



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Ordinary Council Meeting Minutes

Monday, 22 May 2017

TABLE OF CONTENTS

1. Attendances and apologies (including leave of absence):	4
2. Public question time:	4
2.1. Response to previous public questions taken on notice:	4
2.2. Public questions:	4
3. Public statement time:	8
4. Petitions and deputations:	18
5. President’s report:	20
6. Declaration of Councillors and officers interest:	21
7. Receipt of minutes or reports and consideration for recommendations:	21
7.1 Minutes from previous Meetings:	21
7.2 Planning Reports:	22
OCM050/05/17 Bush Fire Advisory Committee Information Report (SJ648)	22
OCM051/05/17 Dog Pound Upgrade (SJ514-07)	24
OCM052/05/17 Compliance and Enforcement Policy (SJ514-08)	27
OCM053/05/17 Proposed Local Structure Plan – Old Byford Townsite – Stanley Road Precinct, Byford (SJ2049)	32
OCM054/05/17 Rural Strategy Review 2013 – Final Adoption (SJ1082)	38
OCM055/05/17 Proposed Amendment to Subdivision Guide Plan – Lot 54 and Lot 55 McKenna Drive, Cardup (PA16/150)	70
OCM056/05/17 Proposed Signage – Lot 27, 17 Abernethy Road, Byford (PA17/106)	86
7.3 Engineering Reports:	95
OCM057/05/17 Acquisition Agreement to Facilitate Abernethy Road Works (SJ1665)	95
OCM058/05/17 Authorisation of the Extension of Kerbside Waste and Recycling Pickup Contract (TPS 0950) for Twelve Months (SJ216)	98
OCM059/05/17 Permit to Operate Heavy Vehicles on Thomas and Anketell Roads – BGC Transport (SJ1218)	100
OCM060/05/17 Confirmation of Council’s Direction for Percy’s Park Toilet (SJ1997)	103
OCM061/05/17 Award of Tender – Byford Skate Park – Stage 1 Construction Project (SJ2010/SJ2222)	107
7.4 Corporate and Community Services Report:	111
OCM062/05/17 Confirmation Of Payment Of Creditors (SJ514-08)	111
OCM063/05/17 Monthly Financial Report - April 2017 (SJ801)	113
OCM064/05/17 Landcare SJ Inc. – Funding Agreement (P03799)	117
OCM065/05/17 Management Contract – Serpentine Jarrahdale Community Recreation Centre – 2017/2018 Operating Budget, Fees & Charges and Capital Works Plan (SJ994)	124

OCM066/05/17 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowances and Reimbursements (SJ2055)	131
OCM067/05/17 2017/18 Schedule of Fees and Charges (SJ2055)	135
7.5 Chief Executive Officer Reports:	139
7.6 Confidential Reports:	139
8. Motions of which notice has been given:	139
9. Urgent Business:	139
10. Councillor questions of which notice has been given:	139
11. Closure:	139

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 22 May 2017. The Shire President declared the meeting open at 7.00 pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J Erren Presiding Member
D Atwell
K Ellis
S Hawkins
S Piipponen
M Rich
J See

Officers: Mr K Donohoe Chief Executive Officer
Mr A Schonfeldt Director Planning
Mr D Elkins Director Engineering
Mr P Kocian Acting Director Corporate and Community
Ms K Cornish Governance Advisor
Ms A Liersch Minutes and Governance Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Councillor D Gossage

Observers: Shire Officers - 2

Members of the Public - 33

Members of the Press - 1

2. Public question time:

2.1. Response to previous public questions taken on notice:

No questions were taken on notice from the Ordinary Council Meeting held on 24 April 2017.

2.2. Public questions:

Public question time commenced at 7.01pm

Mrs Lee Bond, PO Box 44, Armadale, WA 6122

Question 1

What justification is there for any increase in councillors fees or reimbursements and i don't want to hear because Local Government says so?

Response:

A local government is able to set a fee within a prescribed range as determined by the Salaries and Allowances Tribunal. This is a matter for Council to determine.

Question 2

Who is responsible for injuries or worse suffered by people having falls at the Byford district Country Club in Linton Street North, Byford?

Response:

According to Clause 8.1 (a) of the lease agreement, the Byford and District's Country Club is required to have adequate public liability insurance for a sum not less than \$20 million dollars. A certificate of currency for public liability is in place.

Question 3

Is there interference from within the Shire of Serpentine Jarrahdale to cause maximum damage to a local business with regards to any business's this local business attempts to engage to complete work?

Response:

The Shire is unable to provide an answer to this question unless further details are provided.

Ms Elizabeth Gorton, 2 Walters Road, Byford, WA 6122

Relating to OCM053/05/17 Proposed Local Structure Plan - Old Byford Township Site - Stanley Road Precinct Byford

Question 1

Does the Shire still have the opportunity to make changes to this local structure plan?

Response:

Once Council make a determination tonight and the Shire submits these comments on the Structure plan, the final decision rests with the Western Australian Planning Commission. The Shire does not have a further statutory opportunity to make changes to the Local Structure Plan.

Question 2

Is it possible that at a later date there could be a forced acquisition for the storm water catchment/ open space?

Response:

Once appropriate funds have been collected through the Development Contribution Scheme to pay for the land, and if the item has been prioritised within the Development Contribution Plan, acquisitions may be considered. It is not envisaged that this will occur in the next 5 to 10 years.

Question 3

Why wasn't the commercial zoning on South Western Highway on the Central Town Planning Structural Plan given the same consideration as the Stanley Road Structure Plan as it has the same impact except for the benefit of noise blocking for new residential blocks behind?

Response:

The Western Australian Planning Commission have advised that it does not support the Council recommendation for designated Mixed use development adjacent Southwestern highway as it would create 'ribbon development' which is inconsistent with the objectives of State Planning Policy 4.2, it may create planning conflicts & amenity issues, and it does not align with the Byford District Structure Plan.

Mr Wayne Gorton, 2 Walters Road, Byford, WA 6122

Relating to OCM053/05/17 Proposed Local Structure Plan - Old Byford Township Site - Stanley Road Precinct Byford

Question 1

Would it be better and safer for the Park to be set back from South Western Highway and away from major arteries?

Response:

Agree. In this case, the POS is essentially a landscape buffer to the subdivision, with a drainage function. The drainage is required to be managed at the bottom of the catchment, prior to leaving the land, resulting in the basins adjacent to the South Western Highway. POS with a more active function is located within the proposed development.

Question 2

Would it not save the Shire money to have one large park rather than two small parks due to maintenance and running costs?

Response:

Yes. However, in this case the location of the POS is determined by a drainage need. The officer's recommendation is to connect the two POS areas with a green corridor, to provide a contiguous drainage function and a green buffer to the development.

Question 3

Is it the Shire's duty of care to make sure the parks are in the safest place practicable?

Response:

The Shire provides advice to the Western Australian Planning Commission based on a balance of the competing needs of infrastructure and recreation. Ultimately, the decision is made by the Western Australian Planning Commission.

Mr Rod Dixon, Western Corporate, Landowners of 331 Kargotich Road and 1842 Thomas Road, Oakford

Relating to OCM054/05/17 Rural Strategy Review 2013 (modification No. 6 Kargotich / Thomas Road, Oakford)

Question 1

Correspondence was emailed to all Councillors on 19 May 2017 seeking to retain the existing lot size range for the Rural Living lots identified in Modification No. 6 of the report (Oakford). Have Councillors received it?

Response:

I can confirm that I have received an email and responded. I am unsure of the collective responses of Councillors.

Question 2

Are there any questions regarding the correspondence?

Response:

Councillors will have responded individually if they had any further questions.

Mrs Margaret Cala, 49 Phillips Road, Karrakup on behalf of The Serpentine Jarrahdale Ratepayers and Residents Assoc. Inc.

Relating to OCM066/05/17 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowances and Reimbursements

The Annual tribunal assessment comes into effect on 1 July 2017. As part of this determination, the Shire of Serpentine Jarrahdale was upgraded from Band 3 to Band 2, with a corresponding rise in Salaries and Allowances.

We note the three options offered for consideration tonight – 50%, 75% and 100% of the maximum allowance, accompanied by the Budget Implications. We also note Clause 19 in Attachment OCM066.1/05/17 which makes mention of the current difficult economic situation facing the community and the requirement for some economic sacrifices; and this also has the attention of the State Government, and given as a reason for fixing Government salary increases for a 4 year period.

We appreciate the time and effort that Councillors put into their roles; and realise that the current growth within the Shire presents responsibilities, which may be more onerous than previous Councils have faced.

Question 1

Before voting on this matter, will Councillors consider not just the financial implications of a substantial rise in allowances, but also the perception within our community where many people are doing it tough?

Response:

A local government is able to set a fee within the prescribed range as determined by the Salaries and Allowances Tribunal. A copy of the determination made by the Salaries and Allowances Tribunal accompanies the officer's report on this matter. The setting of fees and allowances is a matter for Council to determine.

Mr Shane Rowley, PO Serpentine

Question 1

In regards to the BDCC, who made the decision not to charge project management costs in the funding agreement?

Response:

Council approved the terms and conditions in the Funding Agreement between the Shire and the Byford and Districts Country Club at the Ordinary Council Meeting on the 14 March 2016.

Question 2

Did any Councillor declare and interest in this?

Response:

Councillor John Erren and Councillor Jacqui See declared a financial interest in the item at the Ordinary Council Meeting on the 14 March 2016 and left the chambers while this item was discussed. Neither Councillor took part in the debate or voting on this item.

Question 3

Do you think it is appropriate for the Shire President to also be the President of the BDCC when there is clearly a conflict of interest?

Response:

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in a financial gain, loss, benefit or detriment for the person. In accordance with the financial interest provisions of the Local Government Act, all Councillors have a duty to declare financial interests. A declaration of a financial interest requires the relevant Councillor to not be involved in any debate or voting on the matter. The Shire President has declared a financial interest and not participated in voting in all instances where Council has made a decision relating to the Byford & Districts Country Club during Councillor Erren's term of office.

Mr Cameron Rowley, PO Serpentine (to be read out by Shane Rowley)

(to be read by Shane Rowley)

Question 1

Regarding Mundijong Market Site, when was the rent for this site last paid?

Response:

Rent is invoiced monthly and is currently paid to end of May 2017. The lease agreement has expired and is holding over pending a review.

Question 2

Why has this not been paid?

Response:

There are no rent arrears for this site.

Question 3

How much is owed for this rental agreement?

