government Act 1995 appoints Councillors Urban, Kirkpatrick, Rossiter and Erren and a representative of the CEO be members of an Off Road Vehicle committee.

An Off Road Vehicle Site Working Committee was formed, consisting of Clr Rossiter (Chair), and Clrs Erren, Kirkpatrick and Urban, and Brian Owston (Senior Ranger) representing the CEO.

The minutes of the Off Road Vehicle Site Working Committee meetings are attached as Annexures.

The first meeting was held on 27 May 2015. The main outcome of the meeting was that a number of sites were identified for consideration.

A second meeting was held on 09 June 2015, involving the extended Off Road Vehicle Site Working Committee which included key stakeholders, being Council Members and staff, officers of the Department of Parks and Wildlife, officers from Water Corporation and the Department of Water, being land managers in the proximity of the area to drinking water protection zone controls, and, members of the Recreational Trail Riders Association and the All-Terrain Vehicle Group were also present at the meeting.

The purpose of the meeting was to discuss and to promote the investigation of the proposed sites for further consideration, and a request of this meeting was for the stakeholders to provide feasibility reports in respect to the primary proposed site, being the “Blue Rock” locality off Jarrahdale Road, Jarrahdale. Reports were provided by the Water Corporation, the Department of Water and the Department of Parks and Wildlife by the 1st of August 2015 after researching the proposed site. These reports are included below, and were distributed to Working Committee members and were tabled at the next Off Road Vehicle Site Working Committee meeting.

In response to the actions required from the second meeting position papers were received from the relevant stakeholders as follows:

Shire of Serpentine Jarrahdale: In regards to lands managed, owned or controlled by the Shire, no suitable land was identified which met the criteria required to establish an Off Road Vehicle facility or area.

DPaW: With regards to the proposal put forward by the Shire of Serpentine Jarrahdale to establish an off road vehicle area for motorcycles and all-terrain vehicles in DPaW lands within the Shire, which included proposed sites to the east and north of the Jarrahdale town site. The Department of Parks and Wildlife is currently focussed on establishing an ORV motorcycle and all-terrain vehicle area in Flint Block, on the eastern boundary of their estate near the junction of Brookton Highway and Metro Road, north east of Jarrahdale. This area has significant historical use and was identified some time ago as providing the best opportunity to established sustainable well designed and constructed trail for a variety of motorcycle disciplines and skill levels to cater for the requirements of the stakeholders in the south of Perth metropolitan and greater southern metropolitan areas, and would enhance and take pressure of the existing facilities located in the north of Perth area. Accordingly, at this stage the Departments focus remains on establishing facilities at the Flint Block and are not currently considering, or would support the development of an ORV area within the Shire of Serpentine.

Department of Water: The Department has been discussing the proposed areas with the Water Corporation. The Department have concerns that making an ORV area would increase the amount of traffic within the adjacent public drinking water source areas. The Department are concerned that management may not be sufficient to

adequately control the visitors in a manner that would eliminate the risk to the catchments and water quality. However as long as the area is physically outside of any public drinking water source areas, the decision is then outside the Departments jurisdiction. However the Department would recommend that education, signage and fencing could be used to reduce the risk to the adjacent public drinking water source area.

Water Corporation: Water Corporation is in a position to object to an ORV area in the proximity to two key “drinking water catchment zones”, however if the proposal was to proceed, the Water Corporation would strongly encourage the proposed designated area be fenced and heavily signposted to prevent entry into the public drinking water source area adjacent.

As a result of the Local Government Elections of October 2015, Councillors Urban and Rich were nominated as the new Off Road Vehicle Site Working Group delegates.

The third meeting of the now renamed Off Road Vehicle Site Working Group that took place on 17 November 2015. The recommendation of the meeting was:

To put up a report for Council to consider Reserve 16634, located on Nettleton Road Jarrahdale as a suitable site as a family orientated Recreational Off Road Vehicle Area.

a. To proceed with further research into the site feasibility which will include, the Statutory Environment, Community and Stakeholder consultation processes and Site Management Principles.

b. To report back to Council by June 2016 with a recommendation on the future direction of the proposed site and activity.

Relevant Previous Decisions of Council:

Council decision of OCM: 07 December 2015: That Council extend the consultation period for the Off Road Vehicle Site Working Committee and report back to Council by June 2016 on the outcomes in identifying a suitable site as an Off Road Vehicle Area within the Shire of Serpentine Jarrahdale. Previous decisions of the Council were made deferred until further investigations and details were available for a considered resolution to be made.

The OCM item of 07 December 2015, Officers report to Council was resolved as follows:

OCM285/12/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council extend the consultation period for the Off Road Vehicle Area Committee and report back to Council by June 2016 on the outcomes in identifying a suitable site as an Off Road Vehicle Area within the Shire of Serpentine Jarrahdale.

CARRIED 9/0

Due to not having a proper project scope, plan or budget the project was not progressed further. However, there is now an opportunity to incorporate this project into the Community Infrastructure and Public Open Space Strategy (CIPOSS) and the Integrated Planning and Reporting Framework (IPRF) and to undertake proper project planning.

Community / Stakeholder Consultation:

The concept of identifying a suitable ORV area site is notably a complex process, and it would be important to have the support of all key stakeholders as the Shire does not manage or control land which may be considered suitable as an ORV area, in addition to a high level of reluctance by the community to accept an ORV Area in the vicinity of their

locality because of noise, amenity, antisocial activities, road behaviour and hazards created by the use of the vehicles to access the site.

There has been some consultation with the City of Kwinana and the Shire of Gingin in respect to ORV sites within their respective Municipalities. The discussions identified risks and issues, which include, but not limited to;

- civil litigation actions against the Local Governments in relation to deaths and injuries,
- attracting anti-social elements and activities, which includes car and property theft, anti-social behaviour, physical confrontation and assault,
- onsite traffic management control and site access compliance,
- resources and costs to administer the respective sites.

Comment:

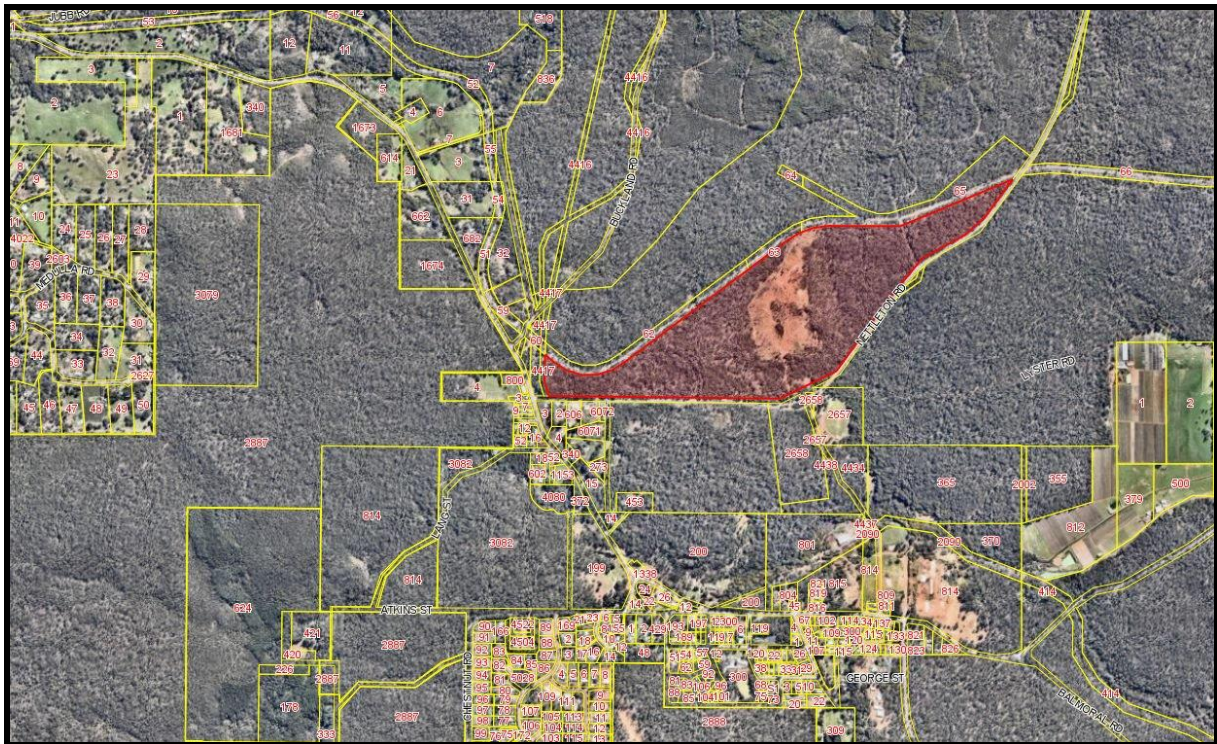
To date, there have been 3 meetings of the Committee, 27 May, 09 June and 17 November 2015 with the meeting of 09 June involving members of the stakeholder groups, and associated bodies, which have been considering proposed sites within the Shire.

During the process, a number of sites were considered, and dismissed due to conflicting interests, nearby proposed or existing land use activities, or due to the lack of support from the current land managers.

At the 17 November 2015 meeting of the Committee, Reserve 16634 - Nettleton Rd Jarrahdale was identified and considered suitable for a “restricted use” ORV Site. was identified as the potential suitable site for an ORV facility in the Shire. The site has a total area of 61.2 hectares, and an existing cleared area of 12.5 hectares (*see location map below*).

This site is currently vested to, and managed by the Department of Parks and Wildlife and would require an agreement or lease arrangement with the Department for any consideration of future use or activity prior to proceeding, and not currently identified or detailed in Councils Community Infrastructure and Public Open Space Strategy (CIPOSS) and the Integrated Planning and Reporting Framework (IPRF), Corporate Business Plan or Budget Plans, or subject to any Project Management Planning.

At this time, and to proceed further, the Council will need to resolve to progress these processes and plans and to negotiate the securing of the site. It is also important to note that at this time the Department of Parks and Wildlife are in the process of constructing and established a significant regional ORV Facility in the Flint Block between Albany and Brookton Highways. The feasibility study undertaken by the Department identifies that this facility will substantially impact on illegal ORV activities and will cater for Recreational ORV operators in the south and south eastern areas of the Perth Metropolitan Area.



At this time, the following actions have been undertaken:

- Council resolved to identify a potential/suitable ORV Facility within the Shire of Serpentine Jarrahdale at the 13 April 2015 OCM.
- Three formal meetings and consultation within the Off Road Vehicle Site Working Committee and external stakeholders between April and December 2015
- A potential/suitable ORV site has been identified Reserve 16634, Nettleton Rd Jarrahdale after stakeholder consultation and investigation processes have been undertaken at the Off Road Vehicle Site Working Committee meeting of 17 November 2015.

To ensure that the required outcomes are achieved the following still needs to be addressed:

- A feasibility, costings and community needs study should be undertaken to determine and establish that there is a need for an ORV facility within the Shire,
- That Council is not currently resourced, both financial and human resources to undertake a project of this extent, and the management of an ORV facility within the Shire
- Consider the impact that the ORV Facility currently being established by the Department of Parks and Wildlife at the Flint Block will have on the needs of the residents of the Shire, it is worth noting that the cost of this facility is estimated to be 1.8 million dollars,
- Project Management Plan and a Business Case is required to be drafted and approved by the Council,
- Consideration of the activity and proposed site within the Integrated Planning Framework process,
- Provide and implement a Forward Facilities and Budget Financial Plan for the consideration of the Council, and,
- On completion and resolution of the above requirements, undertake negotiations to secure the preferred ORV Facility Site.

As the Working group has achieved its purpose, it is now recommended that the Council dissolve the Working Group.

Attachments:

- [OCM219.1/12/16](#) – Minutes ORV Site Working Group meeting, 27 May 2015 (E15/2427)
- [OCM219.2/12/16](#) – Minutes ORV Site Working Group meeting, 9 June 2015 (E15/2857)
- [OCM219.3/12/16](#) – Minutes ORV Site Working Group meeting, 17 November 2015 (E16/431)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.5	Provide safe and supportive work environments.
Objective 6.2	Active and Connected people
Key Action 6.2.5	Create a reassuring and safe place to live

Statutory Environment:

Local Government Act 1995

Control of Vehicles (Off Road Areas) Act 1978, Sections 5, 12, 19 & 20

Financial Implications:

To date, the costs incurred have been primarily human resources and remains within budget.

If the proposal proceeds to the next stage of establishing the ORV area, there will be substantial costs which will include, but is not limited to:

- Insurance coverage,
- fencing,
- signage and other assets,
- legal costs relating to lease arrangements, and
- staff costs.

An estimate for some of the key elements of the project, such as fencing, signage, insurance, legal costs and lease arrangements is likely to exceed \$1.8 million dollars. This does not include the lifecycle cost or the operating costs associated with the asset.

Voting Requirements: Simple Majority

OCM219/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Atwell

That Council:

1. Notes, but does not endorse, the recommendations from the Off Road Vehicle Site Working Group meeting held on 17 November 2015.
2. Refers the establishment of an Off Road Vehicle area to the Integrated Planning and Reporting Framework process to be prioritised against other community facility projects.
3. Dissolves the current Off Road Vehicle Site Working Group and thanks the stakeholders involved for their participation.

CARRIED UNANIMOUSLY

OCM220/12/16	Endorsement of the Shire of Serpentine Jarrahdale Health & Wellbeing Strategy 2016 - 2019 (SJ514-07)
Author:	Tony Turner - Manager Health
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	3 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

The purpose of this report is for Council to consider the adoption of the Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 (The Strategy).

The Strategy aligns with the key provisions and functions in the Local Government Act 1995, the Integrated Planning and Reporting Framework and the new Public Health Act 2016 and illustrates a timely and contemporary approach to public health planning. The Strategy is also an important community based public health planning framework, the draft of which was endorsed for referral to stakeholders by Council in December 2014. Extensive community engagement has now been done through surveys and stakeholder responses. Council's endorsement of the Strategy may make provision for funding opportunities that support programs to promote and improve individuals and community's public health and wellbeing.

It is recommended that Council adopts the Strategy as an Informing Strategy to the Integrated Planning and Reporting Framework.

Background:

Traditionally the public health function of local governments focused on health protection and preventing the spread of infectious diseases. The Shire however recognises that local government has many opportunities to contribute to the vitality of the community, by improving and promoting the health of individuals and local populations. The Shire is also committed to protecting, promoting and enhancing the health and wellbeing of its people.

The Strategy acknowledges community opinions and refers to objectives that provide for the integration of existing Shire activities. National and State health priorities are outlined in program areas that aim to provide services where needed, for information about public health risk, and to encourage individuals and communities to plan for, create and maintain a healthier environment. The programs, objectives and how they are to be achieved are highlighted in the Strategy.

Relevant Previous Decisions of Council:

Council at its Ordinary Council Meeting on 8 December 2014 resolved to adopt the draft Shire of Serpentine Jarrahdale Public Health Plan and invite public comment which has been completed.

OCM100/12/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Urban

That Council:

- 1. Adopt the draft Shire of Serpentine Jarrahdale Public Health Plan as per attachment OCM100.1/12/14.**
- 2. Invite public comment on the Public Health Plan for a period of 60 days.**

CARRIED 9/0

Community / Stakeholder Consultation:

In the development of the draft plan and the Strategy, Shire staff have consulted widely with community and relevant key stakeholders. The process of engagement resulted in the completion of over 400 survey responses on personal health and lifestyle choices through:

- Community members were asked to complete surveys at community events such as the Christmas Carnival in Mundijong and The Glades Arts & Produce Market in Byford.
- Online surveys were circulated to all Elected members, Shire staff and a community mailing list.
- Key stakeholders including the Department of Health, South Metropolitan Population Health Unit and a range of government and non-government agencies were also consulted on the Draft Public Health Plan.

The community's responses were very clear, with 87% saying they regularly use our parks and reserves and 72% said they were happy with their lifestyle choices. Many people also indicated that it would help their lifestyle choices if there was more public exercise equipment and walk trails and if more food outlets provided healthier choices. These substantial community opinions offer the Shire opportunities to respond to lifestyle issues of obesity, diabetes and heart disease through the positive influences of public health planning and policy.

A further key component of the referral process for the Draft Public Health Plan was to distribute the plan for public stakeholder comment. Responses to the referral were received from the following key public agencies:

- Department of Planning
- South Metropolitan Population Health Unit
- City of Armadale
- City of Rockingham
- Heart Foundation
- Byford Progress Association

The outcome of the community engagement is detailed in the following discussion.

Discussion:

The Shire recognises that its legislative role in promoting health and wellbeing is through urban planning, social and physical infrastructure, contemporary health protection initiatives, community programs and the creation of healthy and safe environments.

This Strategy aims to positively influence the community's public health status by identifying health and wellbeing needs, establishing priorities and strategies and by providing a framework that supports an integrated and collaborative approach that will enhance the community's ability to lead healthy, active and connected lives.

The following programs and objectives have been developed to align with national, state and local health priorities. The Strategy identifies existing activities currently undertaken by the Shire, and identifies new program areas following feedback from the community.

Environmental Health Protection

'Environmental health addresses all the physical, chemical, and biological factors external to a person, and all the related factors impacting behaviours. It encompasses the assessment and control of those environmental factors that can potentially affect health. It is targeted towards preventing disease and creating health-supportive environments. This definition excludes behaviour not related to environment, as well as behaviour related to the social and cultural environment and genetics'. The programs that will be implemented are: Water safety and quality, Public buildings and event Management, On-site waste water Management, Community amenity, Health Risk and Impact Assessments, Public Health Emergency Management.

Safe, Secure and Healthy Foods

‘Food safety encompasses actions aimed at ensuring that all food is as safe as possible. Food safety policies and actions need to cover the entire food chain, from production to consumption’ ‘Food security is ‘the ability of individual, households and communities to acquire appropriate and nutritious foods on a regular and reliable basis using socially acceptable means’. Food security is determined by people’s local food supply and their capacity and resources to access and use that food’. The programs that will be implemented are: Food Safety and Quality, Secure and Healthy Food and Alcohol Management.

Active Lifestyles

‘It is important that the environments where we live and work support physical activity. The urban and built environment can have a significant impact on our health. The environment influences opportunities for walking, cycling and public transport use, as well as recreational physical activity’. The programs that will be implemented are: Healthy Built Environments and Healthy Active Communities.

The Strategy further provides the objective for each program and shows how this will be achieved.

Additionally the responses from the community and stakeholders to the plan as outlined above have been considered and the following key amendments are now submitted for approval and endorsement by Council.

Section	Current Draft	Amendment	Reason
Title	Public Health Plan: 2015 and Beyond	Public Health and Wellbeing Plan: 2016-2020	To reflect feedback from stakeholders and formalise timeframe for the plan.
Executive Summary	Executive Summary & Position Statement	Position Statement	To outline the Shire position on integrated public health and wellbeing.
Alignment with Community Strategic Plan and Corporate Business Plan	Alignment with Community Strategic Plan and Corporate Business Plan	Changes made to link more closely to the Shire Strategic Community Plan.	Link more closely with the Shire Strategic Community Plan.
Action plan	Areas of responsibility/ timeframe/ status and reporting	Columns removed	As the document is a strategic document, areas of responsibility will be identified in operational plans.

Conclusion

The Strategy integrates current activities with functions detailed in the Local Government (Administration) Regulations 1996 and the Public Health Act 2016. It also acknowledges local healthy living and its endorsement will support funding applications for programs that respond to lifestyle issues of obesity, diabetes and heart disease. The Health and Wellbeing Strategy is now put before Council for endorsement and it is recommended that it be adopted.

Alignment with our Strategic Community Plan:

The Strategy is aligned with the Shire’s Strategic Community Plan 2013-2022 and while it reflects on all the Vision Categories, the Public Health Plan significantly promotes aspects of the Built Environment that will improve Community Wellbeing.

Objective 2.1	Progressive organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.

Attachments:

- [OCM220.1/12/16](#) – Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 (E16/9621)

Statutory Environment:

This Strategy supports provisions of the Local Government Act 1995 and Administration regulations. The Integrated Planning and Reporting Framework also requires Local Government to prepare informing strategies that support the Shire's Strategic Community Plan.

The Public Health Act 2016, section 16(a) identifies that a key function of local governments is to initiate, support and manage public health planning for its local government district.

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

OCM220/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

- 1. Adopt the Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 as attached in OCM220.1/12/16.**
- 2. Request the Chief Executive Officer to incorporate the programs highlighted in the Shire of Serpentine Jarrahdale Health and Wellbeing Strategy 2016 – 2019 into the Integrated Planning and Reporting Framework review process.**

CARRIED UNANIMOUSLY

OCM221/12/16	Proposed Child Minding Centre - #125 (Lot 856) Kalyang Loop, Byford (PA16/346)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	16 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Planning Solutions
 Date of Receipt: 3 October 2016
 Lot Area: 1906m² (0.19ha)
 Town Planning Scheme No 2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction

The report is presented to Council to consider a Responsible Authority Report (RAR) prepared for an application for a child minding centre at 125 (L856) Kalyang Loop, Byford.

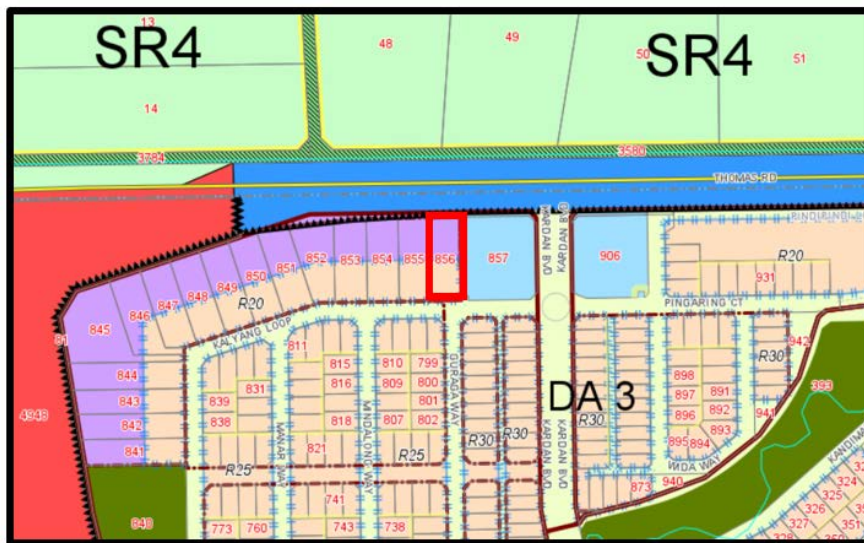
The proposed development was submitted to the shire as a Development Assessment Panel (DAP) application. The DAP will replace Council as the decision making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The attached RAR (OCM221.3/12/16) prepared by officers recommends that the proposed development 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.

Background

The subject site is located to the north of Byford, within the Redgum Brook estate. The site is in a predominantly residential area with mixed use development to the east. Kalyang Loop runs along the south of the site with Thomas Road to the north. There are no previous planning applications relating to the subject site and it is currently vacant.



Location Plan

The application seeks approval for a child minding centre for the placement of up to 128 children. The premises would operate from Monday to Friday from 6.30am to 6.30pm.

The proposed building is two storey and covers an area of 990m². It is proposed to be set back 8 metres from the primary street, 15 metres from the rear lot boundary and 3 metres from the side lot boundaries.

Relevant Previous Decisions of Council

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

Planning Assessment

The proposal has been assessed in accordance with clause 67 of the deemed provisions of the *Planning and Development Regulations 2015* 'matters to be considered by local government'. The assessment can be viewed as part of the attachments.

Directions 2031 and Beyond

Directions 2031 provides the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The document aims to guide the detailed planning and delivery of housing, infrastructure and services. It provides direction on how *"we provide for a growing population whilst ensuring that we live within available land, water and energy resources"*.

The framework forecasts that Perth and Peel will grow from the current population of 1.65 million to more than 2.2 million. This will result in the need for a vast amount of new houses and jobs.

The proposal would provide for child care facilities for the growing population and furthermore provide employment in the area. The proposal is consistent with the objectives of providing sustainable urban growth in line with Directions 2031.

Draft Perth and Peel Green Growth Plan for 3.5 Million

The Draft Perth and Peel Green Growth Plan for 3.5 million aims to identify and protect the current bushland, rivers, wildlife and wetlands through implementation of a comprehensive plan to protect our environment. The subject site has not been identified for conservation reserves or as a priority area for acquisitions for the retention of flora and fauna.

Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel Sub-regional Framework towards Perth and Peel 3.5 Million

The site is designated as 'urban' in the South Metropolitan Peel Sub-Region Framework. The proposal is compliant with the framework by contributing to the promotion of employment opportunities. The document does not specifically mention child care facilities but it does acknowledge the anticipated need for new schools with the expected growing population.

Land Use

The proposal provides for a child care facility and therefore falls within the land use 'child minding centre' defined under TPS 2 as *"land and buildings used for the daily or occasional care of children in accordance with the Child Welfare (Care Centres) Regulations, 1968 (as amended) but does not include a family care centre as defined by those Regulations, or an institutional homes."*

The subject site is zoned 'urban development' under TPS 2. Clause 5.18.7.3 of TPS 2 states that *"Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:*

- a) *The preparation of a Structure Plan for , or*
- b) *The orderly and proper planning of, or*
- c) *The health, amenity, safety or convenience of the future occupants of,*

The area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3.”

The site lies within the Redgum Brook Estate North Local Structure Plan (LSP). The site is identified under the LSP as having a composite designation of residential/service trades. The subject LSP required these lots to have a local development plan (LDP) approved prior to the approval of subdivision or development applications.

Clause 27 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:-

“(1) 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 approved Redgum Brook Estate LDP for the subject site was amended to extend the residential building envelope and essentially remove the light industrial envelope.

Clause 56 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:-

“(1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application”.

The Shire has given due regard for the LSP and the LDP. A “child minding centre” is an ‘SA’ use within the ‘Residential’ zone under TPS 2 which means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with clause 6.3.

It is considered that the proposed land use is consistent with the requirements of TPS 2 and consistent with the designations under the LSP and LDP and therefore a child minding centre is a use that can be considered in this location.

Location

One of the objectives of Planning Bulletin 72/2009 – Child Care Centres is to “locate child care centres appropriately in relation to their surrounding service area”. The bulletin includes requirements that child care centres should be located to provide:-

- the maximum benefit to the community;
- within easy walking distance and serviced by public transport;
- in areas where surrounding uses are compatible;
- suitable in terms of traffic safety and engineering; and
- not adversely impacting on the amenity of the area.

The proposal is located within a predominately residential area within easy walking distance for local residents. There is a bus service from Byford town centre to Armadale which operates along Kardan Boulevard and Ballawarra Avenue. There are bus stops within a 550m distance of the subject site.

The surrounding land uses includes residential, composite lots of residential with light industry and a mixed use site which comprises of a health studio, fast food outlet and service station. During the consultation process, concerns were raised in relation to the proximity of the proposal from the service station and the impact this could have on the health of the children.

As part of the development application for the mixed use site, off site impacts were considered as part of the assessment. Officers were satisfied that the acoustic assessment

and the measures for dealing with odour and vapour from the service station were effective so as to not adversely impact on nearby residents. For this reason the shire is satisfied that the impacts from these adjacent land uses has been addressed.

The planning bulletin also states that child care centres should not be located where:-

- there is soil contamination;
- groundwater extraction;
- access is from a major road or local access street which may impact on the amenity of the area;
- the adjoining premises cause an unacceptable level of noise, fumes or emissions; or
- the site is in a heavy industry area.