Response:

The Lease Agreement expired in 2009 and has been holding over since then. The original lease fee was \$700 per month, but was subsequently reduced by Council and is currently \$275 per month. All lease payments are up to date.

Public question time concluded at 7.13pm

3. Public statement time:

Public statement time commenced at 7.14pm

Mrs Lee Bond, PO Box 44, Armadale, WA 6122

Councillors will tonight approve an increase in their fees because they are greedy. I have yet to see any Councillor do anything for the ratepayer of this shire. Where there is an opportunity for a photo shoot and chest pumping they lose any interest in acting in the best interests of the ratepayer. How on earth is it fair that the ratepayer has to pay for councillors hairdressing/ outfits/ shoe polish and enormous amounts of fuel for mileage etc etc? I don't believe the ratepayer should be paying for Councillors trips to the casino at Burswood or any other private travelling. I have yet to see small private business's use the amounts of fuel some Councillors claim for council business, especially as I and many others don't see any benefit to the ratepayer for this waste. It

will be noted how enthused Councillors are to pass this disgrace. Although it has been claimed that these monies are not salaries, that is a long way from the truth, the amounts are more than a lot of people earn working their backsides off seven days a week. You do not get the best people by overpaying them, those that really care would not be seeking this kind of insult to the ratepayer and they would want to act respectfully, honestly and work for the ratepayer. I know how this will end and in my opinion there should be no increase in fees, all fuel and shoe polish etc should have to come out of the substantial payments councillors already receive, including paid meetings outside of their sitting fees. I witnessed the disgraceful behaviour when Councillors were asked to take on committee meetings and the fight was on for the paid ones but no-one wanted the other committees. Why is an increase in Councillor fees important when Council have not and will not provide a static water supply although the land had to be provided and the money paid for this before two subdivisions were granted approval more than twenty years ago, this is not the only example.

Ms Elizabeth Gorton, 2 Walters Road, Byford, WA 6122

Relating to OCM053/05/17 Proposed Local Structure Plan - Old Byford Township Site - Stanley Road Precinct Byford

The local infrastructure plan should incorporate a commercial zone along South Western Highway as previously supported by the Serpentine Jarrahdale Shire and also in the Byford Town structure plan recommendations.

In Reference to: 6.3.4 Highway Commercial

It is likely that there will be a demand for low intensity and car based commercial users requiring high road exposure to locate within the Town Centre. Highway Commercial areas are identified on the periphery of the Town Centre along South Western Highway. These users require significant floor plates and or parking requirements, which are not conducive to achieving a fine grained mixed use, and active street front environment. On this basis, the following land uses are anticipated:

- Home Based business
- Medical Suites
- Showrooms and
- Drive through food premises

I believe the Serpentine Jarrahdale Shire has attempted to put this forward to WA Planning Commission and has been rejected due to the supposed impact on South West Highway. This could be mitigated by the secondary road running parallel to South West Highway, as they are already planning within this structure plan.

In Reference to: Local Structure Plan 35

There are limited opportunities for substantial redevelopment within the existing commercial area along South Western Highway, thus any significant increases in retail floor space, required to meet the demands of the growing community will be provided in the Town Centre expansion area on the Western side of the railway line.

The commercial buildings will be a visual benefit and employment benefit for travelling along the South Western Highway. This will also provide a noise buffer for the new development behind the commercial area.

The increase of park/storm water catchment on the two corner blocks on South Western Highway will require, demolishing two houses and the financial compensation is nowhere near adequate for this to be feasible.

This said the only way the acquisition to go ahead would be forced upon the home owners.

This has been communicated many times before, with no beneficial outcome. The amount of people that are against this structure plan going through in the design format that has been presented outway those that want to continue forward with the current plan. This may be as the local structure plan will have a negative financial benefit for quite a few in this development.

Mr Wayne Gorton, 2 Walters Road, Byford, WA 6122

Relating to OCM053/05/17 Proposed Local Structure Plan - Old Byford Township Site - Stanley Road Precinct Byford.

As it stands there are two Public Open space/storm water catchment areas proposed on the South Western Highway. Both are major corner access roads to the proposed new structure plan. These public open spaces are in the most dangerous areas for children to play on within the structure plan.

If they were to be amalgamated into the centre and on the South side of the proposed road running parallel to South Western Highway it would be a safer place to play and only one area to worry about when it becomes a flooded area due to storm water. The maintenance for one park rather than two small parks could be less.

Mr Geoff Lewis, Gray & Lewis Land Use Planners on behalf of Byford Land Development Company, Suite 5, 2 Hardy Street, South Perth

Relating to OCM053/05/17 Proposed Local Structure Plan - Old Byford Township Site - Stanley Road Precinct Byford.

My name is Geoff Lewis of Gray & Lewis Land Use Planners. I represent the Byford Land Development Company which owns a number of lots within the Stanley Road Local Structure Plan Precinct.

At the OCM held on Monday 25 July 2016, the Council resolved to refuse the Stanley Road Precinct Local Structure Plan, however Council also recommended certain modifications to the LSP if the Western Australian Planning Commission (WAPC) decided to approve it.

On 20th December 2016 the WAPC considered the LSP and Council's proposed modifications and recommended that the LSP be modified and re-advertised. Advertising took place during February 2017. It is acknowledged that a number of objections were received from local residents. These objections were primarily based upon opposition to further subdivision per se within the Stanley Road Precinct as opposed to specific concerns with the design of the LSP.

It should also be noted that when the LSP was previously advertised, 12 government agencies, responded 8 of which had no comments or objections and 4 agencies sought additional information. (Main Roads WA and Department of Transport sought clarification in relation to the traffic, access and land requirements for South Western Highway; Department of Health made a standard comment in respect to connection to reticulated water and sewer; and Department of Water requested that the Local Water Management Strategy (LWMS) be approved as part of the LSP approval process. With the exception of finalisation of the LWMS all the other issues from government agencies have been addressed. In respect to the final outstanding matter relating to the LWMS, the WAPC determined that that matter should be addressed once the LSP layout is agreed and the final areas of public open space and drainage have been determined.

By way of brief overview I would like to point out that the Local Structure Plan has been prepared in accordance with the Byford (District) Structure Plan framework and Byford Town site DAP in regard to the general road structure, land use and public open space distribution. The design takes into consideration the environmental characteristics of the site and is consistent with contemporary subdivision planning policy including *Liveable Neighbourhoods*.

It is acknowledged that some owners in the area want to maintain a semi-rural lifestyle however; it also needs to be recognized that the land is zoned Urban under the Metropolitan Region Scheme; Urban Development under the Shire of Serpentine Jarrahdale TPS No 2 ;and identified for Residential (R20) under the Byford Structure Plan. There is therefore a clear expectation from the Commission's point of view and that of previous Council's that the land should be developed for residential purposes at conventional residential densities. The Byford Structure Plan and associated Developer Contribution Plan (DCP) assumes a certain lot yield for this precinct and if that lot yield does not eventuate, the DCP could have a significant shortfall. It also needs to be understood that an owner who does not wish to subdivide, can't be forced to do so. All the LSP does is to provide the structure and framework to implement future subdivision for those that want to proceed.

Expert advice has been provided by a range of specialist consultants (in environment, engineering, traffic, acoustic and fire management fields) in the preparation of the LSP over a number of years and at significant cost. Given that the LSP conforms with MRS and Shire zoning and the intent of the Byford Structure Plan together with the broad support of government agencies, we maintain that the LSP should be approved by Council in accordance with the officer recommendation.

Thanks you, Gray & Lewis, Geoff Lewis

Mr Michael Dagostino (address supplied)

Relating to OCM054/05/17 Rural Strategy Review 2013 – Final Adoption

The Proposal

I will ask the Councillors to consider a resolution to add an additional residential and stable area to the rural strategy known as the Oakford Equine Precinct. I am equestrian enthusiast and run an equestrian business at Oakford. I believe there needs to be a message given by the rural strategy that equine is a critical and important social and economic contributor to our Shire. In fact, as the Agenda notes, the overall purpose of the Rural Strategy is to preserve and enhance the Shires rural character and its role as an important economic contributor to the Shire and broader region.

The delay

I would like to comment on the delay and note my strong protest, which I have put in writing that this agenda item should not have been tabled at such a late stage with such a major change giving us less than two business days if we want to make submissions against it or get other advice. I understand there is legal advice provided to the Councillors?

My vision

My vision for the northern part of the Shire ie the Oakford Equine Precinct is for The common area to be a show piece for the Shire with An indoor arena and cross Country Course . Currently I've been using my land for a top class cross country training facility and there have been regular clinics given by Olympic trainers and pony clubs have come from the swan valley and Bunbury to use the facility. Oakford is continuing to establish itself as an equestrian area of note. People come from all over to use our facilities. My vision is to build on this and if we had approval for this land to be residential and stable then I think we could achieve that.

WAPC position

As is self-evident by the number of modifications proposed by the council there is blanket acceptance of the WAPC position by the Shire. The WAPC want to restrict the number of five and 10 acre blocks but I would suggest we should be considering that position carefully as equestrian properties is completely consistent with rural living and consistent with our the Shire's 2050 vision so let's not be driven by the WAPC in finalising the rural strategy. Let's be consistent with our vision.

The 2050 Vision

Equestrian is a critical social and economic contributor to the shire and as seen in the 2050 Vision it is a key part of the Shires future and our rural way. If the Shire wants to be known as the equine centre for the South and not the Murray Shire then focusing on enhancing the equestrian facilities in the north makes sense and differentiates away from the Murray area and in addition is closer to the ascot and Belmont races the GP and Byford trots and the State Equestrian centre. Let's build on the vision and the landmark that is Darling Downs. There is virtually nothing like Darling Downs in Australia, it is a quality equine precinct. But it's 20 years old. The children of the next generation cannot afford the \$1 million plus price range in Darling Downs and there are only two properties for sale. Complimenting Darling Downs with the Oakford Equine area makes sense

It makes sense

- Economically – currently 2 feed stores and more to come and currently 2 big equine vet practices. If we continue to send a message that there will be more equestrian properties in the north of the Shire these businesses will have the economic confidence to expand and employ and it may attract other businesses
- Strategically – to have more equestrian facilities in the north of the Shire is a good thing — lets send a message equestrian in the north of the Shire is important as per the 2050 vision
- Practically – if you have the bridle paths at DD and and Oakford extending to Nicholson Rd then have another maze of trails in equestrian properties in the Oakford Equine Precinct would enhance the attractiveness of the trails to people outside the Shire
- Reputationally – we can build on the good reputation the Oakford cross country training facility and the Darling Downs common area has – by having additional facilities

Many of you would have been to the State Equestrian Centre and have seen the show piece that is in the indoor arena and training facilities. Bondy for all his faults realised that if you provided quality facilities that that would attract people to the area and it did. Can you imagine in 5years time the start of another Darling Downs Mach 2 nestled in nicely between the Oakford village (albeit the smaller version) and the urban almost city of Byford? It makes sense and delivers consistent long term and sustainable direction for the Shire.