The subject site is not identified as a contaminated site and has access to scheme water. Access to the site and the impact on the amenity of the area are considered under the respective headings of the report. As previously discussed, the surrounding land uses are considered compatible with the proposal. As such, the proposal is considered consistent with the requirements of planning bulletin 72/2009.

Design and Visual Amenity

TPS 2 does not specifically set out design requirements for development in the urban development zone. Part VII does however provide general development standards.

The objective of provision 7.1 – General Appearance of Buildings and Preservation of Amenity seeks to ensure architectural style, colour and use of materials and the general appearance of buildings are harmonious with existing buildings and the amenity of the locality.

The proposed building is two storey and consists of a mixture of materials and colours to include timber and aluminium. The scale and setbacks of the building are consistent with the setback requirements of the surrounding residential lots.

It is considered that the contemporary design, by virtue of the use of materials and simple form, results in good design that contributes to the visual amenity of the area. The balcony of the first floor is cantilevered over the car parking area. This reduces the impact of the visual amenity on the streetscape.

The siting, scale and external appearance of the child minding centre significantly contributes to the amenity of the streetscape and is consistent with the provisions of TPS 2 by way of its design.

Provision 7.10.2 of TPS 2 states that *“Landscaping in car parking areas shall comply with the following requirements:-*

- (a) Planting shall be selected and maintained so as to minimise foliage between 0.5m and 1.5m above ground level;*
- (b) The minimum width of landscaped areas shall be 1.5m and 2m when the landscaped area adjoins a street boundary;*
- (c) All landscaping strips shall provide at least one pedestrian crossing point for every continuous ten metres of length”.*

Furthermore, LPP 67 goes on to require landscaping plans to have consideration of the climate by providing native evergreen trees along eastern and western boundaries to provide shade and deciduous trees are preferred along the northern aspect to allow winter sunlight. Native planting is also encouraged to provide greater biodiversity.

A landscaping plan has been provided as part of the development application. It includes a 1.5 metre landscaping strip along Kalyang Loop and a 1 metre landscaping strip along the

side lot boundaries. This seeks a variation to the requirements of provision 7.10.2 of TPS 2 and LPP 67 given the reduction of the width of the landscaping strips.

Clause 5.2 of TPS 2 states that the council has discretion to modify development standards where it is satisfied that:-

- “(a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation or the amenity of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be unreasonable departed from thereby.”*

In this instance the variation to the landscaping to the side lot boundaries is proposed to ensure that sufficient car parking is provided along with a pedestrian path. Increasing the landscaping strip to the front of the site would result in a reduction in the number of children being able to be accommodated by way of the loss of floor area of the building or open space provision.

The purpose of the landscaping is to provide a high level of visual amenity to the streetscape and surrounding area. The objectives of the policy include contributing to achieving *“vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant places”*.

It is considered that the modest reduction of landscaping would not adversely impact on the character or amenity of the streetscape. Due to the design techniques used, for example the impact of the car parking area being reduced by the balcony over, it is considered that the variation in the landscaping would not adversely impact on the character of the streetscape. The variation is considered consistent with the TPS 2 provisions under clause 5.2.

The landscaping information provided does not however include local native species. As such a condition of approval is recommended whereby the applicant/owners are to submit and obtain approval for a landscaping plan that is consistent with ‘Keeping it Local’ and provide plants that are suitable for their location.

Residential Amenity

Concerns have been raised by neighbouring residents as to the impact the proposal would have on the residential amenity of the area. Specific concerns relate to the level of noise that would result from the child minding centre.

One of the objectives of Planning Bulletin 72/2009 is to *“minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.”*

A noise assessment has been submitted as part of the development application taking into consideration both the *Environmental Protection (Noise) Regulations 1997* and State Planning Policy 4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

The assessment has made a number of recommendations and it is considered that these will ensure that the development will be designed to not adversely impact neighbouring sensitive receptors.

Noise mitigation measures include a solid fence to the west boundary and services such as air conditioning to be located on the east side of the building. The assessment also provides

recommendations for ‘best practices’ by having staggered play times and having no amplified music playing outside.

The noise assessment also provides information to the satisfaction of the shire that the noise from Thomas Road and the future Tonkin Highway will not significantly impact the sleeping rooms for the children.

It is acknowledged that the proposal would result in additional noise in the residential area by way of introducing this particular land use. It is considered that this would not be so significant as to unduly impact the level of residential amenity currently afforded to the neighbouring residents due to the mitigation measures outlined in the noise assessment. A condition would be required on an approval ensuring that the recommendations in the noise assessment are incorporated into the design of the development.

Car Parking

A total of 26 parking bays have been provided which include 10 bays for staff and the balance for visitors. The parking bays to the west of the site are tandem bays with the rear bays serving the staff members. A turning bay is also provided to facilitate vehicle circulation within the site.

Table V of TPS 2 sets out parking requirements for specific land uses as follows:-

Land Uses	Minimum No. Parking Spaces	Spaces Required	Spaces provided
Child Minding Centre	1 space per 5 children accommodated	26	26

In this case there would be a requirement of 26 parking spaces for which the proposal is compliant.

Several of the objections received during the consultation period raised concerns in relation to the amount of car parking that the proposal provides. It has been suggested that the lack of car parking has the potential to result in cars parking on the verge and causing traffic safety issues.

One specific objection letter has provided detailed information that the proposal has underestimated the number of staff that would be required to accommodate the proposed number of children and in turn the number of car parking bays required.

The letter suggests that 34 members of staff would be required opposed to the 25 that are proposed and therefore would require further car parking.

To ensure that the concerns of the neighbouring residents are satisfied, a condition of approval would be enforced to restrict car parking for the child minding centre to within the lot boundaries of the site.

Traffic and Access

A number of objections raised concerns in relation to the increased volume of traffic that would result from the proposal in a predominantly residential area. The application details include a Traffic Impact Statement in accordance with The Transport Assessment Guidelines for Developments (Western Australian Planning Commission 2016).

Access to the site is via a single crossover on Kalyang Loop. There is a pedestrian path provided to the eastern portion of the site.

It is anticipated that there would be a small volume of service vehicles for deliveries required to access the site. The car park would be used for short periods of time for loading and unloading activities.

The Traffic Impact Statement provides detailed information as to the expected volume of traffic that would occur from the development. Using the maximum number of children as a scenario it is identified that in the morning peak hour (8.00am – 9.00am) would generate 96 trips and the afternoon peak hour (4.30pm – 5.30pm) would generate 63 trips. The daily traffic generated is calculated at 448 trips, in and out.

The intersection of Kalyang Loop and Kardan Boulevard comprises of a roundabout intersection. Officers consider that the Traffic Impact Statement demonstrates that the intersection is able to accommodate the child minding centre without creating any significant adverse impacts on traffic issues.

However, officers have raised concerns in relation to the location of the proposed crossover. In accordance with Australian Standard AS2890.1 2004, the crossover location is in a prohibited zone and therefore required to be redesigned. It is considered that this modification is minor and that a condition requiring the relocation of the crossover is appropriate to resolve this issue.

Bushfire

State Planning Policy 3.7 – Planning in Bushfire Prone Areas requires for a bushfire attack level (BAL) assessment to be submitted as part of the development application. The submitted BAL identifies a BAL rating of BAL – Low.

The fire management plan that was approved as part of the subdivision for this area recommended that development was constructed to a minimum of BAL – 12.5. It is also likely that with the future extension of Tonkin Highway revegetation will be planted within the road reserve thus increasing the BAL rating.

The applicant has provided comments to the effect that the rating of BAL – Low is considered applicable due to the assessment being required to take into account only the vegetation that is existing. However, the shire considers that the BAL rating should be consistent with the approved fire management plan and as such a condition of approval would require the development to be constructed to BAL – 12.5.

Signage

The proposal includes a wall sign above the buildings entrance measuring 3.31 metres x 0.6 metres. In addition, a sign attached to the front elevation of the bin store is proposed measuring 3.35 metres x 0.75 metres. Both signs are constructed using powder coated aluminium letters.

Local Planning Policy LPP 5 – Control of Advertisements (LPP 5) sets out design requirements for signage within particular zones, however the policy does not specifically apply to signage in the urban development zone. It is considered that the objectives of LPP 5 are still applicable in this instance.

The objectives of LPP 5 include to *“prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content”* and *“to promote a high standard of design and presentation in outdoor advertising”*.

In this case it is considered that the proposed signage is integrated within the design of the building. Due to its size and location, it would not appear visually intrusive within the streetscape of Kalyang Loop. The signage by virtue of its design and location would not

adversely impact on the character or amenity of the locality and is consistent with the objectives of LPP 5.

Other Considerations

Local Planning Policy No.59: Public Art Policy for Major Developments

A monetary contribution is required 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 prior to occupation of the development. This has been included as a condition of approval.

Local Planning Policy 58 – Bicycle Facilities (LPP 58)

LPP 58 sets out bicycle parking requirements for specific land uses with the objectives of “*encouraging cycling and improve conditions for bike riders in proposed urban developments*” and to “*ensure the provision of appropriate bicycle facilities.*”

A child minding centre is not specified in the policies table as requiring bicycle facilities, however the proposal provides for staff to securely store bicycles in the drying court adjacent to the laundry.

Shire of Serpentine Jarrahdale Strategic Community Plan 2013-2022

The Shire's strategic community plan was developed in consultation with the community, Councillors and staff of the Shire of Serpentine Jarrahdale. The plan sets out key actions for implementation relating to governance, financial sustainability, built environment, local economy, natural environment and community wellbeing.

Objective 3.1 – Urban Design with Rural Charm seek to “*maintain the areas distinct rural character, create village environments and provide facilities that serve the community's needs, and encourage social interaction*” and “*provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors*”.

The proposal will provide for a facility for child care services located within a residential area for ease of access. The centre will contribute towards providing amenities for the shire's growing population in line with the Strategic Community Plan.

Community / Stakeholder Consultation:

Community consultation was undertaken for a period of 14 days from 10 October 2016 to 24 October 2016 in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to 161 surrounding landowners.

During the consultation period a total of nine (9) public submissions were received eight (8) of which raised concerns or objections to the proposal and one (1) expressed support. The main planning related issues contained within the submissions are as follows:-

- Noise;
- Traffic volume and safety;
- Health and safety of children;
- Car parking; and
- Residential amenity.

All submissions have been considered within the Planning Assessment section of the report and as part of attachment OCM221.2/12/16 – summary of submissions.

Consultation with other Agencies or Consultants

A total of four (4) agencies were forwarded a copy of the development application for comment and responded as follows:-

Western Australian Planning Commission

No comments have been received from the Western Australian Planning Commission to date.

Department of Education

The Department of Education has no objections to the proposal.

Department of Health

The Department of Health has raised no objections to the proposal. Comments have been made in relation to the requirement for connection to scheme water and reticulated sewerage, and the requirement for compliance with the Food and Health Acts. These comments have been forwarded to the applicant.

Main Roads Western Australia

Main Roads has no objections to the proposal subject to conditions in relation to Thomas Road and the implementation of the recommendations as set out in the submitted noise assessment. Main Roads has also provided comments in relation to the signage and that it should not encroach upon the road reserve of Thomas Road or be illuminated. The conditions proposed by Main Roads have been included as an attachment to the report (IN16/26402).

Options and Implications:

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

Option 1: Council may resolve to endorse the RAR.

Option 2: Council may resolve not to endorse the RAR.

Option 1 is recommended.

Attachments:

- [OCM221.1/12/16](#) – Development Application Details (IN16/20869)
- [OCM221.2/12/16](#) – Summary of Submissions (E16/9414)
- [OCM221.3/12/16](#) – Responsible Authority Report (E16/9411)
- [OCM221.4/12/16](#) – Clause 67 Table (E16/9396)
- [OCM221.5/12/16](#) – Comments from Main Roads (IN16/26402)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs, and encourage social interaction.
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.

The proposal will provide for a facility for child care services located within a residential area for ease of access. The centre will contribute towards providing amenities for the shire's growing population in line with the Strategic Community Plan.

Statutory Environment:Legislation

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

State Government Policies

- Directions 2031 and Beyond
- Draft Perth and Peel Green Growth Plan for 3.5 Million
- Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel 3.5 Million
- Planning Bulletin 72/2009 – Child Care Centres
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4)

Local Policies

- Local Planning Policy 67 – Landscape and Vegetation (LPP 67)
- Local Planning Policy 58 – Bicycle Facilities (LPP 58)
- Local Planning Policy 59 – Public Art Policy for Major Developments (LPP 59)
- Local Planning Policy 5 – Control of Advertisements (LPP 5)

Financial Implications:

There are no direct financial implications regarding this matter.

Conclusion

The proposal seeks to provide a child minding centre within Byford that would facilitate the growing population of the shire. For the reasons outlined in the report the land use is considered compatible in the proposed location.

It is considered that the proposal, by virtue of its location and design would contribute to the character and visual amenity of the locality and would not adversely impact on the amenity of surrounding landowners.

Officers recommend Council endorse the Responsible Authority Report advising the DAP to conditionally approve the proposed child minding centre for the reasons detailed in the report.

Voting Requirements: Simple Majority

OCM221/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Piipponen

That Council endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking approval for the proposed child minding centre at 125 (Lot 856) Kalyang Loop, Byford subject to the following conditions:

Local Government

1. **Prior to the submission of a building permit, the owner shall execute and provide to the Shire of Serpentine Jarrahdale, a notification pursuant to section 70A of the *Transfer of Land Act* to be registered on the title of the property as notification to proprietors and/or (prospective) purchasers of the property of the following:**
 - (a) **The property is located within a Bushfire Prone Area and the child minding centre forming part of planning application PA16/346 has a BAL – 12.5 assessment rating.**

All costs of, and incidental to, the preparation of and registration of the Section 70A Notification, shall be met by the applicant/owner of the land. This

notification shall be lodged and registered in accordance with the *Transfer of Land Act*;

2. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted;
3. Prior to the occupation of the development a crossover shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale;
4. Prior to the commencement of works an Urban Water Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale;
5. The car parking area shall be sealed, drained and line marked in accordance with the approved plan and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale. The parking of vehicles shall be restricted to the lot boundaries, no cars shall be parked on the Kalyang Loop and Kardan Boulevard road reserves;
6. Prior to the submission of a building permit, a landscaping plan including a schedule of the species of trees to be planted shall be provided and approved by the Shire of Serpentine Jarrahdale. The landscaping plan shall be implemented and maintained thereafter;
7. Upon submission of a building permit, the development shall incorporate all recommendations contained within the approved Environmental Noise Assessment prepared by Lloyd George Acoustics dated 28 September 2016 to the satisfaction of the Shire of Serpentine Jarrahdale; and
8. Prior to occupation, a monetary contribution to be agreed and paid to Council for the establishment of public art within the Byford area 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.
9. Prior to the operation of the development the owner shall enter 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 amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Advice Notes

1. With respect to the Section 70a Notification, a Certificate of Title shall be provided as part of the building permit application demonstrating the condition has been complied with;
2. With respect to the landscaping plan, plant species shall be selected based on advice from the Shire of Serpentine Jarrahdale Environmental Services.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained; and
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED UNANIMOUSLY

OCM222/12/16	Proposed Tavern - Lot 50 (#859) South Western Highway, Byford (PA16/79)
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	14 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Lema Australia Pty Ltd
 Owner: Lenz Corp Pty Ltd
 Date of Receipt: 11 July 2016
 Lot Area: 2236m²
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction

This report is presented to Council to consider a development application for a Tavern at Lot 50 South Western Highway, Byford. The proposal is to change the use of four existing commercial tenancies comprising of restaurants and a tattoo shop within Lot 50 South Western Highway, Byford to a tavern.

The proposal is seeking a variation to the car parking requirements of the Byford Town Centre Local Structure Plan (LSP) and the Byford Town Centre Built Form Guidelines (LPP31). The proposal is presented to Council as officers do not have delegated authority under P035S to approve a development with a variation to a planning policy.

It is recommended that the proposal be approved subject to conditions.

Background:

The subject land is situated within the Byford Town Centre and currently accommodates various commercial tenancies including the Tandoori Palace restaurant, Lemas restaurant, Dominos, Bicycle shop and a Tattoo shop.

The site is bound by South Western Highway to the east and George Street to the west. The site also abuts an Australind passenger line which is under the care and control of the Public Transport Authority (PTA). The proponent has an existing ten year car park lease with the PTA.

Relevant Previous Decisions of Council:

OCM114/07/15 – Council approved extension of the existing IGA supermarket on a portion of Lot 50 South Western Highway, Byford.

Community / Stakeholder Consultation:

The application was advertised for a period of 20 days from 12 August 2016 to 31 August 2016, in accordance with the Clause 6.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2) and the Shire's Local Planning Policy No.27 (LPP27) Stakeholder Engagement in Land Use Planning.

Two submissions were received during the consultation period from Main Roads Western Australia (MRWA) and Public Transport Authority (PTA) which were generally supportive of a conditional approval. One objection was received from an existing tenant who raised concern regarding closure of his business (Tandoori restaurant) if the application for the tavern were to be approved.

Attachment OCM222.1/12/16 of this report provides a summary of the comments and issues raised during the community consultation process and a technical response to each comment and issue.

Comment:**Land Use****TPS2**

The subject land is zoned Urban Development under the Shire's Town Planning Scheme No. 2 (TPS 2). The proposal falls under the use class definition of a 'tavern' which is defined as follows:

"means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970 (as amended)"

The proposal is considered to be consistent with the definition of land use as defined under TPS 2. The change of use to a tavern can be approved and its operation is subject to a licence being obtained from the Department of Gaming and Racing.

Byford Town Centre Local Structure Plan

The subject land has a designated zoning of 'Town Centre' under the Byford Town Centre Structure Plan (BTCLSP). The land use permissibility of the proposed tavern has been assessed in accordance with the Clause 5.18.6.3 of TPS 2 states the following;

"In areas designated as zones, the permissibility of uses is to be the same as set out in the zoning table as if those area were zones under the scheme having the same designation"

In accordance with the zoning table (Table 1) of TPS 2 a 'tavern' is an 'SA' use under the designated zone of town centre which means that Council may at its discretion, permit the use.

Built Form

The Byford Town Centre Design Guidelines contains objectives and standards to guide development. The site is located in the Town Centre East Precinct of the Byford Town Centre and is therefore assessed against the policy requirements in section 3.4 of the Guidelines.

The proposal generally complies with the development standards of section 3.4 of the policy such as building orientation, building height and site facilities with the exception of the car parking requirements.

Parking

The car parking requirements for all tenancies within Lot 50 South Western Highway, Byford under BTCLSP is detailed in the table below:

Use Class	Total GLA (m ²)	Ratio (BTCLSP)	Car Bays (required)
Shops (8 tenancies)	594m ²	1 bay per 20m ² GLA	30 car bays
Bays onsite			16 car bays (14bays) shortfall)
Tavern (4 tenancies)	291m ²	1 bay per 20m ² GLA	15 bays

Based in the BTCLP requirements the proposed development requires 30 car bays. As the site is provided with 16 bays, the proposal results in an overall shortfall of 14 car bays. The variation is required to be considered against the relevant design principles of the policy which states the following:

- *Provide adequate car parking be in accordance with projected need, related to type and size of the development,*
- *The availability of on-street and other offsite car parking,*
- *The location of the proposed development in relation to public transport and other facilities,*
- *Convenient and safe parking, and car parking facilities that are unobtrusively located and are not to dominate the streetscape."*

The development includes the construction of 41 car bays along George Street road reserves and is provided with existing 5 car bays along South Western Highway road reserve. The car bays along George Street will be constructed subject of the development approval for IGA supermarket which was approved by the Shire in 2015.

Officers have considered that although the proposal does not comply with the car parking requirements, the proposed 41 on street car bays along George Street, and the existing 5 car bays along South Western Highway justifies the proposed shortfall of the car bays and will alleviate demand for on-site parking.

Given the construction of the 41 car bays along George Street reserve has not commenced, Officers have recommended that a Landscape and Vegetation Plan being included as a condition of approval to ensure that bays will be provided.

In addition to the provision of on street car bays, the development adjoins the PTA reserve which have a capacity of 75 car bays that are to be constructed by the proponent. The proponent has an existing ten year car park lease with PTA. The lease has a 6 month break clause, meaning the car park is a temporary use of PTA's land. In that regard Officers consider that the car parking area on land owned by PTA could only be considered as justification for the proposed shortfall but was not to be relied upon.

Furthermore, the proposed tavern is in close proximity to a main car park with 55 car parking bays provided for the IGA supermarket and commercial tenancies including but not limited to a travel agency, hardware shop, pharmacy, pet shop and hair salon. These tenancies normally operate during the day and demand for car bays will be at peak during the day whilst demand for the tavern parking is likely to be high in the evening when most of these tenancies would be closed.

As the main car park for the center is easily accessible and is within a walkable distance to the proposed tavern, the variation to the car park will not adversely impact on the traffic flow of the area as shared parking and reciprocal parking arrangements can be achieved.

Officers consider that although the proposal does not comply with the car parking provisions required under car parking requirements of the Byford Town Centre Local Structure Plan (LSP) and the Byford Town Centre Built Form Guidelines (LPP31), the application is provided with adequate offsite car parking and that satisfies the design objective of the policy. As such the application should be supported.

Options and Implications

Council has the following options when considering this application:

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

Option 2: Council may resolve to refuse the application, including reasons.

Option 1 is recommended.

Attachments:

- [OCM222.1/12/16](#) – Development Plans (IN16/25579)
- [OCM222.2/12/16](#) – Summary of Submissions (E16/7840)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

The provisions of The Byford Local structure Plan and the Byford Town Centre Design Guidelines Local Planning Policy includes provisions to achieve this and has been considered in the planning assessment.

Statutory Environment:

- *Planning and Development Act 2005*;
- *Planning and development (Local Planning Schemes) Regulations 2015*; and
- Local Planning Policy Byford Town Centre Design Guidelines (LPP31)

Financial Implications:

There are no direct financial implications regarding this matter.

Conclusion:

The development satisfies the relevant provision of the Shire's Town Planning Scheme, Byford Town Centre Local Structure Plan and the requirements of the Byford Town Centre Guidelines. It is recommended that the proposal be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

OCM222/12/16 COUNCIL DECISION / Officer Recommendation:**Moved Cr Hawkins, seconded Cr Piipponen**

That Council approves the application submitted by Lema Australia Pty Ltd for a Tavern on Lot 50 (No859) South Western Highway, Byford as contained in attachment OCM222.1/12/16. in accordance with clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

- 1. Prior to commencement of site works a Landscape and Vegetation Management Plan for the development, including all car parking areas, road verges paving details and footpaths shall be submitted and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented; and**
- 2. Prior to occupation of the building the upgrading of George Street, construction of car parking bays, pedestrian crossover, access ways and footpaths shall be completed to the satisfaction of the Shire.**

Advice Notes

- 1. With respect to the Landscape and Vegetation Plan a detailed landscape plan shall be drawn and show the following:**
 - i) Site plan with natural ground levels and all existing vegetation;**
 - ii) Proposed development layout with trees marked for retention and removal proposed vegetation (trees, shrubs, vertical gardens, lawns, if any) areas to be reticulated (if needed);**
 - iii) Water Sensitive Urban Design (WSUD) principles and provisions of approved Urban Water Management Plan incorporated into the landscape design.**

- 2. Public Transport Authority advises the following:**

The car park lease must be fenced to a height of 1.8 metres with no access to the rail reserve (palisade fencing).

CARRIED 5/4

The Presiding Member used his casting vote

OCM223/12/16	Road Renaming Proposal – Part of Shorthorn Circuit, Byford (SJ500-03)
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	10 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Taylor Burrell Barnett
 Date of Receipt: 13 September 2016
 Town Planning Scheme No. 2 Reserve: 'Local Roads'
 Metropolitan Region Scheme Zoning: 'Urban Deferred'

Introduction:

The purpose of this report is for Council to consider a request for the renaming of a portion of Shorthorn Circuit - extending east at the intersection with Annato Entrance - to Willis Drive.

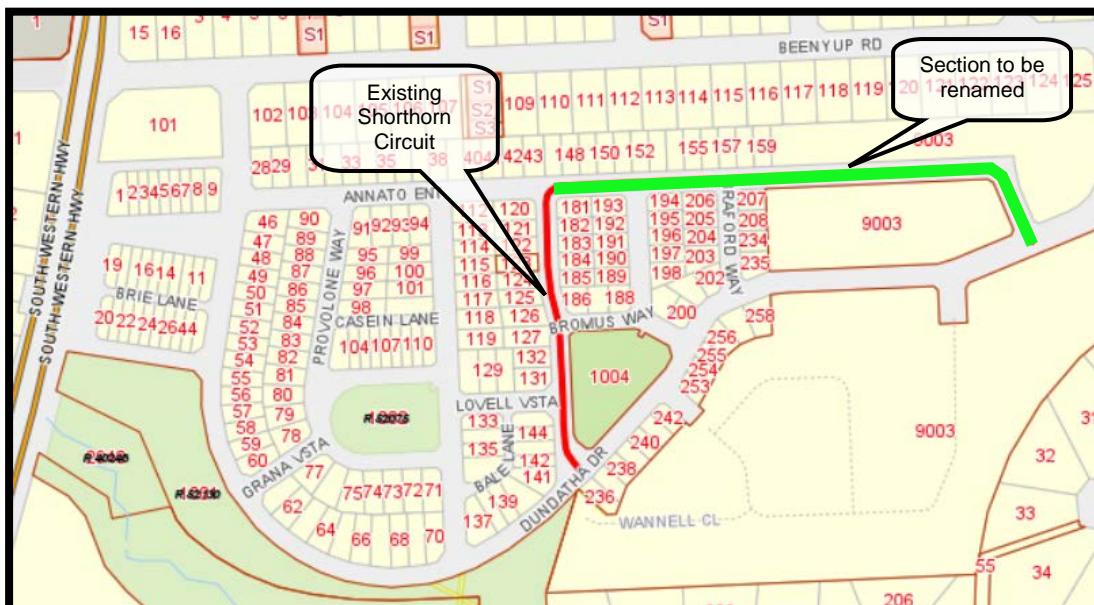
The proposal is presented to Council as Shire officers do not have delegation to consider renaming of road names. The Shire is not the determining authority for road renaming.

In accordance with the *Land Administration Act 1997* the Minister for Lands has delegated the responsibility for road name approval to Landgate. The Geographic Names Committee (GNC) are the branch of Landgate that determine naming applications for geographic features.

One of the requirements for a road name application under the GNC policy is support of the relevant Local Government. As such, the report is presented to Council to seek support for the proposal.

Shire officers have assessed the application in accordance with the Shire’s Local Planning Policy 38 – Road Naming (LPP38) and the GNC Policies and Standards for Geographical Naming in Western Australia (GNC) policy.

Shire officers recommend that Council supports the proposed road renaming and recommend approval to the GNC.



Locality Plan

Background:

The full extent of Shorthorn Circuit was not provided as part of the first stage of subdivision and as a result, street numbers were allocated from the intersection closest to the entry of the estate. The second stage of subdivision included the extension of Shorthorn Circuit to the east. Due to numbering undertaken as part of the first stage of subdivision there are no available street numbers for the extension of Shorthorn Circuit.

Renaming of the portion of Shorthorn Circuit extending to the east has been proposed to prevent the need to renumber 14 established lots and five vacant lots on the initial length of Shorthorn Circuit.

Relevant Previous Decisions of Council:

OCM161/04/14 – Adoption of Farming Tradition Road Naming Theme for the Brook at Byford

OCM253/11/15 – Adoption of Stage 2 Road Names for the Brook at Byford

Planning Assessment:Compliance with relevant legislation:

The proposal has been assessed against the GNC policy and the Shire's LPP 38.

Section 6.6 of LPP38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- *'Consideration of current and future street names'*

The subject road is not proposed to be extended any further as part of future stages of subdivision. The renaming proposal is based on the full extent of the road and is not considered to conflict with current street naming or be likely to result in a need to rename in the future.

- *'Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases'*

The purpose of this renaming proposal is to resolve a street numbering issue resulting from the current street naming. The renaming proposal will allow street numbering to be provided in accordance with this provision.

- *'The origin of each name shall be clearly stated and subsequently recorded'*

Willis and Curren are the family names of historic dairy farming families that have operated in the Byford/Beenyup area and Gallon is a historic measurement for milk. The proposed names comply with the 'farming tradition' road naming theme approved for the area.

- *'Names shall not be offensive or likely to give offence, incongruous or commercial in nature'*

The proposed names are not considered to be offensive, likely to give offence, incongruous or commercial in nature.

- *'Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public'*

The proposed names are considered to be easy to read, spell and pronounce.

- *'Unduly long names and names comprised of two or more words should generally be avoided'*

The proposed names do not feature more than one word.

- *‘Proposals for road names shall include an appropriate road type suffix’*

Proposed suffixes are considered to be appropriate as it is consistent with suffix definitions under the GNC policy.

Drive (DR) - A wide thoroughfare allowing steady flow of traffic without many cross-streets

Way (WAY) - A roadway affording passage from one place to another. Usually not as straight as an avenue or street.

- *‘Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads’*

The name length is not inconsistent with the length of the road as shown on the road layout plan.

The proposed name change is considered to be consistent with the requirements of the GNC policy, as such, officers support the proposal.

Community / Stakeholder Consultation:

Under GNC policy the application should be advertised to affected landowners with a 30 day period for which to provide comment. The proposed renaming is not considered to affect any landowners as none of the effected lots are currently addressed to Shorthorn Circuit due to the street numbering issue. In light of the above, the renaming has not been advertised.

Options and Implications:

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

Option 1: Council may resolve to support the renaming and recommend the proposed road names for approval by the Geographic Naming Committee.

Support for the application will resolve addressing issues and prevent the renumbering of existing properties.

Option 2: Council may resolve to refuse the proposed renaming.

Should Council resolve to refuse the renaming, the Shire will renumber affected properties, which may result in street addressing confusion.

Option 1 is recommended.

Attachments:

- [OCM223.1/12/16](#) – Request for Road Renaming (IN16/24661)
- [OCM223.2/12/16](#) – Road Layout Plan (E16/9570)

Alignment with our Strategic Community Plan:

Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management.

As per LPP38 it is recognised that road naming is critical in directing emergency services, mail delivery and road transport. The intent of the proposal is to allow lots to be addressed with minimal impact to surrounding residents, preventing confusion that may result from re-numbering.

Statutory Environment:

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- *Geographic Names Committee – Policy and Standards for Geographical Naming in Western Australia*
- *Land Administration Act 1997*
- Local Planning Policy No. 38 (LPP 38) – Road Naming

Financial Implications:

Should Council choose to approve the proposed re-naming there will be a cost involved with the replacement of road name signage.

Conclusion:

The proposal seeks the renaming of a portion of Shorthorn Circuit to prevent addressing issues caused by street numbering undertaken as part of the initial stage of the subdivision. The proposed names: Willis Drive, Curren Way and Gallon Drive are all compliant with the GNC policy and LPP38 and as such, officers support the proposal.

Voting Requirements: Simple Majority

OCM223/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council supports the proposed renaming of Shorthorn Circuit as shown in attachment OCM223.2/12/16 and recommends approval to the Geographical Names Committee for the following names in preferential order:

- a) Willis Drive;**
- b) Curren Way; and**
- c) Gallon Drive.**

CARRIED UNANIMOUSLY

OCM224/12/16	Lot 5 (#34) Abernethy Road, Byford – Amended JDAP application to include water tanks and a plant and equipment room and minor tenancy modifications (PA16/405)
Author:	Regan Travers - Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	10 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Peter Webb and Associates
 Owner: Australasian Property Investments Ltd
 Date of Receipt: 24/10/2016
 Lot Area: 18 157m² (1.8ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

This report is presented to Council to consider a Form 2 Responsible Authority Report (RAR) prepared for an amended application for Shops, Medical Centre and Fast Food/Takeaway Shop application received 24 October 2016 at Lot 5 (#34) Abernethy Road, Byford.

The proposed development was submitted to the Shire as an amended 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*.

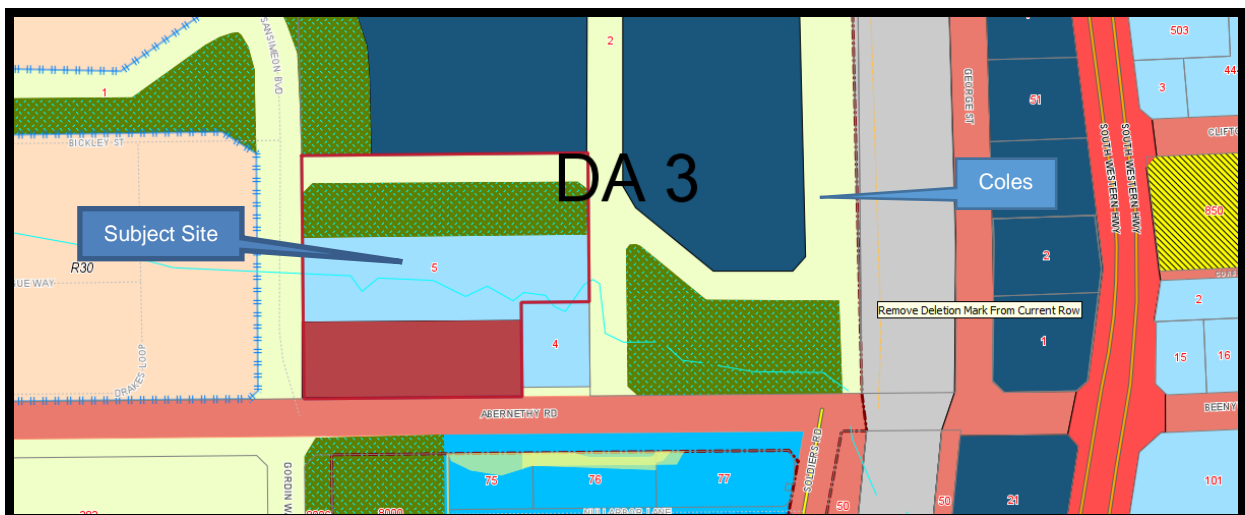
The additions to the development provide facilities which are essential for the operational requirements of the development for fire-fighting purposes, along with minor changes to the location of entrances to the façade to reflect previous conditions of approval and minor changes to update the colours and materials to reflect the new landowners' requirements.

The attached RAR (OCM224.3/12/16) recommends that the amended development application be approved subject to appropriate conditions.

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

Background:

The subject site lies within the suburb of Byford, located adjacent to the Byford Town Centre. The site is within the Byford Town Centre Local Structure Plan (LSP). The land to the east is designated under the LSP for Town Centre development, with the Coles shopping centre recently being completed.



The development was approved on the 20 July 2016 at meeting No.88 of the DAP. The approved development is summarised as:

- Large Shop comprising of 3,600m²;
- Small Shops with a total area of 799m²;
- Medical Centre comprising of 459m²;
- Fast Food/Takeaway Shops comprising of 132m²; and
- Car parking area.

The northern area of the site is a 'Multiple Use Corridor' with a width varying between 26 metres and 30 metres.

Proposed Development

As part of this application the applicant initially proposed to locate the water tanks within the multiple use corridor, however officers recommended the water tanks be relocated to the roof of the development. Locating the water tanks within the multiple use corridor was not considered to be an appropriate built form outcome, having a negative impact on the amenity of the area. The revised plans now propose the following changes to the DAP approval issued 20 July 2016:

- Water pumps and two tanks (52 000 litres each) located on the roof of the development, above tenancies 6 and 7 and the shopping trolley storage area;
- Screen wall around the water pumps and tanks to conceal blend in with the northern elevation of the building;
- Pylon sign panels reduced;
- Plant and equipment room above the main tenancy (T1) with an area of 161.68m²;
- Tenancies 11, 12 and 13 are amended to include external doors facing the 'main street' in accordance with condition 28 of the 20 July 2016 DAP approval;
- Tenancy 15 amended to include external doors facing 'Sansimeon Boulevard' in accordance with condition 28 of the DAP approval; and
- Amendments to the approved façade colour and materials changes.

The amended JDAP application has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2), and Local Planning Policy No.31 (LPP 31).

Relevant Previous Decisions of Council:

- OCM026/03/15 – Council resolved to endorse the Responsible Authority Report which recommended refusal.
- OCM074/05/15 – Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM256/11/15 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM035/03/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM106/06/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.

Planning Assessment

Land Use

The Metropolitan Region Scheme zones the land 'Urban' and TPS 2 zones the land as 'Urban Development'. In accordance with clause 5.18.3.7 of TPS 2 Council adopted the Byford Town Centre Local Structure Plan (BTCLSP). The BTCLSP identified the subject site

as partially designated for mixed use, highway commercial, and public open space and drainage.

The amended application includes elements which are considered essential for operation of a commercial development and are incidental to the existing DAP approval.

Given that the amendments to the existing JDAP approval are either incidental to the approved land uses or are consistent with them, officers are supportive of the modifications from a land use perspective.

Built Form

The built form of the amended development is assessed primarily against LPP 31, however it is also assessed based on the broader principles of orderly and proper planning.

Architectural Design

LPP31 requires architectural design and character which responds to Byford's rural character whilst contributing to an attractive streetscape. The screen for the water tanks is consistent with the elevation previously approved by the JDAP which incorporates grey and black painted concrete. Being a loading dock with no windows there is limited opportunity to incorporate architectural features.

Officers are satisfied that the colours and elevation of the loading dock and water tank screen are consistent with the existing approval and fit the character established by the original JDAP approval for the site.

Roof Design

LPP31 requires rooflines to contribute to the overall design and performance of the development, whilst also integrating the roof into the façade and desired streetscape. The approved DAP application did not provide any variation of the roof line, however the mixed heights of the façade were considered to provide visual interest.

The water pumps, associated screen, and plant and equipment room of the amended development provide additional variation in the roof line, as opposed to a continuous roof set at one height. Officers consider the amended roof design to be an improvement on the current DAP approval.

Officers consider the additional variation in roof height adds visual interest to the façade of the building. The amended design is therefore consistent with LPP 31.

Abernethy North Precinct Requirements

LPP 31 contains specific requirements for the 'Abernethy North Precinct' within which the subject site is located.

The building height envisaged for this precinct is one (1) to two (2) storeys. The building height varies across the site, however in the area of the amendments it is between six (6) and eight (8) metres in height which is consistent with what State Planning Policy 3.1 (Residential Design Codes) would allow a two-storey dwelling to be built to. There is more variance in building heights for commercial buildings due to different requirements for ceiling clearances to allow for land use specific infrastructure such as exhaust fans of a restaurant kitchen.

The additional screen measuring eight (8) metres in height is considered to be consistent with a two storey building. Officers consider the roof mounted water tanks and associated screen to be consistent with the desired one to two storey building height.

Façade Amendments

The original colour and materials for the facade were consistent with LPP 31, providing for a rural aesthetic incorporating masonry, wood, metal and natural green elements

The proposed amendment includes an increase of textured stone cladding which is proposed to be affixed to concrete walls. This is a minor change to the plain stone cladding

previously approved. In addition to stone cladding, exterior vertical fins in a bronze anodized finish are proposed between indicative shop signage locations.

The change in cladding adds to the natural rural aesthetic of the Byford area due to presenting an 'unfinished' or 'raw' masonry finish. This adds texture and depth to the façade of the building.

Officers consider the minor colour and material changes to be consistent with the existing JDAP approval and capable of support.

Signage

The size of the individual signage panels on the proposed pylon sign have been combined to provide space for three tenancy signs, rather than the five approved as part of the existing DAP approval. This has not changed the area or size of the pylon sign.

Whilst it is noted that LPP 31 does not facilitate the construction of pylon signs within the LPP area, it was supported as part of the existing DAP approval.

Officers have no concerns with the adjusted signage panels as the area of signage has not changed, however, it is noted that a condition requiring a signage strategy will still be necessary due to the size and location of signs across the site only being provided indicatively.

Additional external doors

Condition No.28 of the DAP approval states that pedestrian entrances must be incorporated into tenancies 11 to 15 to ensure active frontages are provided to the development.

The amended elevations show pedestrian entrances to tenancies 11 to 15 in accordance with Condition No.28.

Officers are satisfied that the amended plan addresses the previous condition of planning approval, therefore the condition is not recommended to be included on any further planning approvals.

Car Parking

The existing DAP approval considered the application with a car parking shortfall of 25 spaces. LPP 31 requires car parking to be provided at a rate of one bay per 20m² of gross leasable area.

The addition of the plant room and equipment storage area is not considered to contribute to the gross leasable area of any tenancy. Gross leasable area is the area of all floors capable of being occupied by a tenant for his/her exclusive use and is the basis for calculating car parking requirements.

The facility is intended for firefighting purposes and will provide a service to all tenancies in the event of a fire. Although the facility is only accessible via tenancy 1, all tenancies will benefit from the service provided. As a result the facility is not considered to be for the exclusive use of any tenancy, will not increase the gross leasable area of any tenancy and will not impact car parking requirements.

Bicycle Parking

The existing DAP approval requires the provision of 10 short term bicycle parking bays. This requirement is not affected by the proposed development due to there being no change to the net lettable area (NLA) of the development.

While NLA is not defined in TPS 2, the general definition is that it excludes plant rooms and other service areas.

The proposed amended development does not impact bicycle parking requirements of the development.

Impact on Adjoining Landowners

The amendments to the JDAP approval are located to the south of the adjoining Lot 2 Abernethy Road. Lot 2 Abernethy Road is considered to be the only land likely to be affected by a modification to the development.

The proposed amendments do not have a direct relationship to the adjoining land, as they are separated by the multiple use corridor. It is noted that the modifications will be visible to future visitors of Lot 2 Abernethy Road when that site is further developed in the future.

The modifications to the JDAP approval do not have any off-site impacts on access or traffic and do not impact on the ability of the adjoining lot to be further developed in the future. Officers consider the proposed modifications to have no impact on adjoining sites which needs to be addressed through the amended JDAP application.

Directions 2031

The vision of the Directions 2031 strategic document is that by 2031, Perth and Peel people will have created a world class liveable city; green, vibrant, more compact and accessible with a unique sense of place.

These broad objectives are not relevant to the proposed modifications, however they are relevant to the existing JDAP approval. The proposed modification does not decrease the development's contribution to employment, diversity and identity.

Officers consider that the proposed modifications are consistent with the broad vision of the Directions 2031 strategic document.

State Planning Policy 4.2 – Activity Centres (SPP 4.2)

The main purpose of this policy is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. Byford is identified in this policy as a District Centre.

SPP 4.2 refers to car travel, land uses and diversity, urban form and resource conservation. The section relevant to the proposed amended application is urban form. The urban form should incorporate height at key points, while respecting human scale and solar access.

The addition of the plant room above tenancy 1 adds height to the building as it faces the north and the multiple use corridor. Being north facing the additional building bulk does not overshadow the multiple use corridor which will be a vegetated area suitable for passive recreation. The plant area and water tanks provide a backdrop to the multiple use corridor when viewed from the north.

Officers consider the built form of the amended development to be consistent with the broad urban design objectives of SPP 4.2 which are further refined in Local Planning Policy No.31 (LPP 31) which was discussed earlier in this report.

Community / Stakeholder Consultation:

The application was not advertised to adjoining landowners. The proposed modifications are consistent with the land uses approved on 20 July 2016 as part of the original JDAP application which was recommended for approval by officers in accordance with clause 5.18.1.2 of TPS 2. Officers consider the proposal to have minimal impact on the surrounding properties given the proposed modifications are incidental to the existing approved land uses.

Options and Implications:

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

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

Option 1: Council may resolve to endorse the RAR.

Option 2: Council may resolve not to endorse the RAR.

Option 1 is recommended.

Attachments:

- [OCM224.1/12/16](#) – Application (IN16/22884)
- [OCM224.2/12/16](#) – Revised Plans (IN16/25557)
- [OCM224.3/12/16](#) – Responsible Authority Report (RAR) (E16/9576)
- [OCM224.4/12/16](#) – JDAP Approval 20 July 2016 Determination Notice (IN16/14819)

Statutory Environment:

- Metropolitan Regional Scheme (MRS).
The lot is zoned 'Urban' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2).
The lot is zoned 'Urban Development' under TPS 2.
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines (LPP 31).

Financial Implications

Nil

Conclusion:

The development satisfies the relevant provisions of the Shire's Town Planning Scheme and Byford Town Centre Design Guidelines and is therefore recommended for approval by the Development Assessment Panel.

It is considered that the proposed modifications are incidental to the existing JDAP approval and are therefore appropriate within the Abernethy North precinct.

Voting Requirements: Simple Majority

OCM224/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council endorse the Responsible Authority Report contained within attachment OCM224.1/12/16, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking amended approval for the proposed Shop, Medical Centre and Fast Food/Takeaway at Lot 5 (#34) Abernethy Road, Byford, with relevant 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. Street intersections, including the intersection of the access way with Abernethy Road, being designed and constructed to the satisfaction of the Shire prior to the occupation of the development.

5. The entry to the site, including the intersection of the access way with Abernethy Road, shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy 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 Council's draft Local Planning Policy No.62 – Urban Water Management 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 Landscaping 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 210 car parking bays;

- c. include four (4) 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 to take place within the boundaries of the premises.
23. No signs are permitted to be displayed in the road reserve of Abernethy Road at any time.
24. 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.
25. Arrangements being made for the upgrading of Abernethy Road along the frontage of Lot 5 Abernethy Road to the satisfaction of the Shire prior to occupation of any tenancies. This shall include the construction of the median within Abernethy Road for the 'broken' section of the southern boundary of Lot 5 to prevent right turn movements to the site from Abernethy Road.
26. Graffiti must be removed by the landowner within 7 days of its occurrence.
27. A passive cycle path must be provided in accordance with Local Planning Policy No.73.
28. A cash contribution, in lieu of the shortfall of on-site car parking for the development of 25 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.

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.**
- 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

Councillor Atwell declared a Financial Interest in item OCM225/12/16 and left the meeting at 8.27pm while the item was discussed.

OCM225/12/16	Town Planning Scheme Amendment No. 187 – West Mundijong Industrial Area – Various Lots from Rural and Farmlet to Urban Development & Development Contribution Plan – Final Adoption (SJ1533)
Author:	Rob Casella - Senior Planner
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	16 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Shire of Serpentine Jarrahdale
 Lot Area: 448.81 ha (approx.)
 Town Planning Scheme No. 2 Zoning: Farmlet & Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction:

The purpose of this report is for Council to consider the submissions received during the public consultation period for Scheme Amendment No.187 and to determine to support the proposed amendment, subject to modifications Scheme Amendment No.187 seeks to rezone various lots from ‘Rural’ and ‘Farmlet’ to ‘Urban Development’ under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2), with the intention of facilitating a future industrial zone commonly referred to as the ‘West Mundijong Industrial Area’.

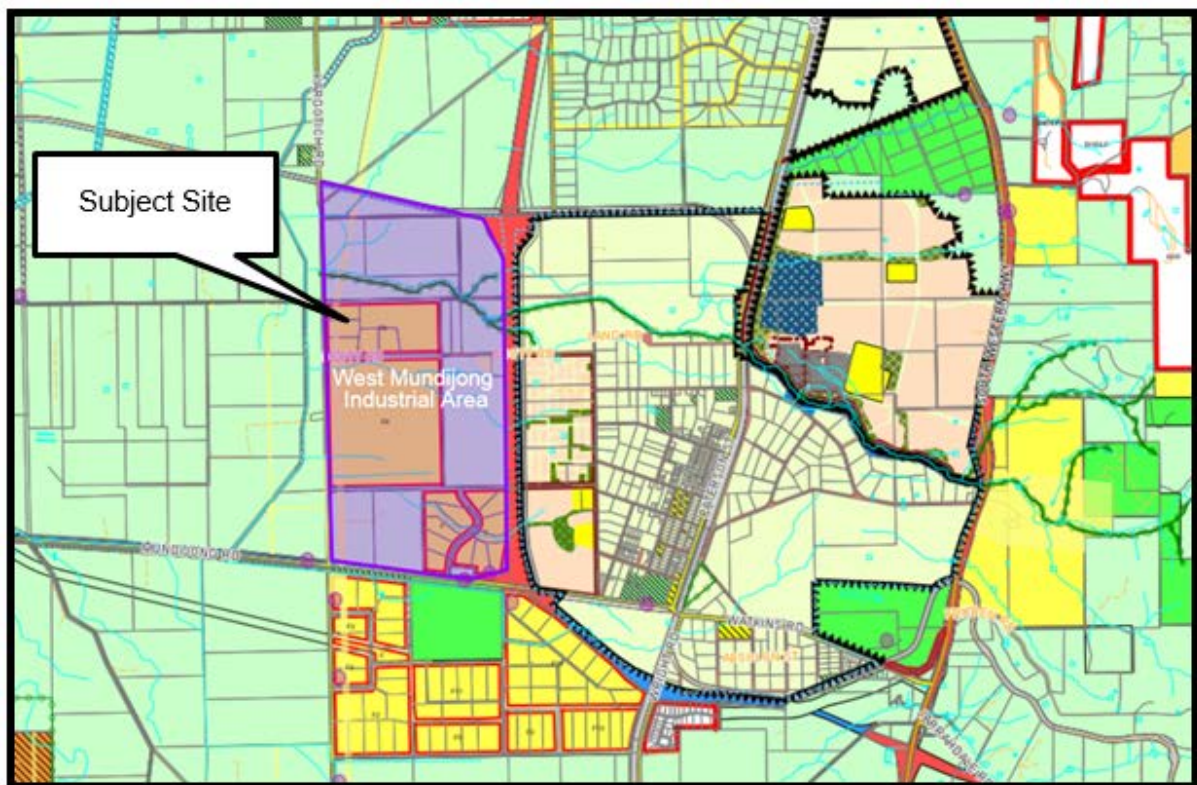


Figure 1 - Locality Plan

This report recommends council adopts the schedule of submissions and to support Scheme Amendment No.187 to Town Planning Scheme No. 2 subject to modifications, as detailed in the report and schedule of submissions.

Background:

The subject site has an area of approximately 450 hectares. The proposal to rezone the subject site was initiated by council in November 2015. To date the following key milestones have been achieved:

- At its Ordinary Council Meeting (OCM) on 9 July 2012, Council resolved to initiate a technical investigation into the West Mundijong Industrial Area. Following this, the subject site is identified under the Shire's Rural Strategy Review 2013 as 'Urban or Industrial cell - West Mundijong Industrial Area Structure Plan'. Various strategic investigations leading up to and since this time, have continued to reinforce and recognise the West Mundijong Industrial Area. This includes:
 - i. Department of Planning's *Economic and Employment Lands Strategy April 2012*;
 - ii. *West Mundijong Industrial Area Feasibility Study*; and
 - iii. *Perth and Peel @3.5million and Draft South Metropolitan Peel Sub-regional Planning Framework, Economic and Employment Lands Strategy*.
- Council resolves at its OCM on 11 March 2013 to request the WAPC to proceed with an MRS Amendment over the subject site, rezoning the land from "Rural" to "Industrial".
- The Shire undertook extensive studies in support of the proposal resulting in the preparation of a District Structure Plan and relevant technical reports for the West Mundijong Industrial Precinct. These additional studies include:
 - i. District Water Management Strategy;
 - ii. Environmental Assessment;
 - iii. Traffic impact statement;
 - iv. Noise modelling investigations to address any potential land use conflicts with the neighbouring Mundijong urban cell, east of Tonkin Hwy and surrounding residences as part of the freight rail realignment; and
 - v. As part of the technical planning investigations into the West Mundijong Industrial Precinct, it was identified that the potential freight realignment would be located parallel to the west of the future Tonkin Hwy extension.
- At its OCM on 23 November 2015, Council resolved to initiate this Scheme Amendment No.187 – West Mundijong Industrial Area for the purpose of advertising.

Prior to advertising, the Shire sought advice from the Environmental Protection Authority (EPA) and the Department of Planning (DoP). The EPA raised concerns as the proposed Scheme Amendment No. 187 and the MRS that was underway at the time appeared to be inconsistent. Initially, Scheme Amendment No 187 did not reflect the rural buffer around the Tonkin Hwy road reservation (refer to figure 2).



Council Endorsed Amendment

EPA Amendment Map

Figure 2 – Amended Zoning Boundary as required by the EPA

- In December 2015, the WAPC publicly advertised the MRS amendment, with comments closing on the 18 March 2016. It was recognised that the advertised MRS plan reflected a 50m buffer along the western boundary of the future Tonkin Highway road reservation to secure the land associated with the realignment of the Kwinana freight rail in the future.
- At its OCM on 22 February 2016, Council resolved as follows regarding its submission on the MRS Amendment:

“The Shire recommends the Department amend its proposal to include a portion of land adjacent to Tonkin Hwy to be contained in a Railway Reserve and allow for further planning tools to control the use of land to protect the proposed future realignment of the freight rail.”

Relevant Previous Decisions of Council:

OCM001/07/12 – Council resolved to initiate the technical investigations to proceed with the West Mundijong Industrial Area Region Scheme Amendment.

OCM161/03/13 – Council resolved to adopt the draft District Structure Plan over the West Mundijong Precinct and formally request the Western Australian Planning Commission to progress concurrent amendments under the MRS and Town Planning Scheme.

OCM246/11/15 – Council resolved to initiate Scheme Amendment No. 187 for the purposes of Advertising.

OCM017/02/16 – Council endorsed a submission on the proposed MRS amendment, supporting the proposal, recommending the Department of Planning consider the rural buffer area be expanded to protect the true alignment of the future freight rail alignment.

Community / Stakeholder Consultation:

As per Council’s resolution, the application was advertised in accordance with r.47 Division 3 Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A total of 27 submissions have been received by the Shire, 12 are from Agencies and the remaining 15 are from the community. Of these community submissions, nine (9) object and

six (6) submissions are in support. These are summarised as follows with Officers comments under each of the objections:

Community objections (summarized):

- General opposition to the land being rezoned from rural to industrial;

Shire response:

The West Mundijong Industrial Area has been identified for future industrial land for many years. The MRS Amendment to rezone the land from Rural to Industrial was widely advertised, likewise this Scheme Amendment No.187, including directly to affected and surrounding landowners. Imminent approval of the MRS Amendment is anticipated.

These actions are specifically underpinned by extensive investigations relating to need, traffic, noise, drainage, servicing and net community benefit particularly in relation to sustaining employment and providing an adequate supply of industrial land within the Shire and beyond within the regional context.

- Specific opposition to alignment of the Freight Rail Line being included as a cost within the Developer Contributions Plan;

Shire response:

In relation to the Development Contributions proposed, the Shire is carrying out further investigations and working with Developers / landowners within the Mundijong – Whitby and West Mundijong precincts to gauge a suitable proportion of costs to be shared by landowners, at subdivision stage.

This contribution arrangement will be confirmed through a Development Contribution Plan, which will be finalised subsequent to this Scheme Amendment No.187, and after execution of a separate consultation process.

- Specific opposition to the extent of the future Freight Rail Corridor including:
 - A diminished extent of future Industrial zoned land;
 - That this land should be within rail reserve under the MRS and in this Amendment;
 - That this rural buffer land should also be within the Urban Development zone.