Should there be only 1 residential and stable area proposed?

Our position is there is a strong argument for 2 residential and stable areas in the Shire. But if there is only to be one then it is worth considering the Officers reasons why they think Mundijong South is suitable and how those reasons actually apply more appropriately to Oakford.

The Officer Reasons as set out in Agenda for Mundijong South residential and stables area. It's not even clear where the southern boundary will be as it was meant to be the Tonkin extension – who knows when.

Planning Reasons

There are many Planning reasons why the Oakford Equine Precinct makes sense

- Closer to existing infrastructure such as Tonkin and Byford train extension and Thomas Rd
- Closer to existing services such as schools and shops with Byford
- Mitigates further sprawl – Mundijong South is an extension of the strip orientated development which is arguably not a desired outcome
- Land capability is excellent in the Oakford area

The Summary

- If you support Oakford Village – then the Oakford Equine Precinct – as the Officers are recommending you do albeit in a different form – then this makes sense – to slot in nicely between Oakford Village and expanding Byford – we are simply proposing to move the hard stop of 20 years at Thomas Rd – one road down to Abernethy Rd
- All that your support does is give the landowners of OEP the chance to lobby the WAPC - as at the end of the day they need to be convinced of its merit- but its difficult without your support
- The Shire's advisers Land Insights when they did the Rural Strategy introduced the concept of Residential and Stables category in the draft RS as it was thought to be a way of differentiating land from the normal rural residential zoning and the stable zoning concept was completely consistent with the Shire's rural theme.

We would ask that the Shire consider 2 Residential and Stable Zonings not just one, given the importance of equestrian to the Shire economically and socially. Really is one equestrian area in a Shire with a focus on equestrian the right message to deliver. And if it is one where is the best location – has this really been tested by the Officers?

The Resolution

We are proposing a resolution based on 5 or 10 acres. Obviously 5 acre lots make the land more affordable – but it is a matter of trying to get something through that the WAPC will support and 10 acres may have more chance than 5 acres.

Proposed Resolution

We, the land owners in the Oakford Equine area respectfully ask the Councillors to consider the following resolution:

"That the draft Rural Strategy be amended to include an additional area classified as Residential and Stable area being the area south of Thomas Rd, north of Abernethy Rd, west of Kargotich Rd and east of Birriga Brook consistent with a previous resolution of the Council dated 27 August 2012 where the Council resolved to zone the Oakford Equine Precinct and additional land in the area as Rural Residential"

Mr Paul Gangemi, PO Box 108, Armadale, WA, 6992

Relating to OCM054/05/17 Rural Strategy Review 2013 – Final Adoption

My name is Paul Gangemi. I have lived and worked in the Shire all my life. For over 43 years, I have sought to have my land rezoned to Special Rural so that it can be subdivided into smaller lots that are much sought after within the Shire. My land is located between South Western Highway and Shanley Road and only 2.0kms from the Mundijong townsite. It is high and dry throughout winter and is very well suited to rural residential development. The Council acknowledged this in the preparation and adoption of the Rural Strategy Review (RSR) and identified an area of land south of Mundijong (including my property) in the Residential and Stables Policy Area (2.0ha minimum lot size). My planning consultants Gray & Lewis had already lodged a scheme amendment

with the Shire to request Council to rezone my land to facilitate subdivision into 2.0ha lots in accordance with the RSR.

As the Council is aware, the Commission resolved in December 2016 to remove a number of Rural Residential Policy areas (including the area south of Mundijong) primarily on the basis that they believed some were premature and would not be developed for another 20 years. This is not correct. I intend subdividing my land as soon as the statutory planning approvals are in place having regard to the sites proximity to Mundijong townsite, its high land capability, aesthetic qualities and the strong demand for good quality rural residential lots.

The Shire officers report recommends that the Council requests the Commission to reconsider Modification 10 (land immediately south of the Mundijong townsite) and reinstate the Residential and Stable policy area in this location to support the equine industry. I strongly agree with the officer recommendations although I believe that a range of lot sizes from 2.0ha to 4.0ha should be allowed subject to land capability. This will provide for some variation rather than just having a blanket of 4.0ha lots.

Mr Robin & Ms Surya Nussey, 81 Lindon Lane, Serpentine, WA 6125

Relating to OCM054/05/17 Rural Strategy Review 2013 – Final Adoption

We strongly object to the WA Planning Commission's request for Modification 16 to the Shire's Rural Strategy Review proposals. The Commission appears absolutely blind to any possibility that lot size adjustment in the Rural Zone might be beneficial, in terms of agricultural productivity and sustainability.

Modification 16 relates to a relatively tiny portion of the Southern Ward. The Southern Ward makes up about 90% of the Shire's freehold land. The land involved includes the Rowe Road Rural Planning Precinct that was proposed by some 17 local landowners (24 lots) in 2011. The proposal envisaged a modest breakdown in rural lot sizes, creating the potential for approximately 30 additional smallholding lots of 8-20 ha, in the context of a Rural Structure Plan to provide specific requirements as to land use, drainage and nutrient management, fire management and environmental repair. It could/should have been a great model to guide future rural development progress west of Serpentine. Ultimately Council proposed Farmlet Zoning over a wider area west of Walker Road, including 273 ha "Subject to Future Investigation", which envisaged a 4,000 dwelling village. I guess this unnecessary complication made it easy for the Commission to entirely dismiss the Shire's proposals for the west of Serpentine.

The Commission requires that Rural Zoning continues to apply, meaning there is zero possibility of creating any new lots below 40 ha (unless 'by exception').

Please note that:

- There are no lots of 80 ha or above, from Walker Road to the Shire's western Boundary, between Rowe and Henderson Roads and their westwards extensions. Thus, Rural Zoning amounts to a de facto freeze on subdivision to the west of Serpentine.
- The reason why there are no lots 80 ha or above stems from the 1920's post- WW1 'group development scheme', under Premier Sir Thomas Mitchell, which created mostly 40-60 hectare lots in the 'Peel Estate', along with the drainage system to the Peel-Harvey Estuary.
- Given the light, poorly productive soils which characterise the Peel Estate, it is hard to imagine 40-60 ha being economically viable in the 1920's under traditional grazing/dairying, and very much less so now.

- The 'ideal' of minimum 40 ha lot sizes in the Rural Zone west of Serpentine has been overwhelmingly compromised over time. I somewhat regret owning the only lot above 60 ha in the area subject to Modification 16 (Peel Estate 814). There are a literally just a handful of other lots of 40 ha in the subject area, the vast majority already being in the 4-40 ha range that applicable to Farmlet Zoning.
- I see no advantage whatsoever in maintaining lot sizes above say 20 ha, in a generally low productivity farming zone, waiting for some future, yet to be identified, agricultural production opportunity.

In my opinion, the Commission has not provided any serious justification for Modification 16:

- The land in question is quite low in productivity, therefore its protection/preservation for future agricultural production need not be high priority.
- The Department of Agriculture has been unable to identify, or even speculate on, any potentially viable agricultural industries of the future which might require large lots of such low productivity land.
- The land, in many instances, is degraded by excessive clearing in the past, inappropriate grazing management, weed and pest intrusion and insufficient investment in revegetation.
- It is fairly typical for residents to work off-farm to supplement low incomes from agriculture.
- The land is supposed to be too far from Serpentine to be accessible to urban services, infrastructure services or employment opportunities. As a resident here since about 1987, I really can't think of any particular benefits my family missed out on compared with those in the town a few kms away. Serpentine is well located in relation to employment centres such as Armadale, Forrestdale, Pinjarra, Kwinana and Rockingham and major transport links such as the Bunbury and Albany Highways, and the Mandurah and Armadale railway lines.
- In my opinion, the land is well suited to subdivision into 8-20 ha lots or smaller. The undulating terrain provides high, well-drained areas suitable for dwellings. Underground water is plentiful. I previously lived (before 1987) at the corner of Tuart/Anketell Roads in Oakford, where subdivision of undulating, very sandy country into 4 ha lots seems to have been very successful.
- We made a statement opposing Modification 16 at the 27 March 2017 meeting (attached). I also made a submission to the Department of Planning in relation to State Planning Policy 2.5, which seems to have been completely ignored (attached).

We strongly encourage Council to maintain its opposition to Modification 16. Obviously, my family has a vested interest.

The wider issue is the low agricultural productivity that has characterised the Peel Estate since first settlement. Continuing to prohibit closer settlement west of Serpentine, in the vain hope that viable agricultural industries will emerge to require some 40-60 ha lots, remains as nonsensical as it probably was about 100 years ago. Council should reject Modification 16, but accept the challenge to champion a long overdue planning solution for west Serpentine and the Peel Estate in general.

Thank you.

Ms Lara Spagnolo, on behalf of MALF Corp Pty Ltd. (address supplied)

Relating to OCM054/05/17 Rural Strategy Review 2013 – Final Adoption

Good evening, my name is Lara Spagnolo of 2489 South Western Highway Serpentine.

I have made statements at the previous 2 council meetings on the Final Adoption of the Rural Strategy Review 2013 and I am here again tonight on that topic.

This morning I emailed you [all Councillors] the exact wording of two alternative resolutions for this Agenda item. I won't read them now but I do have copies here should you need one.

Why should you accept one of the alternative resolutions provided?

1. Both alternative resolutions are consistent with the position taken by the Shire in the Rural Strategy Review 2013 as adopted by the Council on 15 July 2014. It is stated in tonight's Agenda on page 22 that at the WAPC's Statutory Planning Committee meeting of 20 December 2016 a deputation was made by the Shire that "*Shire officers and Council continued to support the Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014*". Either resolution ensures that the Shire remains true to that position and the fact that the Rural Strategy Review 2013 was based on significant community consultation.
2. Both alternative resolutions are consistent with the Shire's actions in making decisions based on *the Rural Strategy Review 2013*.
3. The failure to accept one of the alternative resolutions is likely to lead to an undersupply of rural living lots within the Shire. This very detrimental outcome is not an outcome that a Shire who is responsive to demand and providing choice in lot size or location would want.
4. Both alternative resolutions keep alive people living within the Shire on rural living sized lots within the next 10 years. The Rural Strategy Review 2013 acknowledged that "*the opportunity for this style of development is becoming hard to find in the metropolitan area and is one of the key characteristics associated with the Shire*".

If you wish to consider each modification, then I provide these additional reasons in relation to alternative resolution 1, which relates specifically to Modification 13:

1. The alternative resolution is consistent with the draft South Metropolitan Sub-regional Planning Framework which identifies the land as "Rural Residential" not "Rural".
2. The Shire has substantially progressed Scheme Amendment 193 on the basis of the Rural Strategy Review 2013 and detailed investigations show the land is appropriate for Rural Living A zoning.
3. The Shire's original rationale in the Rural Strategy Review 2013 for identifying the land as Rural Living A was that it consolidates the existing Rural Living A precinct which currently surrounds the Serpentine townsite. This rationale continues to be valid and is in fact strengthened given that the

neighbouring Rural Living A precinct is on its final stage and only a few blocks remain for sale.

4. The resolution proposed by the Shire's officers for modification 13 relies on SJ2050. It would not seem appropriate for the Shire to rely on SJ2050 to depart from the Shire's position taken by the RSR 2013 when the SJ2050 is described as *"a conceptual document, with no policy or regulatory function"* (page 49 of SJ2050). The alternative resolution does not seek reliance on a conceptual document, it relies on the Council endorsed RSR 2013 and the draft South Metropolitan Sub-regional Planning Framework.

For these strong reasons I am hopeful that you will accept one of the alternative resolutions here tonight.

Mrs Margaret Cala, 49 Phillips Road, Karrakup on behalf of The Serpentine Jarrahdale Ratepayers and Residents Assoc. Inc.

The Serpentine Jarrahdale Ratepayers and Residents Assoc. Inc. would like to draw attention to the WALGA Discussion Paper - Third Party Appeal Rights in Planning which was emailed to all Councillors yesterday, as an extract from the Town of Cottesloe's agenda for their coming meeting. We believe that this document is worthy of our Council's immediate attention, and request that you give it priority as comment is sought by the 31st May 2017. We also feel it is essential that a response to the Discussion Paper comes from our elected representatives.

We believe that with the changes to the State's Planning laws and processes, there is now a strong argument to revisit this matter. It represents the expectations of a more engaged community; would provide for greater transparency in the decision making process and may also assist in the stimulation of more meaningful community consultation with Developers and other proponents prior to seeking approval. Western Australia is the only state in Australia with no such third party appeal rights in the SAT or equivalent tribunal.

If the first (applicant) or second (decision maker) party does not appeal a decision, there are no third party appeal rights in the WA SAT, that is, a third party cannot commence an appeal in the State Administrative Tribunal against an unmeritorious development approval or failure to apply a condition necessary to the continued quiet enjoyment of the third party's property or the adverse effect on amenity even if it complies with the technicalities of the scheme/policy.

A third party can only appear in the SAT to give evidence in an appeal already commenced by the first party recipient of a development refusal (or against a condition of an approval not wanted), and only at the discretion of the SAT presiding member. A disgruntled neighbour cannot initiate an appeal, and neither the local government against a DAP or WAPC decision.

DAP members appointed by the Minister are typically Town Planning consultants who maintain close relationships with developers and have often been directly involved in the development of Government Planning policy to frustrate a community. One day the Planning Consultant is listening to reasons to use discretion to approve an application, and the next day they are making a statement to a DAP panel member who was a previous applicant before them.

DAP members also find themselves as experts for the developer in matters of appeal where the only redress for the community is at the Supreme Court, which is out of reach for many individuals and communities.

In our current environment of rapid growth; and with the best possible intentions, it is a difficult task to ensure that our Planning Schemes are always going to be able to keep pace with developing community expectations and goals. Third Party Appeal would provide a safeguard that the contemporary and long term goals of a local community are protected.

We urge all Councillors to support this Discussion Paper and to make their support known to WALGA.

Public statement time concluded at 7.44pm.

4. Petitions and deputations:

Deputations commenced at 7.45pm

4.1 Mr Henry Dykstra on behalf on Harley Dykstra to present a deputation in relation to item OCM054/05/17 Rural Strategy Review 2013 – Final Adoption

Hello Councillors,

In advance of this evening's Council Meeting, I am providing to you for your convenience a copy of my deputation regarding the Oakford Village, including my proposed alternate wording for the resolution.

Councillors, the advertised Rural Strategy Review, and the version finally adopted by Council, showed the land in the Oakford Village as being excluded from the Rural Policy areas and identified as being "Subject to Future Investigation". This future investigation area extended from Thomas Road down to Orton Road and beyond almost to Jackson Road.

The current recommendation under item 3(b) seeks to place the entire Oakford land into the Rural Policy area, and to show an overlay for a possible Rural Enterprise investigation area for the land from Thomas Rd down to Orton Rd.

Councillors, this would be a significant change in policy direction for Council, and, from the deliberations from last month's Council meeting, we understand that there is a desire among Councillors to maintain the Shire's long held position of support for the Oakford Village. The current recommendation 3(b) does not do this, it is a significant backwards step for Oakford Village, quite at odds with Council's request for the Urban rezoning of the land under the MRS, and inconsistent with the 20 years of planning for the Oakford Village that culminated in Council adopting Local Planning Policy 51, a policy specifically prepared to facilitate the rezoning, structure planning and ultimate development of the Oakford Village.

Councillors, my request is that recommendation 3(b) be modified as follows:

Requests the Western Australian Planning Commission to reconsider Modification 2: Oakford/Oldbury Subject to Future Investigation Area – Retain the "Subject to Future Investigation" classification for the land within the Rural Economic Living Area as identified in the Jandakot Structure Plan 2007, in accordance with Council's long standing support for the Oakford Village and the vision and objectives outlined in the Shire's Local Planning Policy 51.

Councillors, essentially this means retaining the Oakford land as a future investigation area in the Rural Strategy Review, but reducing the precinct to

reflect only the area identified in the Jandakot Structure Plan and in Local Planning Policy 51, where the southern boundary of the precinct is Orton Rd.

Councillors, we have provided the Shire's Director Planning with a memorandum that will assist the Shire's officers in formulating a suitable response to the WAPC and that also provides a potted history of the inception and evolution of the Oakford Village proposal over the course of the past 20 years. From that historical overview that we have provided, which was also presented to Councillors in a briefing session in early April, it is evident that the Oakford Village is a long established and well-conceived planning proposal and is not a new proposal or one without a sound planning framework. It is on this basis that we request Council's continued support for the Oakford Village concept and put forward our alternative recommendation 3(b) for tonight's agenda item.

Councillors, thank you very much for the opportunity to present to you this evening and I wish you well further in your meeting.

I look forward to addressing you tonight. Please do not hesitate to contact me on my mobile to discuss the above matter in further detail.

4.2 Mr Craig Wansbrough to present a deputation in relation to item OCM054/05/17 Rural Review Strategy 2013 – Final Adoption

In the context of the significant consultation undertaken on the document, I think it is important that the Shire upholds its position on the Rural Strategy and reinforces to the Western Australian Planning Commission (WAPC) its original position and not accept the proposed modifications. This will allay many of the concerns raised at each meeting by ratepayers and investors of the Shire. Reinforcing the previous Rural Strategy simplifies the Council resolution which does not need to be overly complex.

The WAPC complicated this process by taking over 4 years to assess the Shire's Rural Strategy. If the Shire simply accepts the WAPC modifications, landowners will have lost Council's support in pursuing the development of the Shire's strategically identified rural living areas and in particular land that has been appropriately identified for rural living purposes.

In summary:

Reinforce the previous Rural Strategy and reject the WAPC proposed modifications.

4.3 Mr Craig Wansbrough to present a deputation in relation to item OCM055/05/17 Proposed Amendment to Subdivision Guide Plan – Lot 54 & Lot 55 McKenna Drive, Cardup

The proposed guide plan amendment when it was submitted generally complied with the Shire's Rural Strategy Review 2013 and Town Planning Scheme No.2 requirements for the Rural Living A zone. The document was assessed and accepted by Shire staff for the purposes of public advertising because it generally complied with the existing framework and met certain technical requirements for subdivision. Recent modifications by the WAPC to the Rural Strategy part way through the assessment process has now complicated what would normally be a simple modification process. Shire staff have been placed in a position where they can no longer recommend approval of the proposed guide plan amendment because of the WAPC modifications to the Rural Strategy.

The proposed guide plan amendment generally complies with the existing statutory framework of the Shire and is consistent with the Rural Living A zone. It is respectfully requested that Councillors seek to approve the proposed guide plan amendment. We invested in the Shire on the basis of an existing statutory framework that has now, at the 11th hour, changed. If refused, we would be impacted significantly by this decision and our project to develop in the Shire will no longer be financially viable. There was always a risk when investing but we did not anticipate the minimum lot size of zoned land to change.

Drainage:

In respect to drainage, the whole of the Peel Estate has historically had issues with drainage and in our view these issues are not unique to the locality, the subject land or this subdivision more generally. In other Cardup subdivisions that have been approved with 4000m² lots, drainage requirements were simply imposed as a condition of subdivision approval. For example: "Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body."

Any potential drainage issues with the subject area should not inhibit the approval of the proposed Subdivision Guide Plan amendment and can be addressed through appropriate conditions of approval at subdivision stage.

In summary:

Approve the subdivision guide plan amendment for the following key reasons:

Technical information provided by the applicant demonstrates that the land is capable of further subdivision.

The lot sizes proposed accord with the minimum lot size for the Rural Living A zone as outlined in Town Planning Scheme No.2. Council have previously supported subdivision in line with the proposed amendment to the subdivision guide plan. The subdivision guide plan amendment was submitted prior to the proposed WAPC modifications to the Rural Strategy Review 2013. Any potential drainage issues with the subject area should not inhibit the approval of the proposed Subdivision Guide Plan amendment and can be addressed through appropriate conditions of approval at subdivision stage.

Deputations concluded at 7.58pm

5. President's report:

Hello and welcome to this Ordinary Council Meeting.

We are undertaking a number of roadworks in our area over the next couple of months. These works are important and we remind you to be patient and leave extra journey time when travelling. The roads being rehabilitated will be Richardson Street Bridge in Serpentine and Gossage Road in Oldbury. We have also now awarded the tender for Abernethy Road in Byford and the first portion of road construction and trenching from Kardan Boulevard to Soldiers Road is anticipated to commence in mid June.