Shire response:

The Shire concurs with the public in regards to the dual zones contained within the buffer. This Scheme Amendment No.187 is bound by the State in its proposal to amend the MRS, and is obligated to ensure that this TPS2 Amendment reflects that of the MRS.

As per Council's previous resolution, the Shire agrees that the proposed freight rail should be accommodated within the 'Railways' reservation under the MRS.

- Impacts upon land holders in the existing Farmlot zone and whether their existing uses can continue on;

Shire response:

There is presently no compulsion for landowners to relocate from within the subject land, or any requirement to cease their present use of the land. The Shire believes that the non-conforming land use rights of land owners will be sufficient in protecting landowner's interests.

- Perceived loss of property value given the changes to zoning proposed.

Shire response:

Perceived loss of property value is not a valid planning consideration, however as outlined above, the Shire agrees that the land to be set aside for the future freight rail would be most

appropriately zoned as Railway at some point in time, however the development contribution plan needs to be finalised first to compensate land and construction attributed to relevant parties. Once achieved further amendment to the MRS and local planning scheme will be implemented. The reservation of the land into Railway is considered to be premature until the development contribution plan is resolved. It is only then the land can be zoned either Railway reserve or Industrial.

Agency / Government Objections / Submissions:

The Shire received submissions from the following government agencies:

- Department of Education
- Water Corporation
- Department of Agriculture and Food
- Department of Parks and Wildlife – Swan Region
- State Heritage Office
- Western Power
- Department of Mines and Petroleum
- Department of Fire and Emergency Services
- Department of Environment Regulations
- Department of Transport

Of the 10 submissions received from the government agencies, no action is required for six of the submissions, as they have advised either of support or no objection to the proposal.

Matters raised by other Agencies are responded to and/or there are agreed minor changes to be made to the Amendment to resolve their concerns. These changes relate to actions that will occur through subsequent stages and execution of precinct planning that will follow on after approval of the MRS and this Amendment to TPS 2.

Department of Transport:

In response to the submissions received, it is acknowledged that the Department of Transport (DoT) will undertake additional transport planning following the adoption of the MRS Amendment. This will link in with the Development Contributions Plan that will be finalised subsequent to both the MRS Amendment and Scheme Amendment No.187.

Department of Planning:

The Department of Planning have advised of some minor text changes to the proposed Urban Development zone schedule. These were in the context of the introduction of the recent Planning and Development (Local Planning Schemes) Regulations 2015 and the application of structure plans being due regard only and no longer statutory.

Department of Fire and Emergency Services:

The Department of Fire and Emergency Services considerations relating to bushfire will be met through the updated Bushfire Management Plan that is being prepared as a part of the MRS Amendment. This information directly translates to this Amendment. Following this, more detailed planning with regard to bushfire risk will occur through the precinct Local Structure Plans.

Water Corporation:

The Water Corporation made two submissions regarding servicing and drainage issues. Specifically the supply of reticulated water and wastewater, requiring some modifications to the scheme amendment report.

It is considered that the matters raised by the Water Corporation regarding servicing and drainage will be dealt with in subsequent planning stages. Importantly, at a strategic level, there are no barriers to reticulated water and sewer being provided, as well as appropriate drainage solutions being designed and implemented at a more detailed level of the planning process.

Additionally, a number of modifications are required to the scheme amendment document to reflect the following, as advised by Water Corporation:

- a) Correct reference that Conservation Category Wetlands (CCW's) and their buffers will become zoned as Public Open space;
- b) Remove all reference to the Serpentine Main Trunk providing water supply to the subject land; and
- c) Depict the Wastewater Pump Station buffer within the District Structure Plan.

It should be noted, that the Department of Water has provided its support / approval of the District Water Management Strategy (DWMS) prepared in support of the draft District Structure Plan for the West Mundijong Industrial Area. The DWMS seeks to address, through best management practices, the total water cycle management on the site.

Department of Environment Regulations:

The Department of Environment Regulations has provided general advice, however have advised that the subject lots are subject to having a moderate to low risk of Acid Sulfate Soil (ASS) occurring within 3 metres of natural soil surface.

It is considered that the environmental considerations will be addressed at subdivision / development stage, through the application of an appropriate condition.

Department of Parks and Wildlife:

Comments received from the Department of Parks and Wildlife (DPaW) raise awareness of the existence of a Bush Forever Site and associated Threatened Ecological Communities (TEC's) located south of Mundijong Road, directly adjacent the subject site. Their concerns relate to the change in the hydrology due to the future development of the subject site. The vegetation located south of Mundijong Road is considered to be water dependent.

It is recommended that the Shire make relevant modifications to the Scheme Amendment provisions. Specifically, the inclusion of suitable provisions requiring that a local water management strategy be prepared as part of a structure plan. Subsequently, it is required that any local water management plan prepared is to address the following:

- a) Hydrological assessment to demonstrate no adverse impact on Threatened Ecological Communities and Conservation Category Wetlands within and surrounding the subject land;
- b) Consideration of Commonwealth referrals for Threatened Ecological Communities within as well as adjoining the subject land; and
- c) The inclusion of Surveys for habitat of Black Cockatoo.

Additional Submissions

In addition to the submissions received during the public consultation period for Scheme Amendment No.187, the Shire received correspondence from the Freight and Logistics Council of Western Australia (FLCWA) in regards to its comments on the MRS amendment.

FLCWA comprises senior decision-makers from both private and public sectors and was established to provide a forum for industry consultation and for independent strategic policy advice from Industry to the State Minister for Transport on developments impacting the delivery of freight and logistics services throughout Western Australia.

In its submission, the FLCWA identifies the subject site as being a highly regarded strategic site for accommodating a future intermodal terminal and freight hub given its excellent access, location and size, within the Metropolitan Region.

It is their view that the freight rail line adjacent to the subject site forms part of a key freight rail network that will connect future developments in the precinct to:

- The south west region including Bunbury Port and the resource extraction industries at Boddington, Pinjarra, Waroona and Collie;
- The Kwinana industrial area, related bulk port facilities and future container port facilities;
- The inner harbour of Fremantle Port and a new Outer Harbour container port located on the Cockburn Coast; Perth Freight Terminal and Forrestfield Intermodal Terminals; and
- The national freight rail network extending to Kalgoorlie and the Eastern States

The submissions goes further to emphasise the importance of securing appropriate land for intermodal terminals, especially in such close proximity to the State primary port facilities.

It is the Shire's intent to secure an appropriate area within the subject site for the purpose of an intermodal terminal facility. This will be achieved through the structure plan process, as supported by the technical investigations which form an appendix to the draft District Structure Plan and subject scheme amendment.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The subject land is presently zoned Rural under the MRS, however rezoning to Industrial is imminent under Amendment MRS 1298/41.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The subject land is presently zoned 'Rural' and 'Farmlot' under the TPS 2. This Amendment No.187 seeks to rezone the land to 'Urban Development'.

Broadly, the *Planning and Development Act* sets out the procedural and legislative requirements for preparing a Scheme Amendment.

Financial Implications:

The overall impact of this Amendment and rezoning, following on from the MRS Amendment, will have considerable flow on economic and employment benefit to the local community, broader Shire and region. This is an Amendment initiated by the Shire of Serpentine Jarrahdale, which has been financed through the 2016/2017 annual budget.

Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.2	Encourage commercial investment in the Shire that positively impacts the natural environment.
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Planning Assessment:

Strategic Planning Framework –

Directions 2031

In August 2010 the WAPC released Directions 2031 and Beyond. The purpose of the document is to guide future development for the Perth and Peel regions. The following key points are relevant to West Mundijong:

- Identification of West Mundijong as a possible industrial area;
- Possible intermodal freight terminal at West Mundijong;
- Potential additional dwelling yield of 12,500 for the Mundijong town site;
- Designation of Mundijong town site as a ‘District Centre’;
- A projected growth in population of 30,000 for Serpentine Jarrahdale by 2030;

- Employment self sufficiency target of 55%; and,

- Identification of Tonkin Highway and Mundijong Road as ‘strategic’ roads.

Perhaps the most significant recommendation of Directions 2031 relates to the possible intermodal facility at West Mundijong. It states:

“An investigation of the suitability of an intermodal freight terminal at West Mundijong, as a strategically important industrial site, will be required. The potential realignment of the Kwinana–South West freight rail line that runs along the eastern boundary of the proposed West Mundijong strategic industrial area presents the opportunity to develop an intermodal terminal in this area. The West Mundijong site has the potential to become a strategically important intermodal node given its proximity to the intersection point of the rail system and the primary road network.”

Economic and Employment Lands Strategy: non-heavy industrial: Perth metropolitan and Peel regions

The Economic and Employment Lands Strategy: non-heavy industrial: Perth metropolitan and

Peel regions (EELS) was completed by the WAPC in August 2012. The purpose of the EELS is to determine demand for industrial land in the short to medium term and ensure that sufficient industrial land is identified and made available in the Perth and Peel region.

The EELS has identified 37 potential industrial areas. Eleven of the sites have been identified as ‘priority industrial sites (for investigation)’. The rest of the sites, including West Mundijong, are described as ‘possible future industrial sites’ with the ‘potential for future rezoning’.

Despite not being designated a priority industrial site, the EELS states:

“West Mundijong ... has the potential to become a strategically important intermodal node, given its proximity to the intersection point of the rail system and the primary road network.”

It is considered that the actions taken by the Department of Planning and the Western Australian Planning Commission to initiate the MRS amendment for the subject site, as well as grant consent to advertise Scheme Amendment No.187, indicates that the appropriate investigations have been carried out and determined to be feasible to progress with.

Draft Perth and Peel @ 3.5million – South Metropolitan Peel Sub-Region

The Perth and Peel @ 3.5million (PP@3.5) strategic suite of documents has been developed to engage the community on expectations of what the city should look like in the future, on how valued lifestyle can be maintained and how we can realistically accommodate a substantially increased population.

The draft framework provides guidance on where sustainable development should occur over the next 35 to 40 years to ensure there is sufficient urban and employment land to accommodate the expected growth to a population of 3.5 million (1.26 million in the south Metro and Peel Region). The plan seeks to reduce the impact of development on environmentally significant land, whilst maximising the benefits of available land and existing infrastructure.

Under the South Metro Peel Sub Regional planning framework (SMPSR), the subject site is industrial expansion. It confirms that the site is a future industrial area that is expected to mainly cater for agriculture-related industries, including transport and logistics.

Furthermore, the framework states that comprehensive district planning for the area will need to respond to the opportunity for long-term realignment of the freight rail out of the growing Mundijong Town Centre.

Draft Shire of Serpentine Jarrahdale Rural Strategy

The Draft Rural Strategy was adopted for advertising by the Shire in August 2012. The Strategy designates the subject area as: 'West Mundijong Industrial Area – Future MRS Amendment'.

The Draft Rural Strategy also delineates a buffer around the industrial area, intended to provide separation to future sensitive uses.

Metropolitan Region Scheme

Under the MRS the subject site is zoned Rural. However, on 15 December 2015, the Western Australian Planning Commission publicly advertised a proposal to rezone the subject site from Rural to Industrial.

The final adoption of the MRS amendment is imminent, pending a revised Bushfire Management Plan support by Department of Fire and Emergency Services (DFES), which is currently pending review by DFES.

Scheme Amendment No.187

Elements of consideration:

Environment:

PGV Environment was engaged to prepare a desktop environmental assessment to support the preparation of the strategic district structure plan for West Mundijong. The results of the desktop assessment conclude that the potential for industrial development to negatively impact on the bio-physical environment are considered to be low.

Overall the site has been substantially cleared to enable grazing and related farming activity. Nevertheless, small pockets of remnant vegetation or re-growth are present in isolated parts of the investigation area. It is estimated that such vegetation represents approximately 2% of the total area.

Manjedal Brook traverses the subject area east west. In response to farming activity, the Brook has been substantially cleared of vegetation and altered in order to perform a more efficient drainage function.

The primary environmental consideration will be the potential impact of industrial development on the existing dwellings adjacent to the site, and in some cases, within the site. The Department of Environment and Conservation has advised that particular regard will need to be given to potential noise impacts. In support of the district structure plan, Herring Storer Acoustics were engaged to conduct a noise assessment for potential industry at West Mundijong. Their report concluded that certain categories of industry may be developed at West Mundijong and meet the requirements of the relevant noise regulations.

Aboriginal Heritage:

There are possibly two aboriginal heritage sites near or within the subject area.

Site '450' is a registered site and is located near the Brook close to the eastern boundary of the structure plan area. It is highly likely that the site will be incorporated in a future reserve incorporating the brook and its buffer and therefore will not be disturbed.

A 'heritage place' is also located approximately 500 metres south of Site 450, again near the boundary of the proposed southern extension of the Tonkin Highway.

Ethnographic surveys will need to be conducted at the local structure plan stage to establish their significance, and if required, determine what measures should be put in place to ensure their conservation. Subject to survey, the sites may not be located within the structure plan area.

Servicing:

Roads:

The subject site is currently serviced by Mundijong Road, a major east west connection from the coast to South Western Highway. Additionally, the site is bordered by the southern extension of Tonkin Highway. Tonkin Highway is a vital connection which will link the site with the greater metropolitan area and north-west regions.

Water:

The Water Corporation has advised that potable water may be accessed from the Mundijong Town Site. This will result in limited capacity for some industrial processing.

Further investigations will need to be undertaken at subsequent structure planning and subdivision phases of the planning process.

Wastewater:

Currently Mundijong is not connected to deep sewerage. However it is intended that wastewater will be conveyed to the East Rockingham wastewater treatment plant via Mundijong Road.

Power:

The land is traversed by 330 kv lines. Western Power has advised that a 'step down' facility will need to be installed to enable reticulated supply for future industry.

There is likely to be sufficient capacity to serve industrial development.

Gas:

There has recently been gas distribution / reticulation infrastructure installed within the Mundijong area to service future residential development.

The existing high pressure gas main located within Soldiers Road to the north at Byford has been extended south to Bishop Road.

Lateral gas mains would be required off this trunk to serve the industrial estate.

Kwinana Freight Rail:

Part of the West Mundijong area has been identified as a potential intermodal facility site.

The Department of Transport and the Department of Planning, in principle, prefer an eastern location for the intermodal facility adjoining the southern extension of Tonkin Highway in association with the possible realignment of the Kwinana freight rail. Nevertheless, the feasibility of the intermodal facility and realignment of the freight line is intended to be subject to more detailed assessment in due course.

The Shire is committed to working with the relevant agencies to ensure an optimum outcome for West Mundijong and the community.

The district structure plan provides a framework to ensure that future transport initiatives are integrated with future industrial development at West Mundijong.

Urban Water Management:

Groundwater:

Groundwater management has been addressed in the District Water Management Strategy and will be further detailed in the subsequent preparation of Local Water Management Strategies and Urban Water Management Plans for individual local structure plan areas.

Therefore potential impacts on groundwater can be mitigated and managed and does not impede development of the site for industrial purposes.

Surface Water:

As for groundwater, the management of surface water has been outlined in the District Water

Management Strategy and will be detailed in the Local Water Management Strategies and Urban Water Management Plans that will be prepared for each stage of development.

The district structure plan has identified two of the drainage channels (one of which includes the Brook) as potential 'ecological corridors' that will be re vegetated and may, subject to further planning, contain some passive recreation opportunities. The corridors should be designed to create a 'living stream' that is incorporated into the eventual subdivision and development on the site. There is the potential to increase the ecological value of the degraded channels through rehabilitation that may provide additional habitat for some species.

Bushfire:

The subject site is designated as a 'Bushfire Prone Area' by the Fire and Emergency Services Commissioner. Therefore a bushfire management plan (BMP) is required to be prepared over the site to address potential bushfire risks and hazards.

The draft BMP has been prepared in preparation of the draft District Structure Plan. The plan reflects indicative Bushfire Attack Level ratings that may be applicable, based on desktop and site specific investigations.

It is considered further, site specific investigations will be required at subsequent planning phases.

Development contributions:

A draft Development Contribution Plan has been prepared in accordance with the Scheme and the State Planning Policy 3.6 Development Contributions for Infrastructure.

This development contribution plan (DCP) report has been prepared to set out in detail:

- The infrastructure, land and other items for which development contributions are to be collected;
- How land values are calculated and the valuation methodology applied;
- The cost estimates of infrastructure and other items;
- The cost contribution rate applicable within the West Mundijong development contribution area;
- The methodology to calculate development contributions applicable to landowners/ developers;
- and the operational aspects of the methodology;
- Principles for the priority and timing of infrastructure provision and land acquisition;

- The period of operation and review of the DCA;
- Various other operational matters; and.
- Examples of how development contributions will be calculated.

Development contributions are proposed to be collected for various infrastructure, land and administrative items within the West Mundijong DCA.

The items identified as being included within the DCP report are as follows:

- Mundijong Road;
- Kargotich Road;
- Bishop Road;
- North-South Spine Road;
- Land required for district drainage
- Administrative costs (feasibility studies and design costs);
- Freight Rail Realignment.

In respect to the freight rail realignment, it is considered necessary to be included within the West Mundijong Development Contribution Scheme (DCS). The freight rail is an important strategic infrastructure item that needs to be planned for early in the planning process.

State Planning Policy 3.6 – Development Contributions for Infrastructure sets out the principles and considerations that apply to development contributions for the provisions of infrastructure in new and established development areas. The principles underlying development contributions include:

- Need and the nexus
- Transparency
- Equity
- Certainty
- Efficiency
- Consistency
- Right of consultation and arbitration

As supported in a separate submissions received as part of the advice on the MRS amendment for the West Mundijong Industrial Area, the FLCWA have acknowledged that the West Mundijong Industrial Area is a strategically located industrial precinct. The reason for this is that the site has considerable potential to accommodate a major intermodal transport and logistics terminal at some time in the future. This is attributed to by its strategic location, excellent access to major road and rail corridors and its large geographical area. Therefore, the inclusion of the freight rail realignment within the West Mundijong Industrial Area is considered to have a benefit (need) to the future industrial land uses. It will accommodate a future intermodal terminal facility which has been investigated by the Shire and various relevant State Government agencies, including FLCWA. As the intermodal terminal is likely to provide direct and indirect benefits to surrounding land uses, it is considered necessary for the freight rail to be included within the DCS for the cost to be shared by all land owners.

Further rationale and justification shall be provided within the development contribution plan, once finalised for adoption.

Key Planning considerations:

Critical considerations in this matter are:

- The strategic basis for the West Mundijong Industrial Area is established and this Amendment is the next step in the strategic planning process to see this realised.
- Approval of the MRS Amendment is imminent and this Scheme Amendment follows on from this by establishing the Urban Development zone over the subject land. These are both the high level catalysts required before the more detailed local level planning can occur over the subject land.

- Following approval of the MRS and this Scheme Amendment will be the preparation of precinct based Local Structure Plans. These will include detailed servicing solutions, staging and eventually, the final industrial and associated zones that will be applied at a later stage through TPS2.
- In terms of the freight rail alignment, the Shires established position continues to be to obtain State Government commitment in the shorter term, and that this land should be Once the MRS Amendment and this Scheme Amendment are finalised, the Development Contributions Scheme, in addition to the Local Structure Plan processes outlined above, can also be finalised, determining the accurate costs contributions between affected parties.

Options and Implications:

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

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

The approval of the application will result in positive economic and employment outcomes for the community, and is the next action to realising an industrial zone and redevelopment into the future.

Option 2: Council may resolve to refuse approval of the Amendment.

Refusal would significantly impact upon immediate advancement of the West Mundijong Industrial Precinct, however the MRS Amendment to rezone the land to Industrial would be unaffected.

Option 1 is recommended.

Conclusion:

The Department of Planning have initiated the proposal to rezone various lots contained within the West Mundijong Industrial Precinct from “Rural” to “Industrial” under the MRS. This Amendment to the local Shire of Serpentine Jarrahdale Planning Scheme No.2 is the next step in the process to realising considerable growth and opportunity within the Shire’s industrial land supply and hence economic prosperity.

Officers are supportive of the Amendment subject to the changes outlined.

Attachments:

- [OCM225.1/12/16](#) – Advertised Scheme Amendment Document (E15/4840)
- [OCM225.2/12/16](#) – Schedule of Submissions (E16/6038)
- [OCM225.3/12/16](#) – MRS Amendment Map (IN15/21403)
- [OCM225.4/12/16](#) – West Mundijong District Structure Plan Map (E16/808)
- [OCM225.5/12/16](#) – Shire’s Submission Letter (OC16/1825)

Voting Requirements: Simple Majority

OCM225/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council:

1. **Consider the submissions received and adopt the recommendations regarding each of these, as including in the schedule of submissions as contained in attachment OCM225.2/12/16.**

2. **Support Amendment No.187 to the Shire of Serpentine Jarrahdale Local Planning Scheme No.2 with the following modifications**
 - a. **Correct reference that Conservation Category Wetlands (CCW's) and their buffers will become zoned as Public Open space;**
 - b. **Remove all reference to the Serpentine Main Trunk providing water supply to the subject land; and**
 - c. **Depict the Wastewater Pump Station buffer within the District Structure Plan.**
 - d. **Amend reference to appendix 7 to appendix 13 within provision three (3) of the Scheme Amendment resolution.**

3. **Amend the proposed DA 6 TPS2 provisions as follows:**
 - a. **Reworded to state that *"land use, development, and if necessary, subdivision are to be guided by local structure plan(s) prepared and approved pursuant to Schedule 2 Part 4 of the LPS Regulations."***
 - b. **Each local Structure Plan will require the preparation of a Local Water Management Strategy and appropriate level Bushfire Risk Management Planning;**
 - c. **Each Local Water Management Strategy will be required to address the following matters:**
 - **Hydrological assessment to demonstrate no adverse impact on Threatened Ecological Communities and Conservation Category Wetlands within and surrounding the subject land;**
 - **Consideration of Commonwealth referrals for Threatened Ecological Communities within as well as adjoining the subject land; and**
 - **The inclusion of Surveys for habitat of Black Cockatoo.**
 - d. **Wording to state that Wastewater Pump Station is planned in this locality and that as a result, odour buffers will apply to sensitive land uses.**

CARRIED UNANIMOUSLY

Councillor Atwell returned to Chambers at 8.33pm

OCM226/12/16	Proposed Local Development Plan – Lot 9078 Orton Road, Byford - Byford Main Precinct (Icaria Stage 7) (PA16/96)
Author:	Bianca Sandri – Coordinator Statutory Planning
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	18 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Taylor Burrell Barnett
 Owner: LWP Byford Syndicate Pty Ltd
 Date of Receipt: 13 July 2016
 Lot Area: 19 211m² (1.9ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

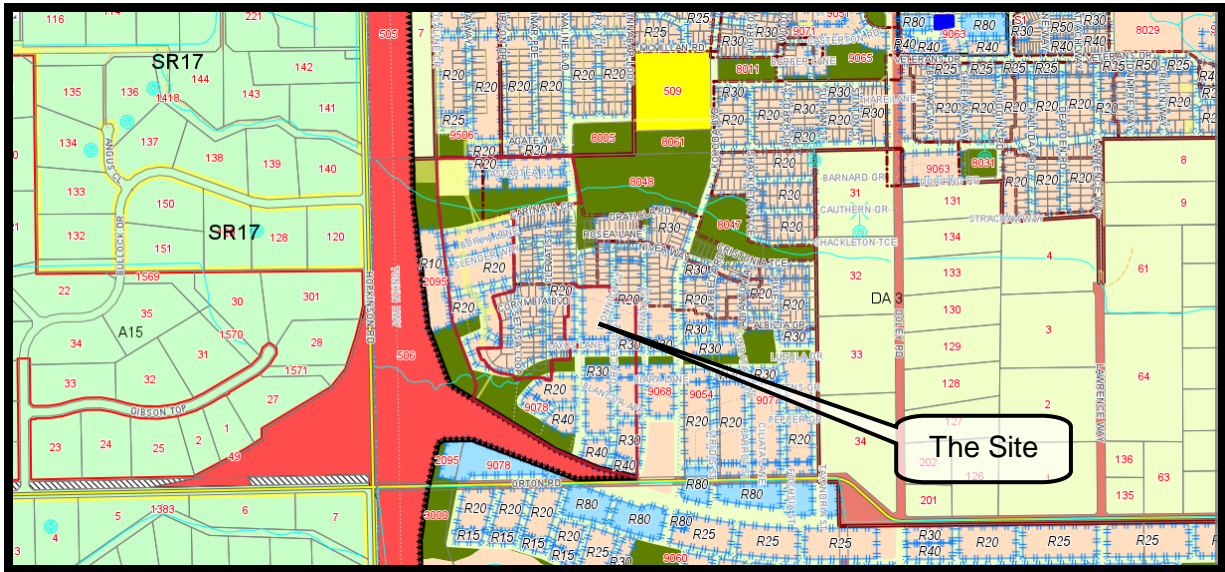
The Council at its Ordinary Meeting held on 27 September 2016 resolved to approve a Local Development Plan (LDP) for part of Lot 9078 Orton Road which is located within Icaria Stage 7 of the Byford Main Precinct Local Structure Plan, subject to modifications. In light of these modifications, the applicant lodged an appeal to the State Administrative Tribunal (SAT) which has resulted in further consultation with the applicant and the Shire.

The applicant has prepared an amended LDP which seeks to vary primary street setback, open space, buildings on boundaries, secondary street setback and vehicle access requirements of the Residential Design Codes (R-Codes). In response to these variations the applicant has provided additional requirements beyond the R-Codes which includes, soft landscaping within the front and rear setbacks, increased building setbacks to public open space and the provision of off-street and on-street landscaping packages to be provided by the developer.

The Local Development Plan has been assessed with regard to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Western Australian Planning Commission (WAPC Framework for Local Development Plans 2015). The Western Australian Planning Commission (WAPC) has provided comments and raised no objection to the proposed LDP.

The purpose of this report is for Council to consider the amended LDP for part of Lot 9078 Orton Road, Byford, as Shire officers do not have delegation to determine Local Development Plans in accordance with Delegations P033D and P033s – Local Development Plans.

The report recommends that the amended LDP submitted be approved.



Location Plan

Background:

Existing Development:

The lot is currently vacant with initial earthworks relating to the approved subdivision being undertaken in parts of the site.



Aerial Plan

Proposed Development:

The initial and amended LDP were prepared in accordance with condition 27 of subdivision approval (S150178) issued by the WAPC on 11 September 2014. The subdivision included the following condition:

- '27. Detailed Area Plans(s) being prepared and approved for all proposed lots shown on the plan dated 2 September 2014 (Attachment A) to address the following, as deemed relevant:
 - (a) Dwelling Orientation to Primary Streets (and Secondary Streets where applicable);
 - (b) Secondary Street Fencing;
 - (c) Passive surveillance of Public Open Space;

- (d) *Open Space variations; and*
- (e) *Identification of lots subject to a Noise Management Plan,*

to the satisfaction of the Western Australian Planning Commission. (Local Government)'

The Local Development Plan covers 57 residential lots encompassing R20 (43 lots), R30 (12 lots) and R40 (2 lots) densities.

During the consultation process with the applicant the Shire's solicitors advised that clause 47 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2016* is required to be satisfied. Clause 47 states:

"47. When local development plan may be prepared

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 a 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."*

Condition 27 detailed above relates to lots overlooking the public open space and four (4) lots surrounding the round-a-bout intersection. However, the applicant is requesting that additional lots be included within the LDP. Therefore, the applicant is to comply with clause 47(d) of the Regulations. The WAPC provided the Shire with a letter advising that they are generally supportive of the open space variation and the LDP in its entirety in this instance. As such, it is considered the WAPC has granted its consent in accordance with clause 47(d) listed above.

The Shire is also required to establish that the LDP is required for the purposes of orderly and proper planning. The applicant has amended the LDP to include garage locations which is considered appropriate in this instance due to the obscure layout of the area. Due to the approved lot sizes and road layout it is difficult for several corner lots to comply with vehicle access requirements of the R-Codes. Therefore it is appropriate to include these additional lots within the LDP. The remaining lots are subject to several blanket R-Codes variations, the most significant being the open space variation. However, the applicant has provided an amended LDP which includes additional requirements to facilitate a better streetscape and built form outcome which is considered to be in the merit of orderly and proper planning. Therefore the Shire accepts the amended LDP in accordance with clause 47 of the Regulations.

Relevant Previous Decisions of Council:

27 September 2016 – Council at its Ordinary Meeting resolved to approved an LDP for the subject site subject to the following modifications:

1. *Delete provisions 1.3, 1.4, 2.1, 2.2, and 3.*
2. *Inclusion of lot dimensions, designated garage locations and a location plan on the Local Development Plan to the satisfaction of the Shire.*
3. *Delete provision 5 relating to Open Space variations.*
4. *Delete lots 2339, 2340, 2341, 2342, 2343, 2244, 2245, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2406, 2407,*

2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2441, 2453, 2454 from the Local Development Plan.

5. Delete provision 2.4 and replace with the following provision:
‘Garages for lots 2326, 2344, 2358 and 2405 must be located at the furthest location from the Corymbia Boulevard and Tourmaline Boulevard intersection. The garage for lot 2338 is permitted to be located on Lexus Lane due to access restrictions from Tourmaline Boulevard.’
6. Delete first dot point of provision 3 – Boundary setback requirements.

Community / Stakeholder Consultation:

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 ‘Advertising of Local Development Plans’ subclause 3 states that:

“despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.”

Shire officers consider that the proposed variations are more likely to have an impact on the future residents of dwellings on the lots. However, it is noted that similar open space variations have been applied in other areas of the Glades subdivision.

Agency Referrals

In accordance with clause 7.3.2 of the R-Codes the initial LDP was referred to the Western Australian Planning Commission (WAPC) for approval prior to being considered by Council. As discussed above, the WAPC has provided its consent and approval for the initial LDP in its entirety including the open space variation which varies clause 7.3.2 of the R-Codes. The amended LDP does not vary the initial LDP substantially that warrants further approval from the WAPC.

Statutory Environment:

- *Metropolitan Regional Scheme (MRS)*
- *The lot is zoned ‘Urban’ under the MRS.*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)*
- *The lot is zoned ‘Urban Development’ under the TPS 2.*
- *State Planning Policy 3.1 – Residential Design Codes (R- Codes).*
- *The area of the subject lot has been identified as R20, R30 and R40 densities under the Glades Main Precinct Local Structure Plan.*

Financial Implications:

Should Council resolve to refuse the amended LDP application, the applicant will have the ability to request a full hearing with the SAT. This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Planning Assessment:

The Shire’s officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the *WAPC Framework for Local Development Plans* and the *State Planning Policy 3.1 Residential Design Codes*.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework.

Residential Design Codes

The proposed LDP has been assessed with regards to clauses 7.3.1 and 7.3.2 of the R-Codes, which outline the scope of changes which LDPs can facilitate. Clause 7.3.1 of the R-Codes permits variations to the following R-Codes requirements:

- Street setbacks;
- Lot boundary setbacks;
- Building height;
- Setback of garages and carport;
- Garage width;
- Street surveillance;
- Street walls and fences;
- Sight lines;
- Appearance of retained dwellings;
- Site works; and
- External fixtures; and aged and dependant person dwellings.

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 where it can demonstrated to the satisfaction of the WAPC that the proposed amendment:

- *is warranted due to a specific need related to that particular locality or region;*
- *Is consistent with the objectives and design principles of the R-codes; and*
- *can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.”*

The applicant proposes to vary:

- Street setbacks;
- Lot boundary setbacks;
- Vehicle access requirements; and
- Open Space requirements.

Street Setbacks

The R-Codes allows for varying setback requirements based on residential zonings. Minimum and average requirements ordinarily determine the primary street setback requirements in accordance with the R-Codes. The proposed amended LDP proposes minimum primary street setback requirements with no averaging. This is considered appropriate as it will create a uniform streetscape and a sense of identity for the area through consistency.

The amended LDP proposes primary street setbacks of two (2) metres, three (3) metres and four (4) metres in lieu of four (4) metres and six (6) metres respectively in accordance with the R-Codes. These variations have previously been approved within the Glades. However, each LDP is to be assessed on its merits to ensure the overall character is maintained. In this instance the variations to the primary street setbacks facilitate larger outdoor living areas to the rear. This enhances the usability of a ‘backyard’ and creates additional privacy.

The proposed LDP as discussed later within this report also includes soft landscaping provisions and packaged landscaping requirements for front setback areas and road reservations. 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. Despite a decrease in the front setback requirement the amenity of the front setback will be different to other areas of the Glades. Given the applicant is committed in ensuring the front setback

area is attractive and actively contributes to the streetscape through high quality landscaping. In this instance the primary street setback variations are supported accordingly.

Lot Boundary Setbacks

The applicant proposes to allow nil building setbacks for lot 2337 and 2338 to two side boundaries. The R-Codes allows for only one nil side setback. The two lots have a designated R40 density code, which provides for smaller and compact development. Facilitating two nil side setbacks would allow design flexibility for future residents.

In addition to the above, the amended LDP proposes to include lots 2371, 2390 – 2391, 2403, 2406 – 2407 and 2454 to allow an additional boundary wall for a length of nine (9) metres for garages. It is considered that this additional boundary wall will enhance privacy to adjoining landowners 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 amended LDP includes designated garage locations for all corner lots. This was undertaken in consultation with the Shire's Engineering Services due to the obscure approved lot and road layouts.

Most of 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 secondary streets. In some instances they also do not comply with Australian Standard 2890.1 which requires vehicle access to be setback six (6) metres from an intersection. However, due to the layout of the area and the requirement to have two (2) onsite car bays variations have been considered to facilitate vehicle access.

In light of the above, the Shire has duly considered each lot and their associated 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 amended LDP.

Open Space and Soft Landscaping Requirements

As noted in the background section of this report, the applicant proposes a range of open space variations in the proposed amended LDP, as indicated in the table below.

Density	R-Codes Requirement	Proposed Local Development Plan	Variation
R20	50%	40%	10%
R30	45%	7 lots 40% and 5 lots 35%	5-10%
R40	45%	35%	10%

Traditionally the Shire does not support open space variations to the R-Codes, unless requirements beyond the R-Codes are included to support such variations. Initially the LDP did not propose any compensating requirements, however the applicant has agreed to several new requirements which include:

- *“rear open space area shall consist of 1/3 soft landscaping.*
- *The provision of street trees and front and verge landscaping shall be supplied by the Developer in accordance with a landscape plan prepared to the satisfaction of the Shire of Serpentine Jarrahdale.*
- *The front setback area, excluding the area of any verandah or porch, shall consist of soft landscaping in accordance with the following minimum requirements:*
 - *Lots 2363, 2367-2368, 2395, 2399, 2410 – 35%*

- Lots 2244-2245, 2339-2343, 2362, 2364-2366, 2369, 2371, 2390, 2393-2394, 2396-2398, 2400-2401, 2406, 2411-2418, 2441 – 45%
- Lots 2326, 2344, 2358-2361, 2370, 2391-2392, 2402-2405, 2407, 2409, 2419, 2453, 2454 – 50%”

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 living area (‘backyard’). The streetscape within this area of the Glades is guided by the current built form but also has the ability to be further enhanced. Currently a number of areas do not have a sense of openness due to a lack of building setbacks and landscaping to soften the appearance of dwellings on the streetscape. The incorporation of the front setback landscaping requirements assists in creating a green streetscape whilst providing weather relief and interest. Examples of the landscaping designs can be viewed in attachment OCM226.1/12/16.

The future dwelling designs are required to comply with the R-Codes with respect to lot boundary setbacks. Therefore, matters relating to natural sunlight will be adequately addressed through these provisions. In addition, the Building Code of Australia also ensures sufficient sunlight and ventilation is achieved for each dwelling.

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 additional requirement to have the rear open space to be landscaped by one third, encourages passive recreation within the backyard. It will also assist in creating a cooler micro climate of the backyard. Therefore, residents are more likely to use their outdoor living area for outdoor pursuits.

Lastly, the reduction in open space is adequately compensated for by the introduction of soft landscaping requirements within the front setback and backyard areas. In addition, the developer will be providing landscaping within the road reserves and landscaping packages for the front setback. This will ensure these areas are landscaped to a high quality and will include the planting of additional trees and plants that would not ordinarily occur in other areas of the Glades. It is considered that the open space variations are supported given the applicant has introduced mandatory landscaping requirements which will increase the streetscape and amenity of the area.

Lots Abutting Open Space

The applicant has amended the LDP to further address the two lots abutting the public open space. Dwellings are required to be setback four (4) metres from the public open space. This was included to encourage future residents to locate their outdoor living areas facing the

public open space reserve. This will enhance the amenity of those lots and provide increased passive surveillance over the public open space reserve. This additional requirement is considered appropriate and is supported accordingly.

Secondary Street Setback

Residential R20 and R30 lots are required to have a 1.5 metre setback to secondary streets in accordance with Table 1 of the R-Codes. The proposed LDP proposes to vary this requirement by 0.5m, resulting in a one (1) metre setback requirement. The variation is considered minimal as it will be relatively unrecognisable from the street and the applicant has included the additional following provision:

- *“dwellings are required to suitably address all adjacent street frontages to maximise visual surveillance. All visible house elevations (from building line to erected fence) from the secondary street shall feature a suitable level of detail in a manner consistent with the primary street elevation”*

This requirement ensures that the same level of detail afforded to the façade of the dwelling is also carried through to the secondary street façade. This will ensure that dwellings maintain a certain level of quality on corner lots. The variation is considered not to detrimentally impact the streetscape and will allow future residents more flexibility with their building design. In this instance the variation is 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 broadly defines the intention of the area to be developed for residential purposes.

Proposed Residential Densities

The proposed residential densities are consistent with the latest modification (No.8) to the Glades Main Precinct Local Structure Plan which was supported subject to modification by Council in May 2016 (OCM088/05/16). Those densities were confirmed through subdivision which occurred prior to the Local Structure Plan modification being submitted. Lots sizes meet the minimum and average lot size requirements of the Residential Design 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 subject to modifications.

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

Option 2: 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 1 is recommended.

Conclusion:

The proposed Local Development Plan has been assessed with regards to the WAPC *Framework for Local Development Plans 2015* and the R-Codes.

The proposed amended LDP addresses the proposed variations by including additional landscaping, façade treatment and orientation to the public open space requirements. The most critical additional element of the soft landscaping within the road reserve, front setback and rear open space is considered to soften the appearance of dwellings on the streetscape by way of their reduced primary street setbacks, garage locations, boundary walls and side setback variations.

The amended LDP has carefully considered the appropriateness of additional requirements and the applicant has provided examples of the proposed front setback landscaping packages that will be planted free of cost by the developer. These types of incentives will assist in creating a sense of place for the area and attractive streetscapes.

Shire officers recommend the proposed amended LDP be supported.

Attachments:

- [OCM226.1/12/16](#) – Initial Local Development Plan (IN16/18521)
- [OCM226.2/12/16](#) – Initial Local Development Plan Full Application (IN16/18522)
- [OCM226.3/12/16](#) – Western Australian Planning Commission Comment (IN16/18524)
- [OCM226.4/12/16](#) – Final LDP (IN16/26538)
- [OCM226.5/12/16](#) – Examples of Front Landscaping Packages (IN16/26338)

Voting Requirements: Simple Majority

OCM226/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council approves the application submitted by Taylor Burrell Barnett on behalf of LWP Byford Syndicate Pty Ltd for Lot 9078 Orton Road, Byford in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the amended LDP.

CARRIED UNANIMOUSLY

OCM227/12/16	Lot 9502 Briggs Road, Byford - Proposed Local Development Plan (PA16/103)
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	22 September 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: G & G CORP
 Owner: Pino Gangemi
 Date of Receipt: 19 July 2016
 Lot Area: 252 726m² (25.27ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

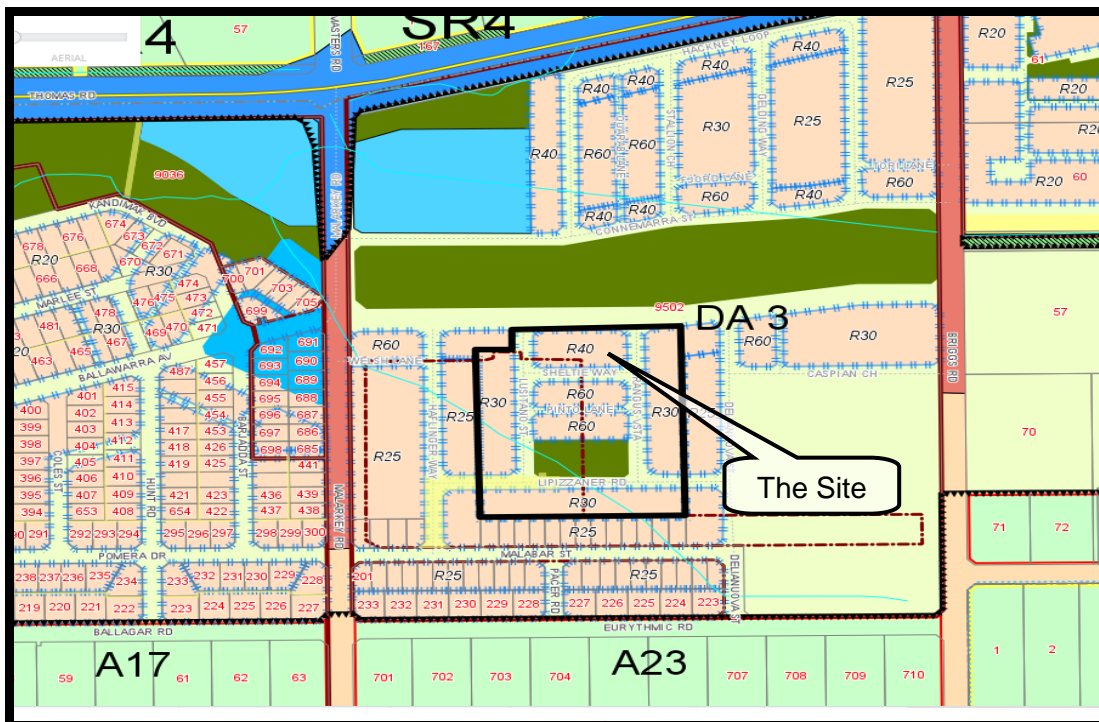
The purpose of this report is for Council to consider the Local Development Plan (LDP) for Lot 9502 Briggs Road, Byford (formerly Lot 9500 Thomas Road, Byford).

The proposal is presented to Council as Officers do not have delegation to determine LDP's in accordance with delegations P033D and P033S for Local Development Plans. The report recommends that the LDP be approved.

Background:

The subject land lies within the Byford Meadows Estate which is located west of the Byford Town Centre. The site faces on to Thomas Road to the north and Malarkey Road to the west. A neighbourhood centre of 1.5 hectares is to be established to the north western corner of the subject land as identified on the Byford Meadows Estate Local Structure Plan (LSP). Land to the west consists of a fully established Redgum North residential estate which is characterised by medium, density lots. Located to the south of site is an area which is comprised of existing larger lots that are zoned Rural Living A.

The lot is currently vacant. Initial earthworks relating to various approved subdivision stages are currently being undertaken on the site.

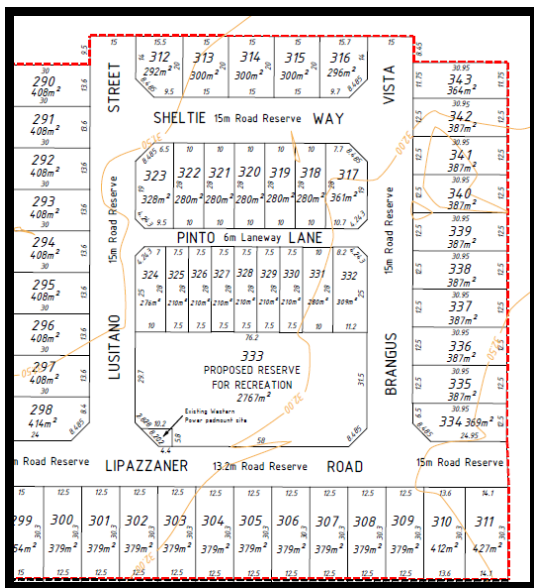


Proposed Development

The LDP has been prepared in accordance with condition 15 of subdivision approval (WAPC Ref S153504) consistent with Part 6 Clause 47 (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows an LDP to be prepared to satisfy a condition of subdivision approval. The condition states the following:

15. *Local Development Plan(s) being prepared and approved for lots 324-332 shown on the plan dated 11 April 2016 that address the following:*
 - a) *dwelling orientation and surveillance of POS - to the satisfaction of the Western Australian Planning Commission*

The LDP meets the requirement of the subdivision approval and satisfies the intent of the subdivision condition as it addresses all lots overlooking the POS. The LDP is consistent with the approved subdivision as indicated in the diagrams below:



Subdivision Plan

Local Development Plan

The LDP also seeks to vary the following requirements of State Planning Policy 3.1 - Residential Design Codes (R-Codes).

- street setbacks;
- lot boundary setbacks;

- garage setbacks and
- open space.

The proposed variations can be considered in accordance with Part 6 clause 47 (b) and (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows for an LDP to be prepared in circumstances where:

47 (b) “a structure plan requires a local development plan to be prepared for the areas”

47(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 in accordance with section 7.1 (*Local Development Plan Requirements Variations to Residential Design Codes*) of the Byford Meadows Local Structure Plan (LSP) which requires an LDP to be prepared for residential R30, R40 and R60 lots where variations to setbacks and deemed to comply provisions were required to facilitate target densities.

The LDP provides with the opportunity to consider the potential impact of the proposed R Codes variations, as well as the objectives of the LDP and its suitability in regards to providing an outcome that is consistent and compactible with the existing character of the locality.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Planning Assessment:

The LDP has been assessed in accordance with the *Planning and Development Regulations (Local Planning Schemes) Regulations 2015*, the Western Australian Planning Commission Framework for Local Development Plans 2015 and the State Planning Policy 3.1 Residential Design Codes.

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.

Part 7 of the R-Codes provides a framework under which a local government can vary, amend or replace provisions of the R-Codes. As assessment of the provisions that the LDP proposes to amend is discussed below:

Street setback:

Primary Street setbacks

The R- Codes prescribes a four (4) meter primary street setback with averaging for lots zoned residential R30 and R40 permitting the development to be setback closer to the primary street. The LDP proposes to prescribe a minimum street setback of three (3) metres without averaging for all dwellings within the R30 and R40 lots. The reduced front setback allows dwellings to be shifted to the front thereby creating a consistent pattern of development to the primary street.

The proposed setback will provide an opportunity for the inclusion of landscaping in the primary setback space to offset the impact of the building projection.

A reduced front setback to the dwellings overlooking the Public Open Space (POS) increases the rear outdoor living area which take full advantage of the area provided by the

POS and creates passive surveillance. The proposed front setback without averaging will be consistent with the previously approved LDP for stages 1 and 2 of the same estate.

Lot boundary setbacks

The R-Codes allow one nil side setback for areas coded R30 and above, to one side boundary only behind the street setback. The applicant proposes nil building setbacks on both sides behind the street setback line for R60 density lots.

The variation can be supported as it achieves more effective use of space for enhanced privacy for the occupants given lots have a frontage of 7.5 metres and are 10 metres deep. It is therefore considered appropriate to allow walls to build up to a lot boundaries on both sides to the residential R60 lots as proposed.

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

Garage Setbacks

The R-Codes prescribe a garage setback of 4.5m from the primary street. The setback may be reduced provided the garage is setback 0.5 metres behind the dwelling setback line. The LDP proposes a one metre variation prescribing a 3.5m garage setback residential R40 lots.

This variation can be supported as the garage setback provision would increase the R Codes requirement as proposed in the LDP and would allow for the visual dominance of the garage to be reduced which improves the streetscape of the area and the appearance of the development.

Open Space Requirements

Table 1 of the R-Codes Table 1 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 accordance with the table below:

Density	R –Codes (min)	Proposed LDP (min)	Variation to R-codes	LSP (min)
R30	45%	35%	10%	35%
R40	45%	35%	10%	35%
R60	40%	40%	nil	30%

The LDP is seeking a 10% variation to the R Codes for the open space requirements for the residential R30 and R40 lots. Whilst the proposed open space is a variation to the R codes, it is consistent with the approved Byford Meadows LSP which allows a 10% variation for all the densities identified in the table above.

The LSP was adopted before the *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect. This matter was referred to the Department of Planning and the following response was provided to the Shire:

- (i) *Clause 61 (1)(c) of Part 7, Schedule 2 of the Regulations outlines that a DA of the LG is not required for a single house if it satisfies the deemed-to-comply criteria of the R-Codes.*
- (ii) *Clause 61 (4)(b)(i) outlines that for the purpose of Clause 61(1)(c) development is 'deemed-to-comply' if it was a requirement of a structure plan that was approved before the day the Regulations came into effect. As the Briggs Rd LSP was approved pre-Regulations, lots/landowners within the Briggs Rd LSP with lots codes R25-60 may apply the open space variations as outlined above and it should be considered deemed-to-comply by the Shire. Obviously, any aspect of a single house proposal that is not compliant with the other elements of the R-Codes will necessitate a DA from the Shire.*

The LDP includes a provision that incorporates soft landscaping within the front setback area and the rear outdoor living areas. The addition of soft landscaping within the front setback will create a consistent and attractive streetscape.

The addition of soft landscaping in outdoor living areas 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.

Notwithstanding the above, Officers are satisfied that the proposed open space achieves the design principles of the R Codes. The orientation of the lots particularly those interfacing the POS have a north-south orientation which enables access to the natural sunlight for the dwellings.

Community / Stakeholder Consultation:

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 'Advertising of Local Development Plans' subclause 3 states that:

"despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area."

The LDP has not been advertised as it is considered that the proposal does not adversely impact any owners or occupiers of the adjoining area and therefore advertising was not required.

Agency Referrals

The proposed LDP was referred to the WAPC in accordance with clause 7.3.2 of the Residential Design Codes.

The WAPC was supportive of the application with regards to the subdivision approval condition that required an LDP to be prepared for lots that directly abut POS being lots 324-332.

With regards to other variations on the remaining lots the WAPC advised that it was up to the Shire to apply its discretion if LDP's within the vicinity of the subject area have been approved with the similar variations.

The Shire has previously approved LDP's for stages one and two of the Byford Meadows Estate.

The proposed variations are considered to be similar and would achieve a consistent built form outcome.

Options:

Option 1: Council may resolve to approve the LDP.

Option 2: Council may resolve to refuse the LDP and provided reasons for refusal.

Option 1 is recommended.

Conclusion:

It is recommended that Council approve the LDP for the reasons outlined in the report. These variations are considered to be consistent with the WAPC's Framework for LDP's and are supported by Officers and the WAPC.

Attachments:

- [OCM227.1/12/16](#) – Proposed Local Development Plan (IN16/25181)
- [OCM227.2/12/16](#) – Western Australian Planning Commission Comment (E16/7686)
- [OCM227.3/12/16](#) – Byford Meadows Local Structure Map (E16/8054)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

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 - Residential Design Codes (R-Codes)
- Briggs Road/Thomas Road North Local Structure Plan (LSP)

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

OCM227/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council approves the application submitted by G & G CORP for Lot 9502 Briggs Road, Byford as contained in attachment OCM227.1/12/16 in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY

Councillors Atwell, Erren, Piipponen and See declared Financial Interests in item OCM228/12/16.

COUNCIL DECISION

Moved Cr Atwell, seconded Cr Hawkins

That Councillor Ellis take the place of the Presiding Member for item OCM228/12/16.

CARRIED UNANIMOUSLY

Councillors Erren, Piipponen and See left that Chambers at 8.36pm. Councillor Atwell remained in Chambers and participated in the discussion and decision making as per the approval granted under section 5.69(3)(a) of the *Local Government Act* by the Minister for Local Government.

The Presiding Member vacated the chair and Councillor Ellis assumed the chair at 8.36pm

OCM228/12/16	Proposed Restaurant and Stall Wayside on Lot 50 Nicholson Road, Oakford (PA16/136)
Author:	Rowegroup
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	2 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Proponent: Harley Dykstra
 Date of Receipt: 4 August 2016
 Lot Area: 1.4109 ha
 Local Planning Scheme Zoning: Rural' and 'Other Regional Road'
 Metropolitan Region Scheme Zoning: 'Rural' and 'Other Regional Road'
 Existing Land Use: 'Vacant Land

Introduction

The purpose of this report is Council to consider a development application for a proposed restaurant and stall-wayside at Lot 50 Nicholson Road, Oakford.

The proposal is presented to Council as objections have been received from nearby residents in relation to the proposed land use and the possible impacts the proposal will have on driver safety at the intersection of Nicholson Road and Thomas Road. Under Councils delegation P035S, a condition of this delegation states:

“...delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design.”

As officers are unable to address the objection by way of conditions or design the application is presented to Council for determination.

Officers recommend that the application should be approved subject to appropriate conditions.

Background:

The subject site is within the locality of Oakford and is currently vacant land comprising of a moderate level of some established vegetation. The subject site abuts existing rural zoned land to the north, south and east, and Nicholson Road to the west. The entire site is located within a registered Western Power easement area for the purposes of an overhead power lines.



As detailed in the applicant's submission, the proposed development consists of the following:

Open Air Restaurant

An open air restaurant kitchen is to be located within a purpose built sea container to produce a variety of burger style foods as well as hot and cold beverages. The sale or consumption of alcohol is not proposed.

Alfresco Square

This represents an outdoor seating area for the consumption of meals for up to 50 patrons. Lighting is proposed to be through low voltage string lighting.

Hardstand for Market Stalls

The hardstand is for market stalls that may be pop up stalls or food caravans and is to comprise an area of 150m². The space is to consist of a compacted road base surface with the stalls to be in place during trading hours and removed upon closing.

Further detail on the proposed market stalls was subsequently provided by the applicant as follows:

1. *The pop up market stalls may operate on the site Friday, Saturday, Sunday and public holidays during the hours outlined within the application.*
2. *The market stalls will provide a range of incidental food and beverages to be consumed within the alfresco square. Examples of the food and beverages include donuts, ice creams, coffee, freshly squeezed juices, sausages, pizza, hot and cold foods and similar. The market stalls will complement the food and beverage offerings of the open air restaurant, and provide customers with additional food and beverage offerings to be consumed onsite. The market stalls will not include the sale of items such as artworks, jewellery and other non-consumable belongings.*
3. *A maximum of four (4) market stalls are proposed and to operate from the "market stall hardstands" surrounding the alfresco square, as outlined in the application*

Incidental facilities

Toilet facilities and a car parking area will also be constructed in association with the proposal.

The development is proposed to operate between the following hours:

Monday to Saturday 11:00am to 10:00pm
(including public holidays)

Sunday

11:00am to 8:30pm

The application anticipates that most activity will occur at the site between the hours of 5:00pm and 8:30pm.

A Bushfire Attack Level (BAL) Assessment has been prepared as part of the application which identified a BAL rating for the proposal of BAL-29. The application was also submitted with an Acoustic Assessment which indicates that the operation of the activity is unlikely to exceed the maximum noise levels as detailed within the *Environmental Protection (Noise) Regulations 1997*.