Applications for the free verge plant scheme are now open for this year. Residents can apply for up to four years to receive native seedlings of their choice. If you're interested, check the Shire's website for more information before 30 June.

Switch your thinking has recently launched the Young Re-Inventor of the Year. Reuse, repurpose and reinvent waste with a winning prize pool of up to \$3,000. Nominations

are invited from early years learning centres through to high schools, community groups and individuals. Submission close on 23 October.

If you're in the Byford Village Shopping Centre this week, visit the Mundijong Public Library pop up who will be there as part of Library and Information Week.

6. Declaration of Councillors and officers interest:

Cr Rich declared a financial interest in item OCM053/05/17 as she has business dealings with one of the landowners. Cr Rich will leave the chambers while this item is discussed.

Cr Hawkins declared a proximity interest in item OCM060/05/17 as she lives adjacent to Percy's Park. Cr Hawkins will leave the chambers when this item is discussed.

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

7.1 Minutes from previous Meetings:

7.1.1 Ordinary Council Meeting – 24 April 2017

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 24 April 2017 be confirmed (E17/3296).

CARRIED UNANIMOUSLY

7.1.2 Special Council Meeting – 28 April 2017

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Ellis

That the minutes of the Special Council meeting held on 28 April 2017 be confirmed (E17/3415).

CARRIED UNANIMOUSLY

7.1.3 Special Council Meeting – 11 May 2017

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Ellis

That the minutes of the Special Council Meeting held on 11 May 2017 be confirmed (E17/3703).

CARRIED UNANIMOUSLY

7.2 Planning Reports:

OCM050/05/17	Bush Fire Advisory Committee Information Report (SJ648)
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	1 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee Meeting held on 20 April 2017. Officers recommend Council receive and endorse the minutes.

Background

Minutes of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 20 April 2017 and the minutes are hereby presented for endorsement.

Relevant Previous Decisions of Council

OCM075/05/16	Minutes of Meeting 17 March 2016
OCM229/12/16	Minutes of Meeting 18 August 2016
OCM001/02/17	Minutes of Meeting 17 November 2016

Community / Stakeholder Consultation

No formal community consultation is required as per the Terms of Reference formally accepted by Council on 22 September 2014 (OCM064.5/09/14).

Comment

At the meeting of 20 April 2017, there were no recommendations put forward by the Committee that require Council's consideration.

Attachments

- [OCM050.1/05/17](#) - Bush Fire Advisory Committee Minutes (E17/1917)
- [OCM050.2/05/17](#) - Status Report (E17/1920)

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 1954*.

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements Simple Majority

OCM050/05/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Piipponen, seconded Cr Hawkins

That Council receives the Bushfire Advisory Committee Minutes of 20 April 2017 as per attachment OCM050.1/05/17.

CARRIED UNANIMOUSLY

OCM051/05/17	Dog Pound Upgrade (SJ514-07)
Author:	Brian Owston – Senior Ranger
Senior Officer/s:	Andre Schonfeldt – Director Planning Services
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

Council is requested to consider and approve the upgrade to the Shire's Dog Pound facility located on Reserve 37149, Lot 2635, Watkins Road, Mundijong. The sum of \$18,400 was approved in the 2016/17 Budget for the upgrade.

It is proposed that the works will be undertaken in three stages. Stage one will be the extension of the current two kennel facility to a four kennel facility. This stage will include the placement of the existing side and internal panels, and the construction of the two new kennels with heavy-duty mesh, and two gates, with the installation of two gates linking the existing kennels. This will allow a more flexible use of the facility, for two dogs, and increase the capacity to four dogs as required, and an increase in airflow and habitability. The second stage will be the construction of an overhead roof structure to provide protection and insulation for the four holding kennels. Currently, the facility is not used when the air temperature reaches 32 to 34 degrees, whereby the temperature inside the enclosure rises to 38 degrees or more. The second roof will enable airflow and remove the effects of direct sunlight on the existing roof. These works will be undertaken as per the quotes provided as attachments to this report. Stage Three will be the setting of the floor and fitting out with water supplies, with these works being carried out by Shire Officers.

Background

The Shire operates a Dog Pound facility on L2365 Watkins Road, Mundijong that was established in its current location and configuration in 1992. The facility is now in a condition where it needs to be repaired and upgraded to improve the habitability. The facility is currently only used for the short-term holding of a maximum of two impounded dogs, and only used during periods of moderate weather conditions at this time. Records indicate that for a period 1 May 2013 to 1 May 2017 a total of 297 dogs were impounded, which averages out to approximately two dogs per week over that period.

The Shire has an agreement in place with the City of Armadale with respect to the management of impounded dogs. The Armadale Facility is used for the longer-term holding and management of dogs, and at all times during adverse weather conditions. It is important to note that once a dog has been transferred to the Armadale facility, all impound fees and charges are recovered by the City of Armadale with only the applicable fines being paid to the Shire of Serpentine Jarrahdale.



Dog Pound facility



Site Plan

Relevant Previous Decisions of Council

The upgrade works for the Pound Facility was submitted and approved as a business case for the 2016/17 Financial Year.

At the Special Council Meeting of 25 July 2016, (SCMO11/07/16) Council resolved to adopt the 2016/2017 Statutory Budget. The budget included funding for the Pound Facility upgrade as detailed in Condition 17 of the resolution:

17. *Business cases be approved by Council for the following projects prior to commencement.*

Upgrade Animal Pound Facility \$18,400

Council Note: Condition 17 was added to the officer's recommendation to ensure that the stated projects are fully funded prior to commencement.

Community / Stakeholder Consultation

No community consultation was required or undertaken in respect to the Dog Pound facility upgrade; however, some concerns have been raised by the community in relation to the location and the potential fire hazard from the adjoining Arboretum Reserve. This hazard has been considered, whereby all animals will be removed from the facility in accordance with the Shire's approved Animal Emergency Evacuation Plan if the threat from a fire becomes probable or becomes an unacceptable risk. The Plan details that all animals are evacuated from the Pound facility and relocated to facilities identified and detailed in the Emergency

Evacuation Plan. This will include dogs being transported to the City of Armadale Pound facility, with the assistance from City of Armadale Rangers if requested, or to Vet Hospitals not within the fire danger zone.

It is important to note that the facility is a holding facility with the longer term impound processes being undertaken at the City of Armadale Pound facility. Members of the community have made comment in respect to the general appearance and condition of the existing facility. There is an expectation, and a statutory requirement as to the conditions in which impounded dogs are kept and managed.

Comment

The proposed upgrade will increase capacity to four dogs by increasing the number of kennels to four, and the addition of a second roof structure to enable use during all weather conditions. Minor upgrade works will include drained floor space and water troughs.

This proposal is before Council as required by Condition 17 of the 2016/17 Statutory Budget (SCMO11/07/16) which requires that the detail of the business case be submitted to Council for consideration before commencement of the project.

Attachments

- [OCM051.1/05/17](#) – 2016/17 Statutory Budget Resolution – SCM011/07/16 (E17/3490)
- [OCM051.2/05/17](#) – 2016/17 Statutory Budget (E17/3489)
- [OCM051.3/05/17](#) – Dog Pound Facility Upgrade Business Case (E16/1477)
- **OCM051.4/05/17 – CONFIDENTIAL Quote for Works (IN17/5381)**
- **OCM051.5/05/17 - CONFIDENTIAL Quote for Additional Works (IN17/5380)**

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

Statutory Environment

The Local Government Act 1995 and the *Local Government (Miscellaneous Provisions) Act 1960* requires a Local Government to establish and maintain an Impound Facility. *The Dog Act 1976* provides the statutory authority to impound dogs, with the *Animal Welfare Act 2002* detailing the conditions in which animals are kept and maintained.

Financial Implications

The Watkins Road Dog Pound Facility upgrade works will be undertaken and completed within the allocated budget as approved by the Council on 25 July 2016.

Voting Requirements Simple Majority

OCM051/05/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Rich

That Council approves the commencement of works to upgrade Council's Dog Pound Facility located at Reserve 37149, Lot 2635 Watkins Road, Mundijong as detailed in the Dog Pound Facility Upgrade Business Case as per attachment OCM051.3/05/17.

CARRIED UNANIMOUSLY

OCM052/05/17	Compliance and Enforcement Policy (SJ514-08)
Author:	Markus Gaschk – Coordinator Rangers and Compliance
Senior Officer/s:	Andre Schonfeldt – Director Planning Services
Date of Report:	2 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

This report presents to Council a draft Compliance and Enforcement Policy that will provide a consistent approach to compliance and enforcement actions throughout the Shire. The objectives of this policy are to:

- assist the Shire in dealing with enforcement and compliance actions relating to Local Government matters and issues;
- ensure that there is a consistent approach in investigating enforcement and compliance related matters;
- when dealing with enforcement and compliance related matters ensure there is transparency and procedural fairness;
- utilise an education and facilitation process for compliance and enforcement, where the Shire gives alleged offenders the opportunity to reach compliance through this process; and
- consider the resources, cost and time involved before taking prosecution action for all aspects of the matter.

The policy therefore provides the principles and procedures that will be followed when compliance action is considered. Officers recommend that Council adopt the policy.

Background

The Shire of Serpentine Jarrahdale is responsible for administering a wide range of legislation providing for the safety, health, and amenity of the community. This policy supports the Shire's position in relation to compliance and enforcement of legislation, including the circumstances, which are taken into account when assessing the priority when dealing with enforcement and compliance related matters. The primary purpose of this policy is to ensure consistency in the process of initiating compliance action across all different areas of legislation.

At the Ordinary Council Meeting dated 27 March 2017, Council noted motion AEM002/01/17 and requested a review of Council policies within the next 12 months. This report presents to Council a draft Compliance and Enforcement Policy, which provides a transparent and consistent approach to compliance and enforcement actions.

The Compliance and Enforcement Policy applies to all compliance and enforcement actions where the Shire has a regulatory responsibility under State and Local Laws. Various departments within the Shire enforce this legislation:

Building Services		<i>Building Act 2011 and Regulations</i> <i>Local Government Act 1995</i>
Planning Services	Compliance	<i>Planning and Development Act 2005 and Regulations</i> <i>Shire of Serpentine Jarrahdale Town Planning Scheme No.2</i> <i>Local Planning Policies</i> <i>Extractive Industries Local Law 1999</i>
Environmental	Health	<i>Public Health Act 2016 and Regulations</i> <i>Health (Miscellaneous Provisions) Act 1911</i>

Services	<i>Health Local Laws 1999 Food Act 2008 and Regulations Environmental Protection Act 1986 (Public Health component only) Environmental Protection (Noise) Regulations 1997 Environmental Protection (Unauthorised Discharge) Regulations 2004 Caravan Parks and Camping Grounds Act 1995 and Regulations Local Government Act 1995 and Regulations Bee Keeping Local Law 2001 Dust and Sand Local Law 2008 Trading in Public Places Local Law 1999</i>
Engineering Services	<i>Planning and Development Act 2005 Local Government Act 1995 and Regulations</i>
Ranger Services	<i>Local Government Act 1995 and Regulations Local Government Act (Miscellaneous Provisions) 1960 Dog Act 1976 and Regulations Litter Act 1979 and Regulations Control of Off Road Vehicles (Off Road Areas) Act 1979 and Regulations Cat Act 2011 and Regulations Parking and Parking Facilities Local Law 2015 Dog Local Law 1999</i>
Emergency Services	<i>Bush Fires Act 1954 and Regulations Bush Fires (Infringements) Regulations 1954 Emergency Management Act 2005 and Regulations Local Government Act 1995 and Regulations</i>
Environmental and Sustainability Services	<i>Planning and Development Act 2005 Shire of Serpentine Town Planning Scheme No.2 Cemetery Act 1986 Cemeteries Local Law 2005</i>

Relevant Previous Decisions of Council

Ordinary Council Meeting dated 27 March 2017 – Council notes motion AEM002/01/17 and requests a review of Council policies in the next 12 months.

Community / Stakeholder Consultation

No formal community consultation is required. Once the policy is adopted by Council it will be placed on the Shire's website to ensure transparency and consistent application.

Comment

The Shire is required to administer its statutory responsibilities under the applicable legislation in a transparent and fair manner in the interest of public health, safety, and amenity. Each compliance investigation undertaken by the Shire will be assessed on a case-by-case basis, and actioned according to the Compliance and Enforcement matrix (included as an attachment) for each business unit area. The proposed policy addresses the following aspects:

- Lodging a complaint
- Principles of compliance
- Voluntary compliance in the first instance
- Offense categories
- Compliance investigations

- Prosecution action
- Delegations

The policy, in section 4, requires that where a complaint relates to a breach in legislation, for which the Shire is responsible to administer, the complaint shall be made in writing. The policy states that anonymous or verbal complaints will not be accepted. Every effort will be made to provide confidentiality for complainants, however, this cannot be guaranteed in all cases due to the possibility of freedom of information requests. The written complaint will need to include:

- Name and address, telephone number, and email address of the complainant;
- Address of the offending property; and
- Details of the alleged offence.

This policy (as per section 6) requires officers to in the first instance attempt to negotiate voluntary compliance. Only after this process has been exhausted further statutory process will be undertaken. This will happen irrespective of the category of the offence.

Where an investigation is undertaken and it is considered that there is sufficient evidence, the Shire will take the appropriate enforcement action based on the specific circumstances of each individual case, and based on the specific offence categories as per section 7. Officer's discretion will be exercised to check the potential level of impact to determine which category of offence is appropriate.

Minor: A minor offence is a breach of legislation, which has a minimal impact on the community, a person or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact on the community or the environment once compliance has been reached.

Moderate: A moderate offence is a breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact on the community. The breach may initially be able to be resolved with a warning or an infringement, however, if allowed to continue could escalate into a major breach, which may require issuing a directions notice or prosecution action.

Major: A major offence is a breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be a case where the issue cannot be resolved in a relatively short timeframe or where the alleged offender is not willing to cooperate or negotiate to achieve compliance.

The process of compliance investigations and, if required, further prosecution action is detailed in the policy in sections 8 and 9. The provisions pertaining to the delegations to authorise specific action in terms of the relevant legislation is also contained in the policy under section 10.

The policy is attached as OCM052.1/05/17.

Options and Implications

Option 1: Council may resolve to adopt the Compliance and Enforcement Policy with no modifications.

Option 2: Council may resolve to make modifications to the Compliance and Enforcement Policy.

Option 3: Council may resolve not to adopt the Compliance and Enforcement Policy.

Option 1 is recommended.

Conclusion

The Compliance and Enforcement Policy will provide a balanced, consistent, and transparent approach to compliance throughout the Shire. This policy attempts to negotiate voluntary compliance and provides the appropriate response procedures where this cannot be achieved. It provides all departments within the Shire with a uniform approach when dealing with compliance matters. It is recommended that Council adopt the Compliance and Enforcement Policy.

Attachments

- [OCM052.1/05/17](#) - Compliance and Enforcement Policy (E17/3368)
- [OCM052.2/05/17](#) - Compliance Matrix for Building Services (E17/1694)
- [OCM052.3/05/17](#) - Compliance Matrix for Engineering Services (E17/1684)
- [OCM052.4/05/17](#) - Compliance Matrix for Planning Compliance Services (E17/1485)
- [OCM052.5/05/17](#) - Compliance Matrix for Ranger Services (E17/1483)
- [OCM052.6/05/17](#) - Compliance Matrix for Emergency Services (E17/1484)
- [OCM052.7/05/17](#) - Compliance Matrix for Environmental Health Services (E17/1683)
- [OCM052.8/05/17](#) - Compliance Matrix for Environmental and Sustainability Services (E17/2847)

Alignment with our Strategic Community Plan

Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities
Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment

Local Government Act 1995.

Division 2 Part 2 - 2.7 Role of council

(1) The council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

Division 1 — General function 3.1

(1) The general function of a local government is to provide for the good government of persons in its district.

(2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.

(3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Financial Implications

Additional resources may be required to achieve the stated objectives of the policy and these will be incorporated in future operational budgets.

Voting Requirements Simple Majority

OCM052/05/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Ellis

That Council adopts the Compliance and Enforcement Policy as contained in attachment OCM052.1/05/17.

CARRIED UNANIMOUSLY

Cr Rich declared a financial interest in item OCM053/05/17 and left the chambers at 8.06pm while this item was discussed.

OCM053/05/17	Proposed Local Structure Plan – Old Byford Townsite – Stanley Road Precinct, Byford (SJ2049)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	3 April 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Gray & Lewis
 Owners: M & BG Brookes, LJ Cooper, DE & CPM Levy, MF Duncan, GA Steele, KV & J Carless, EA & WA Gorton, LJ & E Dervish, DA & RC Bruce, SL Guo & P Zhou, D & DC Rowe, DB & RH Thorneloe, KA & AJ Warburton, BI & N Zahabe, LJ & RM Evans, Westbush WA Pty Ltd, BC & RH Offringa, SA & LA Christian, SM Spencer, DG & K Grannell, CH & RD Dowling, SG & AM Smith, ME Ross, GF & JE Sewell, R & CV Davey, LN Sexton, MJ Thatcher, FN & P Mella, P & EJ Roberts, JM & MB Mondeil, EM & SF Lodge, KE Lovegrove, BC & MM Offringa, JC & BG Pernich, Tricord Pty Ltd, CB Gardiner, MJ Allen

Date of Receipt: 1 February 2017
 Lot Area: 23.23 ha
 Town Planning Scheme: Urban Development
 No 2 Zoning: Metropolitan Region Urban
 Scheme Zoning:

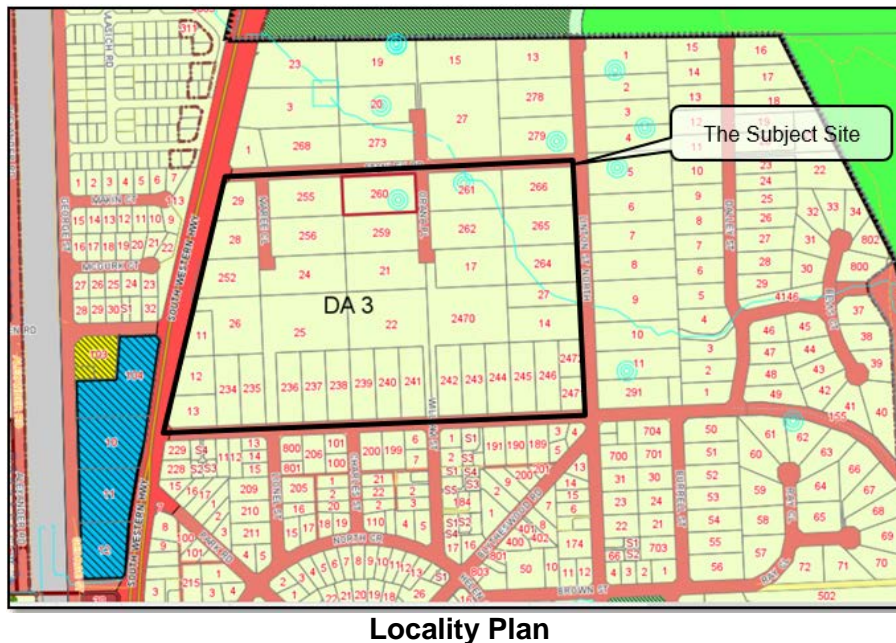
Introduction

The purpose of this report is to present the submissions received on the modified Stanley Road Precinct Local Structure Plan (LSP) and for Council to endorse the Shire's Technical Assessment, Schedule of Modifications and recommendation to the Western Australian Planning Commission (WAPC). This report is presented to Council for determination, as officers do not have delegation to consider structure plans.

This report is being presented to Council to make a determination in terms of Clause 20 Part 4 Schedule 2 of the *Planning and Development Regulations 2015* to endorse the Officers recommendation to the WAPC for consideration when determining the LSP. Officers are recommending that Council support the LSP subject to a number of modifications, which are identified within this report.

Background

The Shire accepted an application for a Structure Plan over a sub-precinct of the Stanley Road Precinct on the 22 February 2016. At its meeting held 25 July 2016, Council considered the application, along with a Schedule of Submissions. Council resolved to recommend that the WAPC refuse the Stanley Road LSP. Council also recommended that if the WAPC sought to approve the LSP, that a number of modifications be considered.