Relevant previous decisions:

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

Planning Assessment:Land Use

The applicant has indicated that the activity does not fall neatly within any defined use category listed within TPS2, but that the use classes of Restaurant and Stall-wayside are applicable to the proposal.

The subject property is zoned 'Rural' within the Shire's Town Planning Scheme No.2 (TPS2). Within the zoning table of TPS2, the uses of 'Restaurant' and 'Stall-wayside' are listed as 'SA' and 'AA' uses respectively within the Rural zone, meaning that they are capable of approval in accordance with the following:

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3.

The definitions of these land uses are detailed below (emphasis added), together with a brief review of each in the context of the proposal:

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

The definition associated with the Restaurant use category indicates that the land use specifically relates to a building where "...*food is prepared for sale and consumption within the building...*". In addition, it also states that where food is to be consumed outside the building, it is not to be the principal part of the business.

With respect to the subject proposal only the preparation and sale of food is to occur within a building, with meals to be consumed within an outdoor seating area associated with the business.

Stall-wayside – means a place, stand, vehicle or other thing which ***offers for sale to the general public, produce or any commodity which is grown or manufactured on the land/site,*** upon which the place, stand, or vehicle is located.

The Stall-wayside definition specifically limits the sale of produce or any commodity to items which are grown or manufactured on the land/site. The property is currently vacant and the application does not incorporate cultivation or manufacturing activities on site. Advice from the applicant indicates that would involve "...*a range of incidental food and beverages to be consumed within the alfresco square. Examples of the food and beverages include donuts, ice creams, coffee, freshly squeezed juices, sausages, pizza, hot and cold foods and similar. The market stalls will complement the food and beverage offerings of the open air restaurant, and provide customers with additional food and beverage offerings to be*

consumed onsite. The market stalls will not include the sale of items such as artworks, jewellery and other non-consumable belongings.”

The view of the applicant is that the activity could be considered by Council in either of the following ways:

- 1) As a land use not listed within TPS2 or
- 2) By exercising discretion to the definitions identified above.

These aspects will be considered in turn below.

1) Use Not Listed

Clause 3.2.5 of TPS2 notes that if the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories, the Council may:

- a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or
- b) Determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.

In order to facilitate consideration of the application in accordance with the above, the Shire advertised the application in accordance with Clause 6.3. At the conclusion of the advertising period, a total of 8 submissions were received.

The subject site is zoned ‘Rural’ within TPS2. The objectives and purpose of the Rural zone is described in Clause 5.10.1 of TPS2 as detailed below:

“The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.”

The sale and consumption of food prepared on site is not strictly a rural pursuit, however the use of ‘Restaurant’ is an ‘SA’ use and is capable of approval within the zone. This would suggest that such an activity was contemplated as occurring within the zone when TPS2 was formulated.

The land use category of Stall-wayside is directly related to the purpose of the Rural zone to accommodate rural pursuits, with the definition of the use limiting the sale of items to those grown or manufactured on the site. The sale of food and beverages to be consumed within the alfresco square, as proposed within the Market stalls component of the application, does not require consideration within the use class of Stall-wayside as it is capable of consideration as part of the open air restaurant activity.

2) Exercise of Discretion

Clause 5.2 of TPS2 relates to the exercise of discretion to modify development standards. In summary, the clause states that if a development other than a residential development does not comply with a standard or requirement prescribed by the Scheme, Council may approve the application unconditionally or subject to conditions.

Clause 5.2.2 is also relevant and is stated below:

The power conferred by this Clause may only be exercised if the Council is satisfied that:

- a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*

- c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

In this instance the exercise of discretion relates to the definition of land use categories within TPS2. Typically the application of discretion to land use definitions would not be consistent with the orderly and proper planning of the locality, nor would it be consistent with the spirit and purpose of the requirement. This is as the application of discretion could potentially enable approval to be granted to an activity which would otherwise be prohibited within the zone or Scheme.

With regard to the above, the sale of food and beverages to be consumed within the alfresco square could potentially be considered as part of the open air restaurant activity. Consequently the land use definition of Stall-wayside is not considered to be applicable to the proposal.

With respect to the proposed open air restaurant, this primarily relates to the interpretation of the reference to ‘building’ within the Restaurant land use definition. Within TPS2 it states that the term ‘Building’ shall have the same meaning given to it in the Residential Planning (now Design) Codes, with the relevant definition within the Codes being:

Any structure whether fixed or moveable, temporary or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.

The conformity of the proposed use with this definition is dependent upon Council’s interpretation whether it strictly relates to an enclosed structure incorporating walls and a roof, or whether it may relate to a defined area for consumption of food within the curtilage of the building where food is prepared and sold.

It is possible that the wording of the Restaurant definition is an attempt to clarify that food is intended to primarily be consumed on the premises, as opposed to the separate use class of ‘Fast Food/Take Away Shop’ where food is sold for consumption primarily off the premises.

We are of the view that the Restaurant definition is not intended to preclude open-air dining and consider that the operation of the proposed open air restaurant, involving the consumption of meals purchased on-site within a designated alfresco square for up to 50 patrons can be considered within the use class of ‘Restaurant’.

Built Form

TPS2 does not outline specific development requirements for development within the Rural zone. Therefore, the proposal has been considered against the provisions of Clause 6.4 – Determination of Applications within TSP2:

TPS2 Requirement	Comments
Purpose for which the subject land is reserved, zoned or approved for use under the Scheme	The subject site is zoned Rural under TPS2. The Rural zone is intended to be used for a range of rural pursuits and associated activities. The application is capable of approval within the Rural zone within the use class of ‘Restaurant’.
The purpose for which land in the locality is reserved, zoned or approved for use under the Scheme	As above
The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters	The site is not affected by potential inundation by floodwaters

The provisions of the Scheme and any Council policy affecting the land	The proposal has been considered against the Shire's Local Planning Policy No. 20 – Sea Containers
Any comments received from any authority consulted by the Council	<p>The proposal was referred to Main Roads WA, Department of Planning and Western Power for comment. The following comments were made by the abovementioned authorities:</p> <p><u>Main Roads WA</u> Noted that the proposed development is acceptable.</p> <p><u>Department of Planning</u> Noted that the site is affected by an Other Regional Road reservation and that the intersection of Nicholson and Thomas Roads is to be upgraded. The applicant has repositioned the car parking area so that it is setback 35m from Nicholson Road to allow for future road widening. From a planning perspective, the Department of Planning raised no objection.</p> <p><u>Western Power</u> Western Power has no objection to the proposal provided that the necessary additional investigations and documents are produced to demonstrate that the proposal will not result in any safety risks, or if necessary remediation measures are to be implemented.</p> <p>Should Council be of the view that the application should be approved of the proposal and further approval not be granted from Western Power, this will result in an approval which cannot be acted upon.</p>
Any submission received in response to giving public notice of the application	<p>Four objections were received from nearby landowners. The objections primarily related to congestion and driver safety, and the suitability of the land use.</p> <p>While the proposal is not a typical Rural land use, the activity is capable of approval within the Rural zone within the use class of 'Restaurant'.</p>
The orderly and proper planning of the locality	The proposed open air restaurant activity may be considered within the use class of 'Restaurant' which is an 'SA' use within the Rural zone.
The preservation of the amenity of the locality	The applicant has submitted an Acoustic Assessment which demonstrates that the proposal is consistent with the requirements of the Environmental Protection (Noise) Regulations 1997

Amenity

The potential amenity impacts of the proposal have been considered and commented on below:

Noise

An Acoustic Assessment has been prepared for the proposal which indicates that the proposal will comply with the Environmental Protection (Noise) Regulations 1997 and will therefore have no adverse noise impacts to the adjoining properties.

Dust and Odour

The proposed car parking area is to be constructed of road base or limestone. The manoeuvring of vehicles could potentially generate dust during dry and/or windy conditions.

The applicant has indicated that due to the small scale nature of the proposal minimal dust and odour impacts are expected to occur. The nearest dwelling is located approximately 50m from the proposed development with existing and proposed vegetation to be included as a buffer. As such, it is not expected that odours or dust will have adverse impacts on the locality.

Lighting

The application proposes low level directional lighting to illuminate the alfresco square. The low level lighting is not expected to cause adverse impacts to adjoining properties, however it is recommended that a Lighting Impact Assessment be prepared to ensure that lighting will not adversely impact the nearby dwelling.

Traffic

The application proposes that approximately 60 vehicles per day will access the site. The visits per day are expected to consist of existing motorists passing the site rather than additional generated traffic.

The Department of Planning and Main Roads WA have not raised any issues with the proposed with respect to traffic movements.

Car Parking

The anticipated car parking demand is determined in accordance with the TPS2 car parking requirements for the Restaurant use, which specifies a rate of 1 space per 4 persons accommodated.

The applicant indicates that the design of the development is based on accommodating 50 patrons, therefore requiring 13 car parking bays. The car parking area associated with the proposal illustrates the provision of 33 car parking bays and 2 large vehicle bays, which exceeds the provision required.

The layout of the car parking area will require revision to provide adequate vehicle manoeuvring for large vehicles, as an existing vehicle parked in this area would obstruct the entry and manoeuvring of a second vehicle. This may be addressed through an appropriately worded approval condition.

Signage

Signage has not included as part of the application. Any signage proposed at the site must be approved as part of a new planning application.

Local Planning Policy No. 20 – Sea Containers

Section 6.3 of the Shire's Local Planning Policy No. 20 – Sea Containers (LPP20) indicates that a maximum of one 40ft sea container or equivalent may be permitted per property. The application proposes room for a total of four portable sea containers to be located at the site.

General Provisions	Comments
Sea container(s) shall be maintained in good and orderly condition to the satisfaction of Council	The proposed sea containers will be fitted out for the purposes of food preparation and sale. The images provided within the applicant's submission represent structures in good condition.
Sea container(s) being sited on land so as	The sea containers are proposed to be

to prevent any damage and/or removal of existing vegetation	located in areas which are currently free of any vegetation
Sea container(s) shall be sited outside the root protection zone of existing or designated vegetation areas, unless measures are taken to ensure the vegetation roots zones are not going to be affected	The sea containers will not be located within root protection zones of any vegetation at the site
Sea container(s) may not be used for the purposes of storing food products unless that are modified to comply with the Food Act 2008 Refridgerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the Environmental Protection (Noise) Regulations 1997	As the sea containers are to be used to store food and are to be refrigerated, they must comply with the Food Act 2008 and the Environmental Protection (Noise) Regulations 1997. The applicant has submitted an Acoustic Assessment which demonstrates that the refrigerated containers will comply with the noise regulations.

Community Consultation:

The application was advertised for a period of 21 days, from 15th August 2016 to 7th September 2016, in accordance with Clause 6.3 of the TPS2 and the Shire’s Local Planning Policy No. 27 (LPP27) Stakeholder Engagement in Land Use Planning.

A total of 8 submissions were received in relation to the proposal, comprising of 3 submissions in support of the application and 4 submissions in objection to the proposal.

A summary of the comments received during community consultation is provided as an attachment to this report.

Summary of Comments Received:	Officer Technical Comment:
Development restrictions as a result of existing Western Power easement	Western Power originally objected to the proposal, however after futher communication with the applicant it indicated that it had no objection to the proposal provided that necessary documentation and investigations are undertaken. These documents and investigation are outlined within the attached material.
Future road widening may impact on location of proposed car parking area	The Department of Planning indicated that the intersection of Nicholson and Thomas Road will be upgraded which may impact on the proposed car parking area. The applicant provided a revised Site Plan for the proposal which included an increased setback of the car parking area to Nicholson Road.
Concerns regarding the suitability of the proposed land use	The proposed open air restaurant is capable of approval within the Rural zone. The development of market stalls or pop up stalls is not supported at the site and they are not considered to be appropriate within the Rural zone.
Traffic safety concerns	An assessment of the proposal by the Shire’s Engineering Department indicates that the proposal would result in 5-6 vehicles per hour during peak times which is considered to be low. A Traffic Impact Assessment should be prepared to demonstrate that the intersection can safety accommodate any additional traffic generated from the proposal.

Options and Implications:

Council has the following options when considering this application:

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

Approval to the proposal as a 'Restaurant' would be consistent with the objective of the zone and would not result in a negative impact on the amenity of the character of the area or adjacent landowners. In this regard the approval of the proposal would relate to the open air restaurant consisting of the burger bar kitchen, alfresco square for dining, toilets and car parking area. The operation of the market stalls and pop up stalls offering incidental food and beverages for consumption within the alfresco square would be limited in operation to Fridays, Saturdays, Sundays and public holidays.

Option 2: Council may resolve to refuse the application.

Refusal of the application could result in a SAT appeal, and depending on the findings of the required information requested by Western Power the appeal may not be able to be successfully argued.

Option 1 is recommended.

Conclusion

It is recommended that Council grant approval to the proposal consisting of the burger bar kitchen, alfresco square for dining, toilets and car parking area. The operation of the market stalls and pop up stalls offering incidental food and beverages for consumption within the alfresco square would be limited in operation to Fridays, Saturdays, Sundays and public holidays.

Attachments

- [OCM228.1/12/16](#) - Development Application Plans (E16/9993)
- [OCM228.2/12/16](#) - BAL Assessment (E16/9990)
- [OCM228.3/12/16](#) -Acoustic Assessment (E16/9991)
- [OCM228.4/12/16](#) –Submissions (E16/7213)

Alignment with the Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs, and encourage social interaction
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses

Statutory environment

The application has been assessed in accordance with the following statutory framework:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

In addition to the above, the application has also been assessed in accordance with the Shire's statutory planning framework, including the relevant objectives, principles and standards as contained in TPS2 and Local Planning Policies.

Financial implications

There are no direct financial implications for Council.

Voting Requirements: Simple Majority**OCM228/12/16 COUNCIL DECISION / Officers Recommendation****Moved Cr Gossage, seconded Cr Hawkins****That Council:**

Resolve to approve the application submitted by Harley Dykstra for an open air restaurant, alfresco square for public dining, toilets, car parking area and market stalls/pop up stalls at Lot 50 Nicholson Road, Oakford, as contained in attachment OCM228.1/12/16 subject to the following conditions:

- 1. The hours of operation for all activities on site are Monday to Saturday and public holidays from 11:00am to 10:00pm and on Sundays from 11:00am to 8:30pm.**
- 2. The market stalls/pop up stalls are limited in operation to Fridays, Saturdays, Sundays and public holidays only and are to be removed from the site when not in use.**
- 3. A maximum of four (4) market stalls are endorsed within this approval and are to operate from the “market stall hardstands” surrounding the alfresco square.**
- 4. The sale of goods from the proposed market stalls is limited to incidental food and beverages to be consumed within the alfresco square and is not to include the sale of items such as artworks, jewellery and other non-consumable belongings.**
- 5. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- 6. Prior to the commencement of works a revised plan for the proposed car parking area shall be submitted to and approved by the Director Engineering, which demonstrates suitable manoeuvring for vehicles within the site and within the proposed parking bays.**
- 7. The applicant is to submit a Traffic Management Plan for the proposed development which is to be submitted to and approved by the Director Engineering prior to the commencement of works.**
- 8. Prior to the commencement of works a Stormwater Management Plan shall be submitted to and approved by the Director Engineering.**
- 9. Prior to the commencement of works a landscaping/revegetation plan shall be submitted to and approved by the Director Engineering.**
- 10. All existing native trees and/or revegetated areas on the lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate approval.**
- 11. The development shall comply with the Noise Attenuation Management Plan prepared by Lloyd George Acoustics and dated 18 November 2016.**
- 12. Prior to the commencement of works, plans shall be submitted for the onsite effluent disposal system and approved by the Director Engineering.**

13. The effluent disposal system shall be located entirely within the approved building location.

14. Prior to the commencement of works a Waste Management Plan shall be submitted at approved by the Shire.

CARRIED UNANIMOUSLY

Councillors Erren, Piipponen and See returned to Chambers at 8.40pm.

Councillor Erren resumed chairing the meeting at 8.40pm.

OCM229/12/16	Bushfire Advisory Committee Information Report
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

The purpose of this report and associated attachments is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Bushfire Advisory Committee Meeting held on 18 August 2016 for endorsement.

Background:

Minutes of the Shire of Serpentine Jarrahdale Bushfire Advisory Committee Meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 18 August 2016 and the minutes and recommendations from those minutes are hereby presented for endorsement.

Relevant Previous Decisions of Council:

OCM064.5/09/14 Endorsement of Terms of Reference
OCM075/04/16 Endorsement of Minutes 17 March 2016

Community Consultation:

No formal community consultation is required.

Comment:

At it's meeting of 18 August 2016 the Shire of Serpentine Jarrahdale Bushfire Advisory Committee (Committee) resolved the following:

1. Renaming of the Meritorious Medal:

This is a Shire-based award presented each year by the Department of Fire and Emergency Services to volunteers nominated by their captains. It was suggested that the medal be renamed the Shire of Serpentine Jarrahdale Meritorious Award and that Council sponsor the presentation of the award.

Resolution: That the Department of Fire and Emergency Services sponsored meritorious medal be renamed the Shire of Serpentine Jarrahdale Meritorious Award and that the award be sponsored by Council.

Officers support the above resolution and recommend that it is adopted by Council.

2. Bushfire Advisory Committee Terms of Reference

The terms of reference for the Committee had previously been circulated to Brigades. The comments that were received were forwarded to Emergency Services Department. Despite the matter being discussed in some detail no agreement was reached on this item. The Chairperson of the Committee recommended the item be deferred to the next meeting.

Resolution: That this item be deferred to the next meeting.

Officers support the above resolution and recommend that it is adopted by Council.

3. Annual Firebreak Notice and Fuel Hazard Reduction Notice

The Shire's Annual Firebreak Notice and Fuel Hazard Reduction Notice is produced annually. The notices and their implementation is discussed with Brigades to ensure that they are aware of the wording and any possible implications.

Resolution: That Emergency Services Department liaise with Council's Chief Executive Officer for final amendments and authorization. Note: this has already occurred.

Officers support the above resolution and recommend that it is adopted by Council.

4. Fuel Loadings within the Lowlands, Mardella area

A letter of concern was received from Serpentine Volunteer Bushfire Brigade regarding the potential bushfire risk within a number of unmanaged areas of land recently bequeathed to the Department of Parks and Wildlife.

Resolution: That a letter of concern be forwarded by Emergency Services Department to the Department of Parks and Wildlife.

Officers support the above resolution and recommend that it is adopted by Council.

5. Request for Fuel Card

A request was received from the Serpentine Volunteer Bushfire Brigade to review the current fuel card system for the refuelling of emergency vehicles. The current arrangement is that the vehicles from Serpentine have to refuel at the Caltex service station in Byford. This is becoming somewhat onerous due to the travel distances this involves. A request was made to consider another supplier to resolve this problem.

Resolution: That Council investigate and if appropriate, consider an alternative fuel card for use by the Brigades. The matter will be brought back for discussion to the next meeting.

Officers support the above resolution and recommend that it is adopted by Council.

Conclusion:

Five recommendations from the minutes of the Committee are presented to Council for consideration. Officers recommend that Council note and adopt the above recommendations and endorse the minutes of the meeting of the Committee held on 18 August 2016.

Attachments:

- [OCM229.1/12/16](#) - Bushfire Advisory Committee Minutes (E16/4527)
- [OCM229.2/12/16](#) - Brigade Feedback – Terms of Reference (E16/6596)
- [OCM229.3/12/16](#) - Letter of Concern re Bushfire Risk Lowlands, Mardella (E16/6597)
- [OCM229.4/12/16](#) - Firebreak Notice and Fuel Hazard Reduction Notice (E16/6601)
- [OCM229.5/12/16](#) - Map of Lowlands, Mardella (E16/6615)
- [OCM229.6/12/16](#) - Signed Terms of Reference (E15/5750)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.

Statutory Environment:

Section 67 of the Bush Fires Act.

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

Committee Recommendation:

That Council receives and endorses the Bushfire Advisory Committee Minutes of 18 August 2016 as per attachment OCM229.1/12/16.

OCM229/12/16 COUNCIL DECISION / Alternative Recommendation:

Moved Cr Gossage, seconded Cr Ellis

That Council receives and endorses recommendations 3.3/08/16, 5.2/08/16 and 5.3/08/16 of the Bushfire Advisory Committee Minutes of 18 August 2016 as per attachment OCM229.1/12/16.

CARRIED UNANIMOUSLY

Council Note: The Committee Recommendation was amended to include the specific endorsement of recommendations 3.3/08/16, 5.2/08/16 and 5.3/08/16 as per the minutes of the Bushfire Advisory Committee.

8.3 Engineering Reports:

OCM230/12/16	Parks and Reserves Asset Management Plan (SJ1816)
Author:	Jegan Puvan – Assets Officer
Senior Officer:	Doug Elkins – Director Engineering
Date:	2 December 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

Council is asked to consider and endorse an update to the Parks and Reserves Asset Management Plan.

Background:

As part of the 2012/13 introduction of the Integrated Planning Framework, to Local Government, the Shire formally commenced developing asset management plans. The intention of the asset management plans was to inform the integrated planning process and the consequential long-term financial and corporate business plans. At that time, a Summary Asset Management Plan was developed, covering all the major infrastructure asset classes. The Summary Asset Management Plan included a road map for improving the maturity of asset management within the Shire. A key component of the road map was the improvement of data and the continued refinement of the asset management plans to achieve increasing levels of detail. This current update, of the Parks and Reserves Asset Management Plan, is the first refinement of the plan, and achieves a 'system' or 'network' level of sophistication.

Within the updated plan, is a description of the Shire's maintenance standard, as shaped by budget, in comparison to the industry norm. Also contained within the plan, is a commentary on current investments, and predicted short-falls.

Comment:

The current iteration of the Parks and Reserves Asset Management Plan is at a network level of detail. At a network level, expenditure and level of service predictions are based on averages. For the most part, anticipated expenditures are based on average unit rates per square meter. As the asset management plan evolves, over time, the level of detail will be refined to the point of looking at individual assets, initially at a macro level (such as a park) and ultimately to a micro level (such as an individual park bench).

Within the plan, there are ten asset categories. Although shade structures are included as an asset category, they have not been valued, as they are already identified in the Buildings Asset Management Plan. Trees also have not been included in the plan, as there is not enough data to provide an accurate valuation, and their replacement value is likely to be considered of little relevance as, due to the normally long life of trees, they are not normally considered to have a recognised depreciation (they may also be considered to appreciate until they reach end-of-life, making valuation difficult). Ultimately, however, trees should be included in the plan, as they are an asset of the Shire, they do have an ongoing operational cost attached (pruning, watering, fertilising, inspecting), and trees have a capital value, as they are planted or replaced, at a definable cost. The exclusion of trees from the Parks and Reserves Asset Management Plan (and the Roads Asset Management Plan) is likely to result in underestimating of operational, maintenance and renewal investments required. In future refinements of the Asset Management plans suite, this will be addressed. In the interim, Councillors should be cognisant of the understatement of the expenditure gap, resulting from this omission.

Table 3.5, of the Parks and Reserves Asset Management Plan, shows the maintenance interval frequency of major Parks and Reserve elements within the Shire. The table provides an industry standard for maintenance (in terms of frequency, rather than quality), the Shire standard, and a Shire actual for the 2013/14 financial year. As can be seen, the Shire has had to set a lower standard of maintenance (in terms of frequency) than the industry standard, and is struggling to achieve the lower standard. The gap between the industry standard and the Shire standard will continue to grow, if the current methodology for funding allocation continues. Essentially, while large new assets have been developed, through land development, growth in allocated budget has been based, predominately, on existing base budgets plus cost-of-living increases. To maintain a level of service, annual budgets should be adjusted to account for new infrastructure added, plus a cost increase based on the Construction Cost Index. As new infrastructure has a corresponding rate income, adjusting the budget, to maintain an agreed level of service for all community assets, is not a new burden on the budget. Relevantly, changes in overhead costs are normally step changes, and normally limited to supervisors or leading hands, so that it is usually not a big burden to fund increased costs occurring in a financial year, as the new rates levied are associated with new infrastructure.

The message, in table 3.5, can be more easily understood by considering the operations and maintenance funding shortfall, identified under section 5.7. The shortfall is estimated to be just under \$200,000 per annum, to achieve the Shire's standard (which is already below the industry standard). If this gap is not filled, and the budget adjusted as new infrastructure is gifted to the Shire, the service gap will continue to widen. Section 3.5 of the Parks and Reserves Asset Management Plan also notes the consequence of the increasing intricacy and level of development of developer funded landscaping. The service levels provided by developers are greater than that currently provided by the Shire so that, under the current funding arrangements, there will be an immediate drop in level of service, when a park is handed over to the Shire. If this occurs, there is likely to be community dissatisfaction associated with the higher level of service expectation created, at the time the residents invested in the land. Council will need to consider this issue carefully, and determine how best this should be addressed (options may include policies that limit the extravagance of developer funded landscaping, differential rates, special area rates, or a higher overall investment in this part of the Shire's operations).

Of note, within the report, is the value of water bodies inherited by the Shire. Currently, the replacement value of water body infrastructure, gifted to the Shire, is \$7.8m. This asset category is the highest valued category in the Parks and Reserves Asset Management plan, while providing only landscape value to the community. Council should consider whether the future cost burden, of water bodies, justifies the landscape value, and provide a policy direction to officers as to whether or not future water bodies will be incorporated into landscaping, and, if allowed, under what circumstances. Council may also want to consider how it will pay for the renewal of water body infrastructure, and whether or not the whole community should meet this cost, or if this cost should be met by the beneficiaries.

Finally, there is an existing renewal gap of around \$240,000 per year, which is based on current parks and reserves assets. Accordingly, this renewal gap will increase, as the Shire accepts new parks and reserves facilities. In addition, the existing renewal gap, will cumulate so that there becomes an increasing backlog of outstanding renewal. While, at face value, this may not appear to be an issue, due to parks and reserves assets being mostly new and similarly aged, the underfunding of this gap will ultimately result in a decline in the overall condition, usability or existence of these facilities.

Relevant Previous Decisions of Council:

- SCM011/06/13 – The Summary Asset Management Plan

Community/Stakeholder Consultation:

Community consultant on the investment to be made in parks and reserves, will be included in the Integrated Planning and Reporting project.

Attachments:

- [OCM230.1/12/16](#) – Parks & Reserves Asset Management Plan (E15/5209)
- [OCM230.2/12/16](#) – State of the Assets (E15/6673)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management.
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long term financial sustainability.

Financial Implications:

Excluding new parks and reserves facilities, if current funding investments are maintained, there will be an approximate funding shortfall, over the next 10 years, of \$1.96m in operational and maintenance works, and \$2.39m in renewal. As the Shire accepts more gifted assets, these gaps will grow. In addition, underfunding of renewal is cumulative, and, in many cases, there is an increased cost in late renewal investment.

The cause of the funding shortfalls are a combination of asset base creep and overall high demand on limited financial resources. Options to address these shortfalls include rate increases, reducing other expenditure, accepting a lower level of service for parks and reserves built infrastructure and sharing some of the costs with sporting clubs, and community groups having a form of exclusive access.