The WAPC, at its Statutory Planning Committee meeting, held on 20 December 2016, resolved:

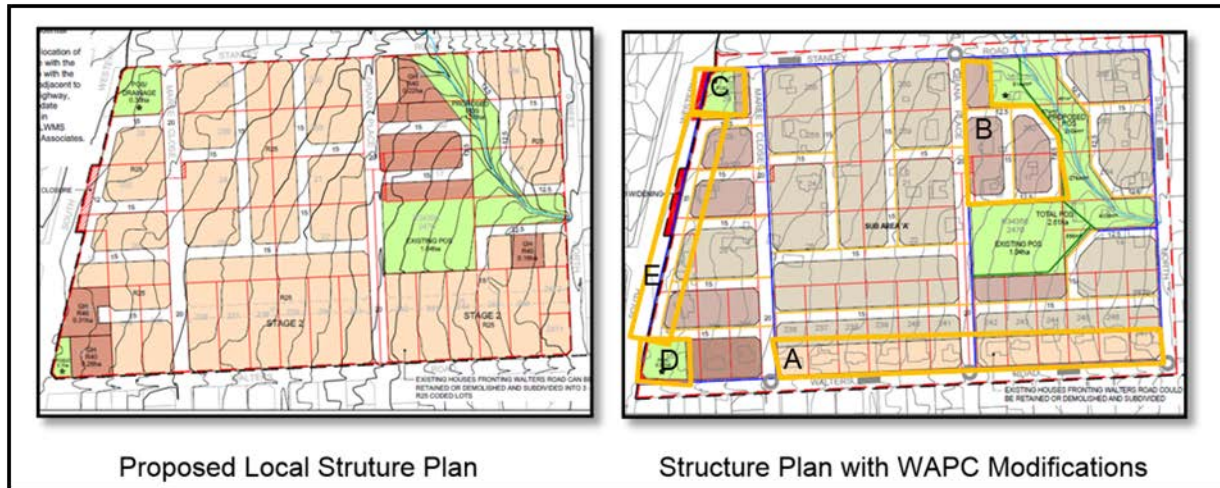
1. *To require the local government, in liaison with the person who prepared the structure plan, to re-advertise the structure plan (which accords with the modifications outlined in Attachment 7) as provided by Schedule 2, Part 4, Clause 22(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
2. *That the modified structure plan shall be advertised as per Schedule 2, Part 4, Clause 18(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 14 days only.*
3. *That following the closure of advertising, the local government shall process the modified structure plan in accordance with Schedule 2, Part 4, Clauses 19 and 20 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

A copy of the modifications requested by the WAPC are contained within the attachments, along with the modified Structure Plan. This was subsequently advertised which is discussed under the Community/Stakeholder Consultation section of this report. The advertised LSP map has been modified to reflect the following:

	Modification	Original	Modified
A	Lots directly abutting Walters Road	R25	R20
B	Lots located to the west of POS	R40	R30
C	North Western POS site	0.33ha	0.22ha
D	Inclusion of an internal road adjacent to South Western Highway to alleviate traffic noise on future residential lots	0.1ha	0.25ha
E	Inclusion of an internal road adjacent to South Western Highway to alleviate traffic noise on future residential lots		
F	Reallocation of densities through the LSP area		
G	Base density of R25 with pockets of R30 and R40		

H Provision of 12% POS

A comparison of the two LSP maps is provided in the figure below; the capital letters showing where the main specific modifications are.



LSP Comparison

Relevant Previous Decisions of Council

OCM124/07/16 – Council resolved to recommend the WAPC refuse the LSP and provided a list of modifications that would allow Council to support the LSP.

Community / Stakeholder Consultation

The original LSP was publicly advertised between 19 February 2016 and 4 March 2016, inclusive. The modified LSP was advertised between 10 February 2017 and 24 February 2017 as required under Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A total of 16 submissions were received by the Shire from surrounding landowners, of which 15 objections were received.

A schedule of the submissions received is contained within the attachments, along with the Officer’s response.

Comment

The modified LSP is generally consistent with the road network and Multiple Use Corridor (MUC) alignment, as identified in the Byford Structure Plan, Local Planning Policy No.74 and the Byford Detailed Area Plan.

Council previously required additional information from the application to carry out a satisfactory assessment. These included:

- i. Justification and rationale on the location and application of proposed density, including the grouped housing sites;
- ii. Constraints mapping to justify the appropriateness, use and location of the proposed public open space (POS) sites and general LSP design;
- iii. Appropriate plan illustrating a concept of the surrounding context and how it can be developed without any conflicts; and
- iv. A mixed-use classification to those lots directly fronting South Western Highway.

Most notably, Council endorsed a recommendation to propose a 'Mixed Use'/'Commercial' classification over lots adjacent to South Western Highway. The intent was to avoid the cost of noise mitigation measures being passed on to purchasers. The WAPC did not support the Council's recommendation to classify lots along South Western Highway for the purpose of 'Mixed Use'/'Commercial Development'. As an alternative, the WAPC have required the inclusion of an internal parallel road (CAP road) to South Western Highway to address the Council's concerns regarding noise mitigation measures. This will ultimately increase the setback distance for dwellings, reducing the requirement for noise attenuation measures being passed onto buyers.

The Shire has undertaken an assessment of the modified LSP as per OCM053.3/05/17. The following modifications are identified as being required to satisfy the Shire's position:

- i. The base density of R25 should be modified to an R20 density, as per the Byford District Structure Plan (BDSP);
- ii. Lots directly abutting POS should be classified with an R40 density;
- iii. Lots 236-247 should be classified as R20 density;
- iv. Lots immediately surrounding areas of POS should have density codes of R30 and R25;
- v. All road reserves identified as having a 15m road width, should be amended to have 15.4m width, as per Access Street 'C' of Liveable Neighbourhoods;
- vi. The road reserve traversing through lots 236-247 should be relocated to run along the north of the property boundaries. This will ensure the existing row of trees will be retained within the road reserve;
- vii. A landscape strip should be identified on the LSP map between the CAP road and South Western Highway, linking the two POS reserves along the eastern boundary of the LSP;
- viii. Amend endorsement box contained on LSP map to reflect the responsible authority in determining structures (WAPC);
- ix. Inclusion of a provision in the LSP report to prevent blanket clearing of vegetation, requiring a site specific flora and fauna survey to form part of a subdivision application;
- x. A provision included in the LSP report to ensure the retention of identified trees within the road reserve;
- xi. Include a provision to ensure all 20m wide road reserves are designed and developed to a boulevard standard, incorporating rows of trees on both sides of the road reserve;
- xii. The flood storage area within the existing Shire reserve should be relocated in a newly created reserve; and
- xiii. The use of tree pits within road reserves be implemented as the 'at source treatment device'.
- xiv. The inclusion and commitment for the use of LED street lights to be included within Part 1 of LSP report.

The attached technical report further explains and justifies the matters listed above.

Attachments

- [OCM053.1/05/17](#)- WAPC Schedule of Modifications (IN17/8699)
- [OCM053.2/05/17](#) – Stanley Road Precinct – Modified Local Structure Plan (IN17/2206)
- [OCM053.3/05/17](#)– Technical Assessment Report (OC17/6013)
- [OCM053.4/05/17](#)– Schedule of Submissions (E17/1102)
- [OCM053.5/05/17](#)– Schedule of Modifications (OC17/6023)

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

Legislation:

- Metropolitan Region Scheme
- Environmental Protection (Noise) Regulations 1997
- Town Planning Scheme No. 2
- Byford Structure Plan
- Various Local Planning Policies

Financial Implications

The implementation of the Local Structure Plan will result in increased demand in the future for the provision of services and maintenance provided by the Shire. Cr Rich left the room at 8.06pm and declared a financial interest

Voting Requirements Simple Majority

OCM053/05/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Piipponen

That Council

1. Pursuant to *Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, notes the Schedule of Submissions and endorse the Officer's comments contained within attachment *OCM053.3/05/17*.
2. Pursuant to *Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommends the Western Australian Planning Commission approve the Stanley Road Precinct Local Structure Plan with modifications, as detailed in the Shire's report contained within attachment *OCM053.02/05/17* and outlined in the Schedule of Modifications contained within attachment *OCM053.4/05/17*, which are as follows:
 - a. The base density of R25 should be modified to an R20 density, as per the Byford District Structure Plan;
 - b. Lots directly abutting public open space should be classified with an R40 density;
 - c. Lots 236-247 should be classified as R20 density;
 - d. Lots immediately surrounding areas of public open space should have density codes of R30 and R25;
 - e. All road reserves identified as having a 15m road width, should be amended to have 15.4m width, as per Access Street 'C' of Liveable Neighbourhoods;

- f. The road reserve traversing through lots 236-247 should be relocated to run along the north of the property boundaries. This will ensure the existing row of trees will be retained within the road reserve;**
- g. A landscape strip should be identified on the Local Structure Plan Map between the internal road (CAPS Road) and South Western Highway, linking the two public open space reserves along the eastern boundary of the local structure plan;**
- h. Amend endorsement box contained on Local Structure Plan Map to reflect the responsible authority in determining structures (Western Australian Planning Commission);**
- i. Inclusion of a provision in the Local Structure Plan Report to prevent blanket clearing of vegetation, requiring a site specific flora and fauna survey to form part of a subdivision application;**
- j. A provision included in the Local Structure Plan Report to ensure the retention of identified trees within the road reserve;**
- k. Include a provision to ensure all 20m wide road reserves are designed and developed to a boulevard standard, incorporating rows of trees;**
- l. The flood storage area within the existing Shire reserve should be relocated in a newly created reserve; and**
- m. The use of tree pits within road reserves be implemented as the ‘at source treatment device’.**
- n. A Weed Management Plan being prepared for the whole precinct for the management of declared and pest plant species, to the satisfaction of the Shire.**
- o. LED street lighting should be provided by the applicant at subdivision stage.**
- p. The public open spaces identified in the local structure plan be transferred in fee simple free of cost to the Shire of Serpentine Jarrahdale for public recreation purposes in terms of section 4.2 of the Western Australian Planning Commission Policy *DC2.3 Public Open Space in Residential Areas*.**

CARRIED UNANIMOUSLY

Cr Rich returned to the chambers at 8.07pm.

The Shire President informed Councillor Rich that the Officers Recommendation was carried unanimously.

OCM054/05/17	Rural Strategy Review 2013 – Final Adoption (SJ1082)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Deferred by Council at its Ordinary Council Meeting held on 27 March 2017 to seek further information and consideration of public statements and deputations made. A Policy Concept Forum Meeting was held on 3 April 2017 whereby all Councillors were in attendance with apologies from Cr See and Cr Gossage.

Council deferred the item at the Ordinary Council Meeting held on 24 April 2017 to the Ordinary Council Meeting on 22 May 2017 for further consultation and review of the modifications contained within the Officers recommendation.