Voting Requirements: Simple Majority

OCM230/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Hawkins

That Council

- 1. Endorse the revised Parks and Reserves Asset Management Plan as included at attachment OCM230.1/12/16;**
- 2. Note the annual maintenance funding shortfall, to achieve the Shire's current maintenance standards, of \$200,000;**
- 3. Note the annual asset renewal funding shortfall, based on the current parks and reserves built assets, of \$240,000; and**
- 4. Consider funding allocations, for the maintenance and renewal of parks and reserves built infrastructure, as part of the Integrated Planning and Reporting process.**

CARRIED UNANIMOUSLY

OCM231/12/16	Natural Assets Management Plan (SJ490)
Author:	Chris Portlock – Environmental and Sustainability Officer
Senior Officer:	Doug Elkins – Director Engineering
Date:	2 December 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

Council is asked to adopt the updated Natural Assets Management Plan and appendices, including the Local Assets Local Action Plans and Indicative Burn Program.

Background:

In 2012/2013, as part of the Integrated Planning Framework, a requirement of the Department of Local Government was that the Shire produce an Asset Management Plan for the 2012/2013 financial year. At that time, a Summary Asset Management Plan was developed, which identified issues with completeness of data, and outlined a way forward, for the Shire to progressively improve its asset management information and practices.

Following this process, asset management plans have progressively been developed and refined, including the development of a Natural Reserves Asset Management Plan. The process of improving the quality and detail of the asset management plans will continue into the future, with the addition of new assets asset clusters and asset categories, the improvement of asset data, and the changing expectations of the community.

This document, is a parallel asset management plan to the Parks and Reserves Asset Management Plan, by providing, predominately for the natural parts of parks and reserves vested with the Shire. Natural assets, and natural resources, include new natural reserves, multiple use corridors and their inventory of species, as well as street trees, seed as a commodity from restricted plant species, solar and wind systems, to save corporate and community electricity, and some limited natural resource development from water (including rain water tanks), gravel and associated timber harvesting from any necessary clearing to gain access to gravel.

Comment:

The Natural Assets Management Plan brings together the suite of management plans for natural assets, previously adopted by Council. While each management plan is an independent plan, the effect of bringing the plans together is to collate the action plans, and to define the required resources to implement the plans, at the recommended level. The combination of management plans, creating the Natural Assets Management Plan, also allows for updates to be undertaken in small sections, through the update of an individual management plan and the appended Local Action Plan.

An inclusion in the Natural Assets Management Plan is the Indicative Burn Plan. This is included within an appendix to the Natural Assets Management Plan, and can be updated independently of the whole of the Natural Assets Management Plan. The current Indicative Burn Plan only extends for two years. The purpose of the inclusion of this plan, is to allow Council to endorse the activity, within the capacity of the Fire Brigades to provide this service safely, on Council managed land. Ultimately, it is expected that this plan will be managed independently of the Natural Area Management Plan, as part of our emergency risk mitigation processes, and will be extended to a ten-year burn plan, with longer-term targets, in accordance with our existing Bushfire Risk Management Plan. The benefit of creating the burn plan, as an independent document, is that it allows the Council to focus on this area of significant risk, and to understand the resourcing implications of this area of risk mitigation. An independent plan also ensures the burn plan is not hidden, can be easily accessed by

the general public, is a continuous risk focus of the Council, is easily accessible in the case of an emergency, and can be subjected to consultation, where the plan could affect sensitive land uses. When a longer-term plan is developed, the Indicative Burn Plan will be included by reference only, rather than being physically included in the plan.

It is recommended that Council adopt the Natural Assets Management Plan, including the Indicative Burn Plan. It is also recommended Council review the resources available for the development and continuous update of a ten-year burn plan as part of an overall bushfire risk mitigation strategy, as part of the review of the Community Strategic Plan, the Long-term Financial Plan and the 2017/18 financial year budget.

Relevant Previous Decisions of Council:

- SCM011/06/13 – The Summary Asset Management Plan.

Community/Stakeholder Consultation:

Community consultation was undertaken as part of the development of each of the specific reserve management plans.

Attachments:

- [OCM231.1/12/16](#) – Natural Assets Management Plan (E16/9807)
- [OCM231.2/12/16](#) – State of the Assets (E15/6673)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management.
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long term financial sustainability.
Objective 5.2	Excellence in Environmental Management.
Key Action 5.1.2	Provide recreational educational and economic access to natural assets without compromising their quality and integrity.

Financial Implications:

The Local Assets Local Action Plan, with cost estimates, within the Natural Assets Management Plan (Page 24-27), allows for implementing actions within the plan. This will maintain the level of service expected of the community for the management of the three asset clusters. This coming financial year can expect a \$25,000 budget required to implement the Natural Assets Management Plan for the first year with subsequent years being closer to \$8,500 per year for the following four years. These investments should be tested as part of the proposed Participatory Budget process, and fed into the Long-term Financial Plan accordingly.

Voting Requirements: Simple Majority

OCM231/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council:

1. Adopt the Natural Assets Management Plan, as per attachment OCM231.1/12/16, including the indicative burn plan; and
2. Consider funding allocations, for natural asset management, as part of the Integrated Planning and Reporting process.

CARRIED UNANIMOUSLY

OCM232/12/16 Request for Tender RFT 07/2016 Provision of Turf Maintenance Services (SJ2125)	
Author:	Peter De Groot – Manager Operations and Parks
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	2 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

Council is asked to consider awarding a tender for the provision of turf maintenance services.

Background:

As part of the Shire's ongoing active reserves maintenance requirements, a tender was prepared and advertised seeking suitable contractors to provide this service. The cost of this service has increased such that a contract is now required to meet the purchasing policy requirements.

One submission was received at the time of closure. This tender was reviewed through a pre-determined tender submission and assessment process. This process has now been completed, with a recommendation to enable engagement of the preferred contractor in line with the summarised assessment.

Tender:

Tender RFT 07/2016 for the Provision of Turf Maintenance Services was advertised in the West Australian on Saturday 05 November 2016. The tender closed at 2.00pm on Monday 21 November 2016.

The Contract will be for a one year period with a start date of 1 January 2017 and end date of 31 December 2017, with two mutually agreed options to extend the Contract for a further one year period each.

The extensions of the one year term, however, will be based on the Contractor's performance over the preceding period, including: level and quality of service, value for money, and the Principal's satisfaction with the services.

Relevant Previous Decisions of Council:

There is no relevant previous decision from Council.

Community/Stakeholder Consultation:

There is no community in this instance. The relevant internal stakeholders were involved in the preparation of the tender specification.

Proposal:

The tender is for the provision of turf maintenance services within the Shire.

Submissions:

One tender was received which was compliant.

Evaluation Panel:

As only a single tender was received, it was not necessary to utilise an evaluation panel.

Compliance Criteria:

The criteria against which the tender was evaluated is:

- Organisational profile
- Referees

- Agents
- Trusts
- Sub-Contractors
- Conflicts of Interest
- Financial Position
- Quality Assurance
- Occupational Health and Safety
- Demonstrated Understanding

The tender was found to be compliant.

Qualitative Evaluation Criteria:

The non-priced criteria was not used as there was only one tender submitted.

Pricing:

In order to confirm the competitiveness of the tender, a comparison, between the tendered rates and recent direct engagement rates, has been undertaken. The table below shows the comparison:

Item	Quoted Price	Tender Price	Rate
Vertimow and sweep	\$740.00	\$750.00	Per Pass
Solid Tyne Verti-drain	\$600.00	\$450.00	Per Pass
Hollow Tyne and Sweep	\$800.00	\$800.00	Per Pass
Over seed	\$ 1,800.00	\$550.00	Per Application
Jumbo Rolls	\$32.00	\$28.00	Per square metre
Total Cost of Works	\$ 3,940.00	\$ 2,550.00	

Based on this comparison, the tender is considered to represent good value for money, and acceptance is recommended.

Summation:

The recommendation, after tender review and price comparison, is that the contract be awarded to Statewide Turf Services.

Attachments:

- **Confidential OCM232.1/12/16** – Tender submitted by Statewide Turf Surfaces. (E16/9801)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The tendered rates are competitive, in comparison to existing direct engagement rates. It is expected that, overall, turf maintenance services will be provided at a slightly lower cost. In the 2015/16 financial year, the Shire spent \$190,000 on these services.

Voting Requirements: Simple Majority

OCM232/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Ellis

- 1. Award tender RFT 07/2016, for Provision of Turf Maintenance Services, to Statewide Turf Services, for a one year period, from 1 January 2017 to 31 December 2017, in accordance with the submitted tender as contained in confidential attachment OCM232.1/12/16; and**
- 2. Authorise the Chief Executive Officer to extend the contract for a period of two periods of twelve (12) months, from 1 January 2018 and 1 January 2019, should the Chief Executive Officer be satisfied with State Wide Turf Services performance, under the contract, in accordance with the tendered contract provisions.**

CARRIED UNANIMOUSLY

8.4 Corporate and Community Services Report:

OCM233/12/16 Organisational Risk Register – Risk Matrix (SJ136)	
Author:	Peter Kocian – Acting Director Corporate and Community
Senior Officer/s:	Gary Clark – Chief Executive Officer
Date of Report:	2 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction

This report recommends that Council endorse the Risk Assessment and Risk Matrix document contain in OCM233.1/12/16. It is recommended that this document inform the Shire's Risk Register, with any risk with a risk ranking of 'high' or 'extreme' (i.e. a risk assessment of greater than 10) be included on the Risk Register as these risks have been identified as requiring attention and require regular monitoring.

Background:

A Standard designated as AS/NZS ISO 31000:2009 has been prepared on Risk Management. This Standard defines risk assessment as the overall process of risk identification, risk analysis and risk evaluation. The Standard encapsulates the following paragraphs.

All organisations should identify sources of risk, areas of impact, events and their causes and their potential consequences. The aim of this step is to generate a comprehensive list of risks, known as a Risk Register, based on those events that might create, enhance, prevent, degrade, accelerate or delay the achievement of objectives.

Identification should include risks whether or not their source is under the control of the organisation, even though the risk source or cause may not be evident. Risk identification should include examination of the knock-on effects of particular consequences, including cascade and cumulative effects. As well as identifying what might happen, it is necessary to consider possible causes and scenarios that show what consequences can occur. All significant causes and consequences should be considered.

Organisations should apply risk identification tools and techniques that are suited to its objectives and capabilities, and to the risks faced. People with appropriate knowledge should also be involved in identifying risks. The management of risk should therefore be undertaken with full consideration of the need to justify the resources used in carrying out risk management.

Risk criteria also needs to be defined to evaluate the significance of risk. Factors to be considered include the following:

- The nature and types of causes and consequences that can occur and how they will be measured;
- How likelihood will be defined;
- The timeframe (s) of the likelihood and/or consequence (s);
- How the level of risk is to be determined;
- The views of stakeholders;
- The level at which risk becomes acceptable or tolerable.

Risk evaluation always involves the assessment of the likelihood (chance of something happening) and consequence (outcome of an event affecting objectives) of an event.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

The Shire's Risk, Health and Safety Advisor has been consulted. The Shire's Risk Register is required to be updated and has been identified as a priority following the completion of the Audit Regulation 17 Review.

Comment:

Proposed Risk Assessment Tool

Local Government Insurance Services have developed a risk assessment tool which is widely used by local governments in Western Australia as contained in OCM233.1/12/16 – Risk Assessment Tool. The tool is broken down as follows to demonstrate alignment with the aforementioned Australian Standard:

Measures of Likelihood

LEVEL	RATING	DESCRIPTION	FREQUENCY	PROBABILITY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year	Greater than 90% chance of occurrence
4	Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurrence
3	Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurrence
2	Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurrence
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	Less than 10% chance of occurrence

Measures of likelihood form part of the risk matrix to determine the 'risk rank' and the 'level of risk'. A level of 1 - 5 is applied based on the likelihood of an event occurring, ranging from rare to almost certain. The likelihood can be determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically such as probability or a frequency over a given time period.

Measures of Consequence

LEVEL	1	2	3	4	5
RATING	Insignificant	Minor	Moderate	Major	Catastrophic
HEALTH	Negligible injuries	First aid injuries	Medical type injuries or Lost time injury < 5 days	Lost time injury > 5 days	Fatality, permanent disability
FINANCIAL IMPACT	Less than \$3,000	\$3,000 - \$30,000	\$30,001 - \$300,000	\$300,001 - \$3M	More than \$3M
SERVICE INTERRUPTION	No material service interruption	Temporary interruption to an activity – backlog cleared with existing resources	Interruption to Service Unit(s) deliverables – backlog cleared by additional resources	Prolonged interruption of critical core service deliverables – additional resources; performance affected	Indeterminate prolonged interruption of critical core service deliverables – non-performance
COMPLIANCE	Occasional noticeable temporary non-compliances	Regular noticeable temporary non- compliances	Non-compliance with significant regulatory requirements imposed	Non-compliance results in termination of services or imposed penalties	Non-compliance results in criminal charges or significant damages or penalties
REPUTATION	Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Substantiated, localised impact on key stakeholder trust or low media item	Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Substantiated, public embarrassment, widespread loss of key stakeholder trust, high widespread multiple media profile, third party actions
ENVIRONMENT	Contained, reversible impact managed by on site response	Contained, reversible impact managed by internal response	Contained, reversible impact managed by external agencies	Uncontained, reversible impact managed by a coordinated response from external agencies	Uncontained, irreversible impact

As defined by the Australian Standard consequence is the outcome of an event affecting corporate objectives. The above identifies outcomes in six main categories being health, financial impact, service interruption, compliance, reputation and environment. A level of 1 - 5 is applied based on the severity of the outcome, ranging from insignificant to catastrophic. Combined with measures of likelihood, measures of consequence form the evaluation of risks in the Risk Matrix (see below).

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)

Risk Acceptance Criteria

RISK RANK	LEVEL OF RISK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
EXTREME	17 - 25	Urgent Attention Required	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council
HIGH	10 - 16	Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
MEDIUM	5 - 9	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
LOW	1 - 4	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager

The risk matrix will determine a risk ranking and level of risk based on the measurement of the likelihood and consequence of a particular event. It is recommended that any event with a risk ranking of 'high' or 'extreme' be recorded in the Shire's Risk Register and reported to the Audit Committee on a periodic basis. These events require regular monitoring and risk treatment actions which may involve the following:

- Avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- Taking or increasing risk in order to pursue an opportunity;
- Removing the risk source;
- Changing the likelihood;
- Changing the consequences;
- Sharing the risk with another party or parties (including contracts and risk financing); and
- Retaining the risk by informed decision.

Risk treatments that deal with negative consequences are sometimes referred to as risk mitigation, risk elimination, risk prevention and risk reduction. Risk treatments will be particularly important where existing controls are deemed to be inadequate.

LEVEL	RATING	FORESEEABLE	DESCRIPTION
E	Excellent	Doing more than what is reasonable under the circumstances	Existing controls exceed current legislated, regulatory and compliance requirements, and surpass relevant and current standards, codes of practice, guidelines and industry benchmarks expected of this organisation
A	Adequate	Doing what is reasonable under the circumstances	Existing controls are in accordance with current legislated, regulatory and compliance requirements, and are aligned with relevant and current standards, codes of practice, guidelines and industry benchmarks expected of this organisation
I	Inadequate	Not doing some or all things reasonable under the circumstances	Existing controls do not provide confidence that they meet current legislated, regulatory and compliance requirements, and may not be aligned with relevant and current standards, codes of practice, guidelines and industry benchmarks expected of this organisation

Attachments:

- [OCM233.1/12/16](#) – Risk Assessment Tool – Developed by Local Government Insurance Services (E16/10034)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Regulation 17 of the Local Government (Audit) Regulations 1996 states the following.

17. CEO to review certain systems and procedures
 - (1) The CEO is to review the appropriateness and effectiveness of a local government's system and procedures in relation to –
 - (a) risk management; and
 - (b) internal control; and
 - (C) legislative compliance.
 - (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be subject of a review at least once every 2 calendar years.
 - (3) The CEO is to report to the audit committee the results of that review.

Council have an existing Policy G913 Risk Management. It is recommended that this Policy be reviewed and amended to incorporate the attached Risk Assessment and Risk Matrix Tool.

Financial Implications:

There are no financial implications relative to this report.

Voting Requirements: Simple Majority

OCM233/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That with respect to appropriately managing organizational risks Council:

1. Adopt the Risk Assessment and Risk Matrix document as contained in OCM233.1/12/16 and for it be incorporated into the existing Council Policy G913 Risk Management;
2. Endorse that a new stand-alone heading titled 'Risk Implications' be included in the Agenda Report template for all Council and Committee Meetings, and that the Chief Executive Officer ensure that the Risk Assessment and Risk Matrix be completed for all Reports;
3. Adopt a Policy position that any item with a risk ranking of greater than '10' categorised as either 'High' or 'Extreme Risk', and apparent to be ongoing, be listed on the Shire's Risk Register;
4. Request that the Terms and Reference for the Audit Committee be reviewed such that the Shire's Risk Register become a standing agenda item for the Committee, as risk items require attention and should be subject to regular monitoring and review.

CARRIED UNANIMOUSLY

OCM234/12/16	Report on Review of Risk Management, Legislative Compliance and Internal Controls (SJ514-07)
Author:	Peter Kocian – Acting Director Corporate and Community
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	30 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

This report recommends that Council receive the report presented by the CEO on the appropriateness and effectiveness of the Shire's systems in regard to Risk Management, Internal Control and Legislative Compliance, as per Regulation 17 of the *Local Government (Audit) Regulations 1996*.

Background:

The *Local Government (Audit) Regulations 1996* (the Regulations) were amended in 2013 to extend the responsibilities of the Audit Committee and Chief Executive Officer of local governments in relation to the reviewing and reporting local government's systems and procedures in regard to Risk Management, Internal Control and Legislative Compliance.

Relevant Previous Decisions of Council:

The first review of the Shire's systems with regard to Risk Management, Internal Control and Legislative Compliance was presented to Council in October 2015 (Council Decision AC004/10/15).

Community / Stakeholder Consultation:

Internal stakeholder consultation has occurred with Responsible Officers as designated in the status report attached to this item.

Comment:

In November 2014, the Shire engaged UHY Haines Norton (now Moore Stephens) to undertake a report on Risk Management, Legislative Compliance and Internal Controls as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* (as amended).

The scope of the review included the following:

- Identify risk management systems policies, procedures and plans in place at the Shire, including the effectiveness of the Shire's business continuity planning for all service areas;
- Evaluate internal financial control systems and procedures;
- Review the probity of the Shire's procurement framework;
- Assess systems and processes for maintaining legislative compliance;
- Develop a gap analysis of any improvements identified during the review;
- Prepare a report of matters identified during the review to assist the CEO to assess the appropriateness and effectiveness of the relevant systems and procedures.

As a result of the review, an improvement plan was developed identifying the audit framework component, recommended improvements and priority rating (low, medium, high). The priority rating is a subjective rating based on relative risk, whether statutory risk, reputational risk, financial risk or other.

The review framework that was established in 2014/15 serves as a foundation for all future reviews which are required every two years. Staff have reviewed the improvement plan as contained in OCM234.1/12/16, and the status has been updated to reflect current arrangements and to identify priority areas for further improvement. It should be noted that a number of the actions have already commenced and are at various stages of completion.

Some of the high priority matters that will be escalated for completion in the coming months include:

- Review of Business Continuity Plan
- Review Terms of Reference for Audit Committee and develop Audit Work Plan
- Review Organisational Risk Register and update
- Finalise 2016 Compliance Audit Return and develop Statutory Compliance Calendar
- Review Investment Policy
- Assess Purchasing Policy and Conditions of Use
- Develop an Internal Audit Charter and consider establishing an Internal Audit function

It is recommended that progress against the improvement plan be reported to the Audit Committee on a quarterly basis. The Shire recognises it has the responsibility to embed a robust and appropriate risk management, internal control, and legislative compliance framework across the whole of the organisation and is already ensuring that any gaps in its systems are identified and rectified as part of its day to day operations, to ensure its commitment towards continuous improvement.

The Terms of Reference for the Audit Committee will also be reviewed to consider an expanded scope to oversee the following:

Financial Management

1. Changes in accounting practices, policies and material changes in accounting treatment, providing advice on the appropriateness of implementation strategies
2. Quarterly Financial Reports on all of the Shire of Serpentine Jarrahdale managed community facilities

Risk Management

1. The Shire's risk management strategies and policies
2. The adequacy of the Shire's risk management systems and practices
3. The management of strategic risks, identifying as appropriate, specific risks for more detailed review and response

Internal Controls

1. The standard and effectiveness of the Shire's corporate governance and ethical considerations
2. The integrity, adequacy and effectiveness of the Shire's financial and administration policies, systems and controls in providing financial and governance information which:
 - Is accurate and reliable
 - Complies with legislative obligations and requirements
 - Minimises the risk of error, fraud, misconduct or corruption

Legislative Compliance

1. The integrity, adequacy and effectiveness of the Shire's systems and controls for legislative compliance
2. The level of compliance with legislative obligations as well as the Shire's policies

3. The CEO’s report on the review of the Shire’s legislative compliance systems, at least once biennially
4. The annual statutory Compliance Audit

Internal and External Audit Planning and Reporting

1. The process to select and appoint an External Auditor
2. The integrity, adequacy and effectiveness of the Shire’s Internal Audit Plan and External Audit Plan
3. Reports, findings and recommendations arising from Internal and External Audits
4. The audit of the Shire’s Annual financial statements
5. The integrity, adequacy and effectiveness of the management response and any actions proposed to be taken to address issues raised by the Internal or External Auditor
6. The oversight and monitoring of implementation of agreed actions

Conclusion:

It is recommended that the Council receive the report on a Review of Risk Management, Legislative Compliance and Internal Controls.

Attachments:

- [OCM234.1/12/16](#) – Improvement Plan - Review of Risk Management, Legislative Compliance and Internal Controls (Regulation 17 Review Report) - (E16/9814)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Section 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a 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.

Section 16(c) of the *Local Government (Audit) Regulations 1996* requires the CEO to report to Council the results of that review and give a copy of the CEO’s report to the Council.

All public documents such as policies, code of conduct, compliance audit returns, complaints handling, council and committee minutes referred to in UHY’s report can be found listed on the Shire’s website.

Financial Implications:

Additional resources may be required for the implementation of the Improvement Plan and associated process and systems in a timely manner.

Voting Requirements: Simple Majority

OCM234/12/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Rich, seconded Cr Gossage

That with respect to the review on the appropriateness and effectiveness of the Shire’s systems in regard to Risk Management, Internal Control and Legislative Compliance, as required under Regulation 17 of the *Local Government (Audit) Regulations 1996*, Council:

- 1. Receive the results of the review provided by the CEO under section 17 (3) of the *Local Government (Audit) Regulations 1996* being the Improvement Plan contained in OCM234.1/12/16;**
- 2. Note that the Shire will present to the Audit Committee a quarterly management review of the Improvement Plan as a standing item;**
- 3. Note that the Shire will develop an audit work plan and internal audit charter to be considered by the Audit Committee at a later date.**

CARRIED UNANIMOUSLY

OCM235/12/16	2015/16 Carried Forward Surplus and Schedule of Variations 2016/17 Budget
Author(s):	Megan Hodgson – Accountant
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	30 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

Council is requested to approve the allocation of the additional surplus carried forward from the 2015/16 financial year as per the recommendations contained in this report.

Background:

The audited 2015/16 Financial Statements confirm an actual carried forward surplus of \$2,235,294 as at 30 June 2016. This compares to a 2016/17 Budget carried forward surplus of \$1,064,265, giving rise to a favourable improvement of \$1,171,029 to the 2016/17 Budget position. The following commentary and attachment to this report outline the reasons for the additional surplus of \$1,171,029, and how the additional surplus is proposed to be allocated in the 2016/17 financial year.

Relevant Previous Decisions of Council:

Council decision 160/08/16 pre-approved expenditure of \$645,900 for carry forward projects from the 2015/16 financial year, to be funded from the additional carried forward surplus. These budget adjustments have been included in the schedule of budget variations submitted for Council approval.

Community / Stakeholder Consultation:

The carried forward surplus has been discussed with the Leadership Team and recommendations for the allocation of the additional surplus have stemmed from these discussions.

Comment:**Carried Forward Surplus Position as at 30 June 2016**

The original 2015/16 budget was premised on a budgeted surplus of \$74,563 as at 30 June 2016. This compares to an actual surplus of \$2,235,294, a favourable variance of \$2,160,731 to the original budget.

A summary of major variances by program and sub program for the year ended 30 June 2016 is presented below (with capital variances further explained in Attachment 1). It is pertinent to note that these variances relate to the actual result against the original budget and do not reference any budget amendments that may have been made during the course of the financial year. A large number of the major variances below were identified during the mid-year budget review and budgets were subsequently amended.

Income General Purpose Funding	Variance to Original Budget	Comment
Rates	583,757	Above budget due to additional interim rates received for new properties.
General Purpose Grants	(1,143,836)	Budget assumed that all of the general purpose grants would be received in the 2015/16 year which they relate to, however the first half of these were paid in advance on 30th June 2015. This resulted in a variance to budget of \$1.1m.

Income	Variance	to	Comment
General Purpose Funding	Original Budget		
General Financing	114,661		Income relates to interest and reimbursements. Interest is higher than budget due to interest on developer contributions. The budget assumed that most of this money would be spent this year on Abernethy Road.
Law, Order & Public Safety			
Volunteer Emergency Services	52,678		Relates to the timing of grants received from DFES.
Rangers	72,821		Higher than budget dog registrations, fines and penalties.
Community Amenities			
Sanitation	375,340		Above budget mainly due to additional waste disposal charges and bin establishment fees for new properties.
Developer Contribution Team	(170,000)		Contribution from the Mundijong Landowners Association not able to be claimed. Certain requirements yet to be fulfilled in regards to the development of the contribution plan. This will be claimed in 2016/17.
Recreation & Culture			
Community Development Officer	68,440		Relates to an unbudgeted grant received from Lotterywest for the ANZAC memorial.
Other Recreation & Sport	(771,094)		The budget assumed that all grants in relation to the Byford & Districts Country club would be received in 2015/16. The timing of when some of these have been received has fallen into the 2016/17 year.
Transport			
Engineering Subdivision Team	(256,053)		Relates to lower than budget fees and charges revenue for supervisions fees, water sensitive urban design, landscape design, and outstanding work fees.
Economic Services			
Building Control	(68,065)		Under budget due to less than budgeted fees and charges for Building permit fees, storm water management inspection fees, and verge permit fees.
Expenditure			
General Purpose Funding			
Rates	49,811		Significant variances include; valuation expenses (\$29K), staff training (\$7K) and internal allocation of IT expenditure (\$17K).
Governance			
Members Of Council	114,010		Relates to underspends in lobbying expenses, Peel regional membership expenses, and subscriptions.
Chief Executive Officer	(94,204)		Over budget in salaries by \$170K. This has been partially offset by an \$80K underspend in organisational development/employee training.

Income General Purpose Funding	Variance to Original Budget	Comment
Executive Services	78,940	Under budget due to a \$40K underspend in communications expenses, and website development costs of \$15K being deferred to the 2015/16 year.
Director Corporate Services	163,061	Salaries and Superannuation under budget by \$115K due to unfilled positions that were budgeted for. Other significant underspends in staff training (\$10K), and vehicle expenses (\$10K).
Director Planning	105,178	Salaries and Superannuation under budget by \$75K due to delayed recruitment for positions. Other significant underspends in vehicle expenses (\$20K).
Law, Order & Public Safety		
Fire And Emergency Management	41,678	Underspends in maintenance of fire hydrants, maintenance of static water supplies, fire break inspections, and the local emergency management committee.
Rangers	72,695	Under budget in salaries and related employee costs, legal expenses, vehicle operating expenses, and animal control costs.
Health		
Health Inspection & Administration	117,944	Salaries and related employee costs under budget (\$85K) due to the delayed recruitment of positions that were budgeted from July. Staff training under budget (\$20K) as is works required under the Health Act (\$10K), public health plan and promotion (\$9K).
Community Amenities		
Other Sanitation	(32,860)	Over budget due to additional roadside litter control costs. Illegal dumping of rubbish has increased since the removal of tip passes.
Protection Of The Environment	58,874	Under budget due to budgeted maintenance of the Landcare building & gardens not being fully carried out (\$16K), underspends in salaries and related costs (\$30K), and staff training (\$5K).
Strategic Town Planning	129,911	Under budget due to the following; staff training (\$11K), Local planning strategy (\$27K), Byford district structure plan (\$10K), Mundijong Industrial Area project (\$18K), Population projections programme (\$23K), Rural strategy (\$10K), Clem Kentish Concept plan (\$15K), and economic development marketing plan (\$20K).
Developer Contribution Team	56,531	Under budget due to expenditure on the Mundijong Whitby Developer Contribution Plan. Planned works have not yet been fully completed.
Recreation & Culture		

Income General Purpose Funding	Variance Original Budget	to	Comment
Community Development Officer	230,061		An amount of \$183K relates to the locality funding program. The budget allows for \$30K per each of the six localities, plus some additional projects that were carried forward from the previous year. Very little of this money was spent, and has been transferred to the locality funding reserves for future use.
Public Halls	53,606		Under budget due to the following asbestos expenses (\$26K). The balance of the variance (\$27K) relates to underspends in maintenance across the following - Bruno Gianatti Hall, Briggs Park Pavilion, Byford Hall, Cardup Community Hall, Clem Kentish Hall, Civic Centre, Mundijong Pavilion, and Oakford Community Centre.
Other Recreation & Sport	(47,334)		Maintenance of sporting reserves is over budget by \$53K. Over spends in the following locations; Mundijong Reserve, Serpentine Hall Reserve, Jarrahdale Reserve, Jarrahdale Tennis Courts, and Playground maintenance, are partially offset by underspends at Serpentine Sports Reserve, Kalimna Oval Reserve, Serpentine Tennis Courts, and Briggs Park Reserve.
Public Parks & Gardens	100,450		Maintenance of parks and gardens is under budget by \$100K in total collectively across all reserves that we maintain.
Buildings On Reserves	62,616		Graffiti and vandalism expenses are under budget by \$42K. The balance of the difference of \$20K relates to underspends collectively on maintenance expenses across all our buildings on reserves.
Libraries	46,075		Original budget includes \$25K for consultant fees for a new library feasibility study. These costs were reallocated into planning at budget review. Underspends also in building maintenance (\$4K), vehicle expenses (\$7K), and staff training (\$16K)
Transport			
Maintenance Of Streets & Roads	417,852		Lighting of streets is over budget by \$158K, due to higher electricity charges. Offsetting this is a \$571K underspend in maintenance costs for roads, drainage and bridle trails. The main reason for this variance is a reallocation of \$613K of maintenance expenditure from operating expenses to capital renewals.

Income General Purpose Funding	Variance to Original Budget	Comment
Engineering Design Team	(139,398)	Salaries and superannuation are over budget by \$162K. This is due to a reallocation of the business units that engineering employees sit within. There is a corresponding decrease in salaries expenses in the engineering subdivision team.
Engineering Subdivision Team	344,296	Salaries and superannuation are under budget by \$242K. This is due to a reallocation of the business units that engineering employees sit within. There is a corresponding increase in salaries expenses in the engineering design team. Other significant underspends are in staff training (\$47K) and vehicle expenses (\$18K).
Economic Services		
Building Control	130,962	Underspends in salaries and superannuation (\$102K) due to the delayed recruitment of positions budgeted from 1st July. Staff training also under budget (\$11K).
Other Economic Services	(47,673)	Relates to expenses in relation to the Scrivener Road gravel pit which were not included in the original budget, but adjusted for a budget review.
Capital Expenditure		
Land And Buildings	141,328	Full breakdown of capital expenditure variances is attached.
Plant, Furniture And Equipment	571,834	Full breakdown of capital expenditure variances is attached. All plant items are funded from the fleet reserve.
Road Infrastructure	5,985,700	Full breakdown of capital expenditure variances is attached.
Proceeds From Sale Of Assets		
Proceeds On Sale Of Assets	(217,386)	Plant replacement program not completed in full for financial year
Financing		
Principal Loan Repayments	65,543	Budget assumed that a loan would be taken out to fund the Shires contribution to the Abernethy Road project. This project has not commenced construction yet, and the loan has not been drawn down. Therefore repayments are less than budget.

Proposed Schedule of Variations to 2016/17 Budget

As discussed above, the audited financial statements for the year ended 30 June 2016 identify actual net current assets as at 30 June 2016 carried forward of \$2,235,294 (see Rate Setting Statement and Note 24 in the Annual Financial Report). This compares to a 2016/17 Budget carried forward amount of \$1,064,265 (see Rate Setting Statement and Note 4 in the 2016/17 Statutory Budget). A favourable budget variance of \$1,171,029 has therefore arisen, with this additional surplus available to fund expenditure, transfer to Reserves, debt retirement, or simply remain unallocated which would result in a municipal surplus as at 30 June 2017.

Council, at its meeting of 22 August 2016, did resolve to pre-approve \$645,900 of the additional surplus carried forward to be applied against a number of identified capital projects as carry-overs (Council Decision 160/08/16). These projects have been included in the schedule of budget variations, with a small adjustment to the carry over amount for the Byford Country Club being \$30,000 rather than \$63,000 as tabled at the August OCM. Effectively, this leaves a surplus of circa \$558k for allocation.

It should be noted that carry-over projects are common practice for local government as very rarely do local governments clear 100% of budgeted capital works at year end. Most major projects have a long lead time in terms of pre-feasibility and design and therefore generally span two financial years. To put this into perspective, the Shire's capital expenditure budget is approximate to \$15m per annum over the last 3 years. A 90% clearance rate of capital projects (which is considered to be a strong result) would still give rise to a potential carry-over amount of \$1.5m, which translates to a municipal surplus carried forward.

The carry-over amount of \$645k relates to projects that were not captured in the 2016/17 Annual Budget (due to the early adoption of the Budget) but are explained by the above paragraph.

The unallocated carried forward surplus has been discussed with the Leadership Team, with a recommendation from the Chief Executive Officer that it be applied as follows:

1. An amount of \$350,000 to be set aside for a review of salaries. This is to allow a full review to be carried out of current positions against the market, and of the internal relativities within the organisation. The Shire is currently experiencing a high turnover of staff, and finding it difficult to recruit preferred candidates as the salaries may not be competitive with the industry.
2. An amount of \$200,000 is required for the Integrated Planning and Reporting Project for consultant services required to complete the Long Term Financial Plan and associated inputs by 30 June 2017. This is a statutory requirement and is critically needed.
3. Balance of funding to be transferred to the Administration Building Reserve. This is to set money aside for urgent office accommodation requirements for staff, especially in Engineering, and a new alarm system for the building.

A full schedule of budget variations is included in the Officers Recommendation.

Attachments:

- [OCM235.1/12/16](#) - Analysis of Carried Forward Surplus – Capital Expenditure Report (E16/9193)

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Section 6.8 of the Local Government Act 1995 requires a local government not to incur expenditure from municipal funds where an estimate has not been provided for in the Annual Budget without prior authorisation by Absolute Majority.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements: Absolute Majority

OCM235/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

1. Note that actual net current assets carried forward as at 30 June 2016 is \$2,235,294, compared to 2016/17 Budgeted net current assets carried forward of \$1,064,265, giving rise to a favourable improvement of \$1,171,029 to the 2016/17 Budget position;
2. Note the explanations provided for the improved surplus result as at 30 June 2016 as contained within the body of the report and Attachment OCM235.1/12/16 which explains variances against capital expenditure;
3. Pursuant to section 6.8 of the Local Government Act 1995, approve the schedule of variations to the 2016/17 Budget as presented below, including the full allocation of the additional carried forward surplus of \$1,171,029 from the 30 June 2016, resulting in a closing budget municipal surplus of \$40,870 (unchanged to original Budget) as at 30 June 2017:

Items proposed for Carryover from 2015/16				
Project	Account No.	16/17 Adopted Budget	Budget Amendment (Change in Net Current Assets)	16/17 Amended Budget
CAPEX				
Kalimna Oval Storage Shed	KAL901	0	(40,000)	(40,000)
Serpentine St John Ambulance Building	SSJ900	0	(1,300)	(1,300)
Percy's Park Toilet	PPT900	0	(91,300)	(91,300)
Byford Country Club	BCC900	0	(30,000)	(30,000)
Byford Fire Station Roof	BFS900	0	(20,000)	(20,000)
Byford Central Half Basketball Court & BBQ	BCB900	0	(36,700)	(36,700)
Briggs Park Youth Precinct Facilities - Skate Park	BYP900	(200,000)	(80,700)	(280,700)
Minor Upgrade of Briggs Park Lower Oval	BPP900	0	(100,700)	(100,700)
Harris Place Drainage	RC323	0	(4,000)	(4,000)
Lightbody Road	RC038	0	(10,000)	(10,000)
Nettleton Drive	RC006	0	(25,000)	(25,000)
Kingsbury Drive	R2R177	0	(50,000)	(50,000)
Paterson Street	R2R126	0	(10,000)	(10,000)
Kargotich Road - Thomas to Mundijong	SBS009	0	(67,965)	(67,965)
Kargotich Road - Randell Road to 1000m South - White line marking & reseal	RRG009	0	(36,000)	(36,000)
Kargotich Road North - Reseal	RRA009	0	(25,896)	(25,896)
Hopeland Road - South of Punrack Road - White line marking & reseal	RRG017	0	(36,000)	(36,000)
Hopkinson/Thomas	SBS013	0	(38,000)	(38,000)

RESERVES				0
Admin Building Reserve - Transfer In	11003	(1,802)	(141,329)	(143,131)
OPERATING				0
Integrated Planning & Reporting Project	CEO505	0	(200,000)	(200,000)
Additional Salaries		0	(350,000)	(350,000)
RESTRICTED CASH				
Fire Contributions from Developers - Byford Fire Station Roof	010118	0	20,000	20,000
Blackspot Funding - Kargotich Road	010117	0	25,965	25,965
GRANT REVENUE				
<u>Regional Road Group</u>				
Hopeland Road - Punrack Road South (RRG017)	CDA100	0	36,000	36,000
Kargotich Road - Mundijong Road North (RRA009)	CDA100	0	25,896	25,896
Kargotich Road - Randell Road to 1000m South - White line marking & reseal (RRG009)	CDA100	0	36,000	36,000
<u>Blackspot</u>				
Hopkinson Thomas (SBS013)	CDA102	0	38,000	38,000
Kargotich Road - Thomas to Mundijong Road (SBS009)	CDA102	0	42,000	42,000
Total		-201,802	-1,171,029	-1,372,831

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

OCM236/12/16	Confirmation of Payment of Creditors (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Peter Kocian - Acting Director Corporate and Community
Date of Report:	1 December 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

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.

Comment

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

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 November 2016 to 30 November 2016, as per attachment OCM236.1/12/16 and the Purchasing Card Report 6 October 2016 to 5 November 2016 as per attachment OCM236.2/12/16.

Attachments:

- [OCM236.1/12/16](#) - Creditors Schedule of Accounts 1 November 2016 to 30 November 2016. (E16/9773)
- [OCM236.2/12/16](#) – Purchasing Card Report 6 October 2016 to 5 November 2016. (E16/9772)

Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

Statutory Environment

Section 5.42 and 5.45(2) 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.

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.

Voting Requirements Simple Majority

OCM236/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 November 2016 to 30 November 2016, as per attachment OCM236.1/12/16 – Creditors Schedule of Accounts 1 November 2016 to 30 November 2016 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 October 2016 to 5 November 2016, as per attachment OCM236.2/12/16 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM237/12/16 Monthly Financial Report - November 2016 (SJ514-07)	
Author:	Tracey Torley – Management Accountant
Senior Officer/s:	Peter Kocian – Director Corporate and Community Services
Date of Report:	2 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

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*.

Background:

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

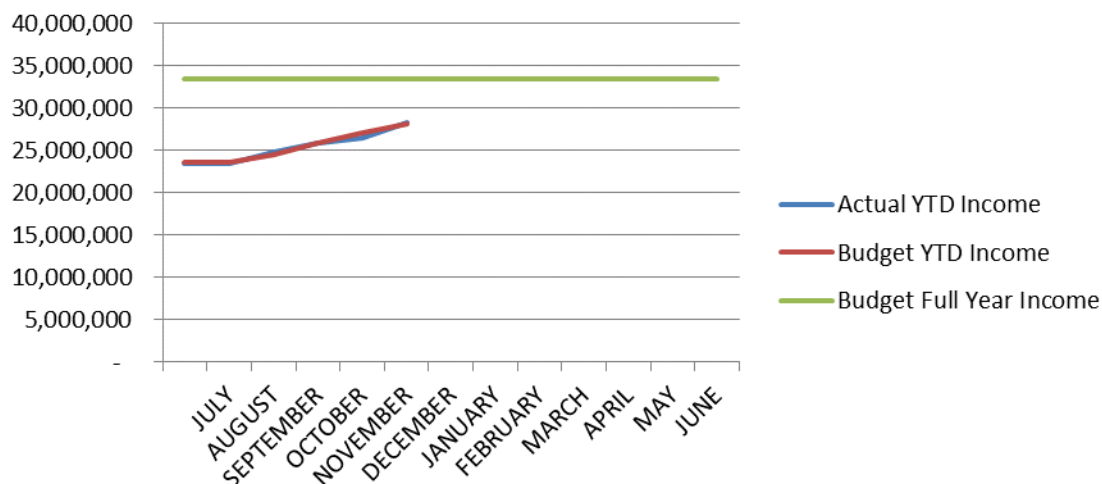
Comment:

The period of review is November 2016. The municipal surplus for this period is \$19,695,330 compared to a budget position of \$14,493,127. This is considered a satisfactory result for the Shire.

Income for the November 2016 period, year-to-date is \$28,262,406. The budget estimated \$28,111,047 would be received for the same period. The variance to budget is \$151,359. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual income to-date compared to the year-to-date budget.

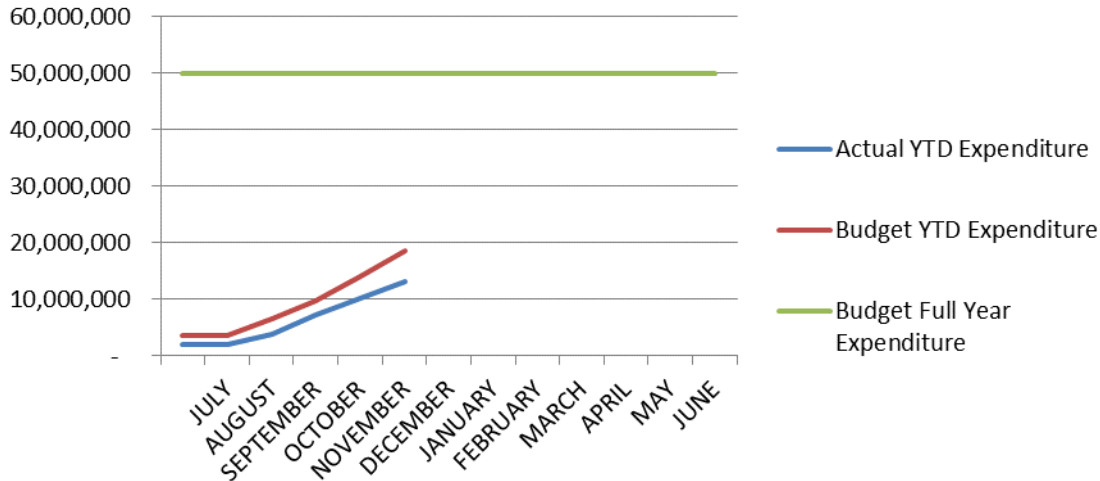
Total Income



Expenditure for the November 2016 period, year-to-date is \$13,069,125. The budget estimated \$18,530,856 would be spent for the same period. The variance to budget is \$5,461,731. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.

Total Expenditure



Attachment:

- [OCM237.1/12/16](#) – Monthly Financial Report November 2016 (E16/7157)

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

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.

Financial Implications:

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the annual budget are detailed in this report.

Voting Requirements: Simple Majority

OCM237/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council accepts the Monthly Financial Report for November 2016, 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 OCM237.1/12/16.

CARRIED UNANIMOUSLY

8.5 Chief Executive Officer Reports:

OCM238/12/16	Annual Report 2015/2016
Author:	Narelle Thompson – Manager Communications
Senior Officer/s:	Gary Clark – Chief Executive Officer
Date of Report:	19 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act.

Introduction:

The purpose of this report is to recommend Council adopt the 2015/16 Annual Report as required by the *Local Government Act*.

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*.

Relevant Previous Decisions of Council:

OCM211/11/16 – Council adopted the 2015/2016 Financial Statements and Audit Report at the 28 November 2016 Ordinary Council Meeting.

Community / Stakeholder Consultation:

Following formal 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.”

Comment:

Local governments are to prepare an Annual Report for each financial year. *The Act* and associated Regulations prescribe what the Annual Report is required to contain.

The 2015/2016 Financial Statements and Audit Report were adopted by the Audit Committee on 7 November 2016 and were then formally adopted by Council at the 28 November 2016 Ordinary Council Meeting.

Council resolved as follows:

OCM211/11/16 COUNCIL DECISION / Audit Committee Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

- 1. Adopt the 2015/2016 Annual Financial Report including Independent Audit Report from Moore Stephens as per attachment OCM211.2/11/16, in accordance with Section 7.2 of the Local Government Act 1995.*
- 2. Receive the Moore Stephens Management Report as per attachment OCM211.1/11/16.*
- 3. Receive the 2015/2016 Concise Annual Financial Report including Independent Audit Report from Moore Stephens as per attachment OCM211.3/11/16, in accordance with Section 7.2 of the Local Government Act 1995.*

- 4 *Note that the Annual Report will include the Concise Financial Report and that the full Financial Report will be available to the public, in person, or via the website.*

CARRIED by ABSOLUTE MAJORITY UNANIMOUSLY

In order to meet the requirements of *the Act*, the annual electors meeting must be held within 56 days of the adoption of the Annual Report. Should the Annual Report be accepted by the Council at the Ordinary Council Meeting on 19 December 2016 the annual electors meeting would need to be held prior to 13 February 2017.

It is anticipated that the annual electors meeting will be held in the Council Chambers at the Shire Administration Building, 6 Paterson Street, Mundijong on 23 January 2017.

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.

Copies of the Annual Report including the financial statements for the period ended 30 June 2016 will be able to be obtained from the Shire's Administration Centre in Mundijong and available on the Shire's website.

Attachments:

- [OCM238.1/12/16](#) – Draft Annual Report 2015 / 2016 (E16/9824)

Alignment with our Strategic Community Plan:

Governance and Leadership Progressive Organisation
1.2.4 Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
1.2.6 Comply with all legislative and statutory requirements

Statutory Environment:

Section 5.53 of *the Act* requires local governments 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 7.2 of *the Act* 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 7.9(1) of *the Act* states:

“An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 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 –

- The Mayor or President,*
- The CEO of the local government, and*
- The Minister.”*

Financial Implications:

A budget provision has been made in the 2016/17 budget to accommodate the costs associated with the annual report costs.

Voting Requirements: Absolute Majority

OCM238/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr See

That Council:

- 1. Accept the 2015/2016 Annual Report for the Shire of Serpentine Jarrahdale as provided at attachment OCM238.1/12/16, in accordance with section 5.54 of the Local Government Act.**
- 2. Accept the Annual Electors Meeting is to be held on 23 January 2017 in the Council Chambers.**

CARRIED UNANIMOUSLY by ABSOLUTE MAJORITY

8.6 Confidential Reports:

Nil

8.7 Late Items:

OCM239/12/16	2017 State Election – Six Strategic Projects for the next State Government
Author:	Gary Clark – Acting Chief Executive Officer
Date of Report:	15 December 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Introduction

The Shire has an opportunity to lobby the State Government and the State Opposition to deliver on some strategic project that will boost economic development and community amenity.

Staff have developed briefing notes on six of the Shire's strategic projects that are capable of being delivered by the next State Government. Council is requested to endorse the list of projects to start the campaign.

Background:

The Shire has a number of strategic projects endorsed by Council in the Strategic Community Plan and the SJ 2050 visioning document. Six of these projects have been chosen for the election campaign as an opportunity to gain support for fast tracking the delivery of the projects.

Relevant Previous Decisions of Council:

Council has previously approved the Strategic Community Plan, the SJ 2050 and the Briggs Park Master Plan. All projects arise from one of these plans.

Community / Stakeholder Consultation:

No community/stakeholder consultation has been undertaken however Council can be confident that the community supports these projects through the consultation associated with the development of the above plans.

Comment:

Proposal

The Shire of Serpentine Jarrahdale was the fastest growing local government in Australia in the year ended 30 June 2015. It continues to grow at a rapid rate.

This presents some great opportunities and some significant challenges for the community and the Shire. The community faces increasing traffic congestion as residents travel to work and school. They need to drive everywhere due to the lack of public transport. Active recreation space to play sport is in short supply as development spreads.

The community is disadvantaged while they wait for funds to build vital infrastructure. The 2017 State Election presents an opportunity to bring attention to the community's needs.

The following projects have been identified from existing strategic documents that have been adopted by Council. They have been chosen for their potential for community support and improvement in amenity.

1 a) Tonkin Highway Extension

The construction of the Tonkin Highway from Thomas Road in Oakford to the South West Highway, Mundijong is a regional economic and social transformational project that will enable the southern extension of the main North-South freight link creating a seamless freight corridor from Mundijong to Bullsbrook, and including easy access to the main industrial centres of Canning Vale, Kewdale and the Perth Airport complex.

The southern extension of this major North-South Freight Corridor will facilitate the rapid growth and development of the 480 ha/800 lot West Mundijong Agribusiness Park and the 180 ha /280 lot Cardup Business Park, as well as the proposed West Mundijong Inter Modal Hub Complex. It will also accelerate strong commercial and industrial investment leading to local employment growth in the northern Peel Region.

1 b) Mundijong Rail Freight Realignment

The present location of the Freight Rail Line sees it running through the centre of the fast developing Mundijong town site, and dividing the urban area of Mundijong – Whitby and presenting a significant safety and noise hazard issue for this community.

It is needed in order to enable the full and safe development of the Mundijong – Whitby urban town site. This urban area, whilst currently lightly populated, is experiencing rapid housing development and population growth. Various State Government and independent studies predict a population of some 50,000 in Mundijong – Whitby by 2050. This will dictate the early realignment of the Freight Rail Line as a matter of urgency to allow uninterrupted and safe access between these two urban areas that are currently bisected by the rail line.

2 Briggs Park Master Plan

The highest priority project within this plan is the drainage and refurbishment of the lower oval. This project has been on the Forward Capital Works Plan for some time however the Shire has had difficulty securing grant funds to complete the project.

State government funding is now sought to address community needs around the lack of playing fields, sporting and youth facilities to support the fastest growing population in Western Australia.

3 George St/Byford Town Centre

Opportunities to develop the existing Byford Town Centre are being restricted, due to the lack of formal road access along George Street.

There is an opportunity to stimulate economic development, and employment generators, in Byford, through the construction of George Street, between the end of the existing seal and Larsen Road. The Shire is aware of a number of potential developments, who have considered the opportunity presented by this land, but have not progressed due to the cost to develop access. One of these potential developers is McDonalds. The need to construct the extension of George Street, is recognised in Council's Local Planning Policy 53.

In addition to the road extension, prior to road works is the right time to progress the undergrounding of the power in the Town Centre. This is expected to achieve an aesthetic of the Town Centre in line with expectations of a modern urban retail and business precinct, assisting with enhanced visitation, and attractiveness as a development opportunity. Underground power will also provide an opportunity to implement additional streetscape enhancements, including street trees. These projects are an initiative of the Byford Business Community in partnership with the Shire.

4 Land for a Regional Recreation Precinct

The Shire of Serpentine Jarrahdale is the fastest growing community in the nation and it is challenging to provide facilities to keep up with the needs of the population. The rapid growth has also resulted in some decisions being made that significantly reduced the provision of active open space to the detriment of the residents. As the location of the Shire is far from Perth, the socio-economic demographic puts greater demands on the need for active sporting space to minimise social dysfunction. The deficit of land available for active sporting space will have a detrimental impact on the community unless it can be addressed through provision at a regional level.

The majority of vacant land in Byford is currently the subject of structure plans for urban development. There is no land available to provide the necessary playing fields. We will need 8 to 12 AFL sized fields in Byford. We currently have two at Briggs Park and there is a need for three more. This means that there will be a deficit equivalent to 7 AFL sized fields when Byford reaches build-out. Byford currently has no soccer, rugby or hockey fields (senior rectangular playing fields)

Land needs to be secured and quarantined from residential development to provide for the future needs of the community.

5 Rapid Bus Service

The construction of a Rapid Bus Service from Armadale to Byford to Mundijong to Rockingham and back will provide for the required linkage between Armadale and Byford at a cost significantly less than passenger rail (which is estimated to be 7.5 kilometres at 15 million / kilometre giving an approximate cost of \$120 million) but also gives the additional linkages to Mundijong and through to Rockingham.

This will provide not only the north south linkage but also the more important east-west linkage where the most employment currently is for Shire residents. It is also a regional project that will allow access to the economic and tourism opportunities for Rockingham, Kwinana and Armadale residents and out-of-state and even international visitors. If this is done as part of an overall transport strategy as proposed in the Shire's response to the Perth Transport Plan the costs could be curtailed even further.

The list is longer than it should be, to make maximum impact in an election campaign, however these projects have been prioritised so that candidates and parties have options to choose those that they support.

Options and Implications

No other projects were considered. The projects were chosen for their potential for community support and improvement in amenity.

Conclusion

The list of projects will be promoted with election candidates, political parties and the community by all available communication methods with the aim of building maximum support for the projects in the lead up to the election.

Attachments:

The attached briefing notes will be used to promote the projects with anyone that can influence funding or policy decisions in the lead up to the election.

- **ConfidentialOCM239.1/12/16** – Briefing Note 1a Tonkin Highway Extension
- **ConfidentialOCM239.2/12/16** – Briefing Note 1b Mundijong Rail Freight Realignment
- **ConfidentialOCM239.3/12/16** – Briefing Note 2 Briggs Park Master Plan

- **ConfidentiaOCM239.4/12/16** – Briefing Note 3 George Street Byford Town Centre
- **ConfidentiaOCM239.5/12/16** – Briefing Note 4 Regional Recreation Precinct
- **ConfidentiaOCM239.6/12/16** – Briefing Note 5 Rapid Bus Service

Alignment with our Strategic Community Plan:

All projects are listed in the Strategic Community Plan, Corporate Business Plan, Briggs Park Master Plan or the SJ 2050 Vision document.

Statutory Environment:

There are no statutory implications for this proposal.

Financial Implications:

The financial implications are provided for in the Long Term Financial Plan. Any support from a future state government will reduce the cost of the projects to ratepayers by reducing the Shire's contribution to the project.

Voting Requirements: Simple Majority

OCM239/12/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Gossage

That Council endorse the following list of strategic projects for promotion to the 2017 State election candidates, parties and the community;

- 1 a) **Tonkin Highway Extension**
- 1 b) **Mundijong Rail Freight Realignment**
- 2 **Briggs Park Master Plan**
- 3 **George Street/Byford Town Centre**
- 4 **Land for a Regional Recreation Precinct**
- 5 **Rapid Bus Service**

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

Nil

10. Information Reports:

Nil

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 9.20pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 27 February 2017

.....
Presiding Member

.....
Date