Introduction

The purpose of this report is to inform Council of the Western Australian Planning Commission's (WAPC) decision on the Rural Strategy Review 2013 and present Council with options to respond to this decision. In December 2016, the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications in accordance with Part 3 Section 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This report outlines the 19 modifications required by the WAPC and provides officer comment in relation to each of these modifications, with discussion surrounding the Shire's original rationale for the Rural Strategy Review 2013 and the WAPC's rationale for the modification. Of the 19 modifications to the Rural Strategy Review 2013 required by the WAPC, Shire officers support seven of the modifications and do not agree with nine of the modifications, one modification is partially supported with the remaining two modifications relating to textual and map changes to reflect the other 17 modifications. This report provides Council with the opportunity to request the WAPC to reconsider the required modifications in light of the officer comments contained within this report.

Background:

Council's Rural Strategy is a land use planning document that has been in place since 1994. The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy identifies a range of policy areas and policy overlays. Through this document the Shire has a clear direction for planning the Shire's rural areas, as well as a document to provide guidance in considering Town Planning Scheme zoning amendments, development and subdivision applications.

The original Rural Strategy was adopted in 1994 and endorsed by the WAPC. Minor modifications were made to the Strategy in 2003 and again in 2006, however the overall intent and structure of the Rural Strategy has remained largely intact since 1994. In 2012/13 a major review was undertaken that brought together the key elements of the 1994 Strategy as well as providing further modifications based on significant community consultation undertaken during 2011 and 2012. A similar approach to policy areas was also integrated into the review at the advice of the Department of Planning (DoP), with the aim of updating the objectives and guidelines in accordance with policy changes since the last review. The Rural Strategy Review 2013 was adopted by Council at its meeting of 15 July 2014 and presented to the WAPC for endorsement on 18 September 2014.

The DoP advised that the assessment of the Rural Strategy Review 2013 would be paused pending the release of the State's Strategic Assessment of the Perth and Peel Regions. In May 2015 the draft Perth and Peel@3.5million frameworks were released by the DoP. In December 2015 the draft Perth and Peel Green Growth Plan for 3.5million was released by the Department of the Premier and Cabinet. These two documents form the Strategic Assessment of the Perth and Peel Regions. Given the release and public advertisement of these documents, the DoP proceeded to assess the Rural Strategy Review 2013.

The draft Rural Strategy Review 2013 was presented to the WAPC's Statutory Planning Committee (SPC) meeting of 20 December 2016. At this meeting the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 though required modifications prior to granting final endorsement.

Relevant Previous Decisions of Council:

OCM041/04/17 - Council deferred this item for further consultation and review of the modifications contained within the officers recommendation.

OCM027/03/17 – Council deferred its resolution on the WAPC modifications to the Rural Strategy Review 2013 to seek further information and consideration of public statements and deputations made

OCM001/07/14 – Rural Strategy Review 2013 Consideration of Submissions and Adoption

OCM024/08/12 – Draft Rural Strategy Review 2013 Adoption for Purposes of Advertising

Community / Stakeholder Consultation:

Formal community consultation for the Rural Strategy Review 2013 was originally undertaken between 1 November 2013 and 31 January 2014. A total of 92 submissions were received during this period. Council considered all submissions and adopted the Rural Strategy Review 2013 at its Special Council Meeting of 15 July 2014, subject to modifications. These modifications were made and sent to the DoP for consideration.

The SPC meeting of 20 December 2016 considered the Council adopted Rural Strategy Review 2013 as well as the submissions received during the advertising period. A deputation was made by the Shire officers in which it was made clear that Shire officers and Council continued to support the Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014.

Comment:

The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy Review 2013 also aims to provide a framework for development in the absence of a Local Planning Strategy and was assessed by Council as such. The Rural Strategy is therefore a significant strategic document and is used as a primary resource to assess statutory applications.

For this reason the Rural Strategy Review 2013 is given much the same status as a Local Planning Strategy and has followed the same process being endorsed as such by Council. The adopted Rural Strategy Review 2013 was sent to the DoP for consideration and at the SPC meeting of 20 December 2016 the WAPC resolved to:

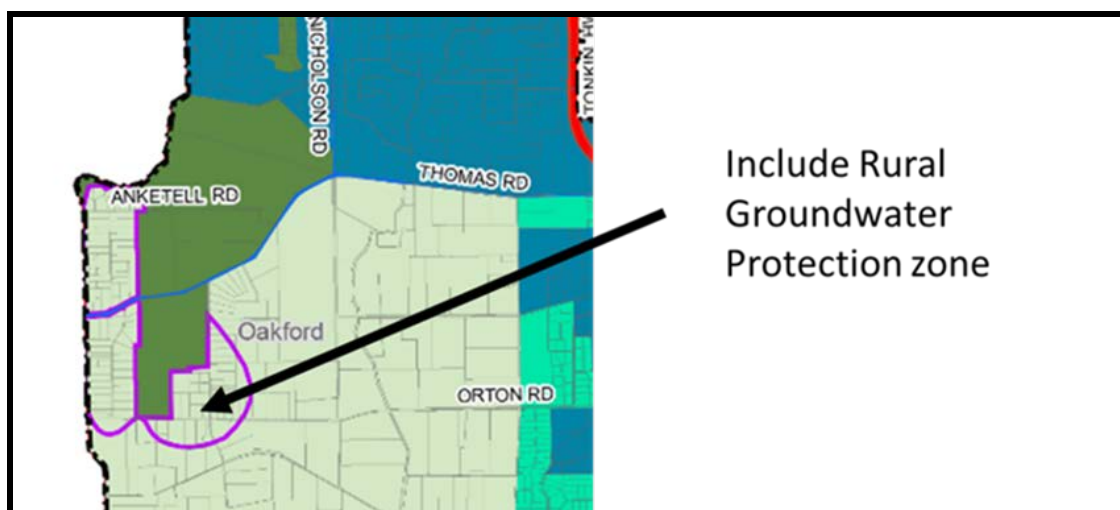
- "1. provide in-principle support for the Rural Strategy Review 2013, subject to the modifications outlined in Attachment 7, as a basis for guiding future amendments to Town Planning Scheme No.2 and other rural subdivision and land use proposals.*
- 2. require the Shire to modify the document accordingly and request that the final document to be provided to the Department of Planning for ratification."*

The support of the WAPC is subject to 19 modifications. These modifications generally fall into five categories, as summarised below:

1. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the Metropolitan Region Scheme (MRS). (Modifications 1, 3 and 4)
2. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the draft South Metropolitan Peel Planning Framework (SMPPF) which forms a part of the draft Perth and Peel@3.5million documents. (Modifications 2, 5, 7, 11, 12 and 14 – 17)
3. Removal of policy area changes proposed under the Rural Strategy Review 2013, where although consistent with the SMPPF are considered to be premature under the implementation timeframe of the strategy review. (Modifications 8, 10 and 13)
4. Inserting text for particular Rural Living 'A' areas to specify a minimum 1 ha lot size for subdivision. (Modifications 6 and 9)
5. Altering the text component of the Rural Strategy Review 2013 to match the modifications required to the map. (Modifications 18 and 19)

The formal schedule of modifications is contained in attachment OCM054.1/05/17. Attachment OCM054.3/05/17 allows a visual comparison of the spatial changes required by the WAPC. The following section outlines and provides discussion on each of the WAPC's required modifications. For each modification, the following is provided:

- The WAPC's required modification;
 - The Shire's original rationale for the Council adopted version of the Rural Strategy Review 2013;
 - The WAPC's rationale for the required modification; and
 - Shire officer comment in regards to the Shire's original rationale and the WAPC's rationale.
1. **Modification: Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map.** **Note: the boundary on the Rural Strategy Review Map is slightly misaligned to the Metropolitan Region Scheme.*



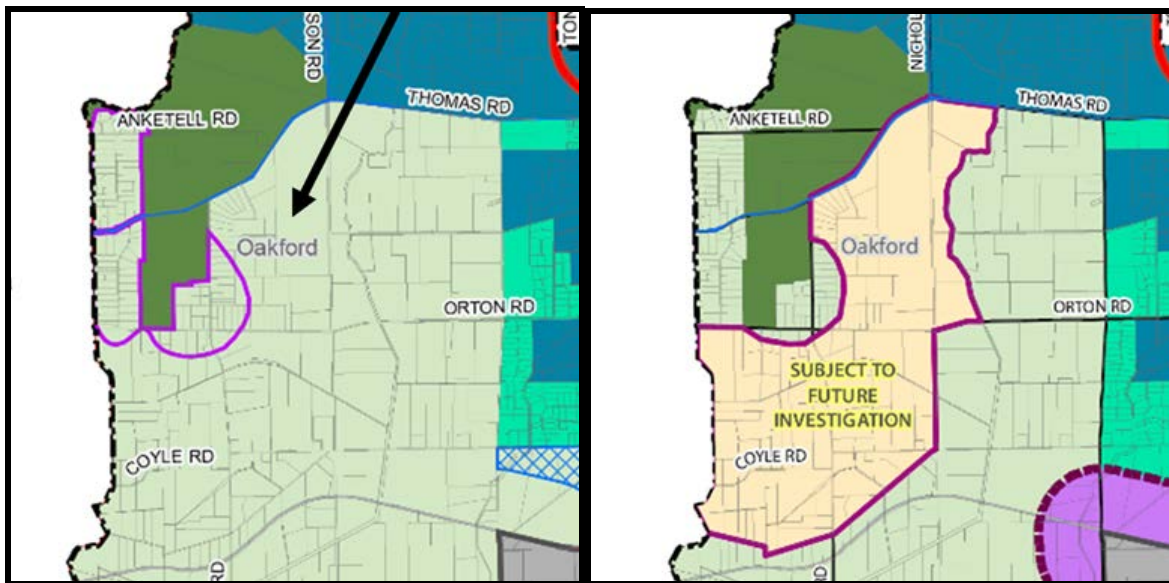
Shire's Original Rationale: The Jandakot Groundwater Mound or Rural Groundwater Protection zone was not identified on the Rural Strategy Review 2013 Map.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers strongly support the identification of the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map. The Jandakot Groundwater Mound is a very important resource which provides high quality drinking water for the State. Identifying the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map highlights the importance of the Jandakot Groundwater Mound and notifies landowners of the protection and management objectives of land in this area. It also refers planning officers to State Planning Policy 2.3 Jandakot Groundwater Protection which contains policy measures for the protection of the Jandakot Groundwater Mound.

Officers recommend that Council agree to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map* as the Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State and supports the identification of the Jandakot Water Mound Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map.

2. **Modification: Oakford/Oldbury Subject to Future Investigation Area** – *Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural.*

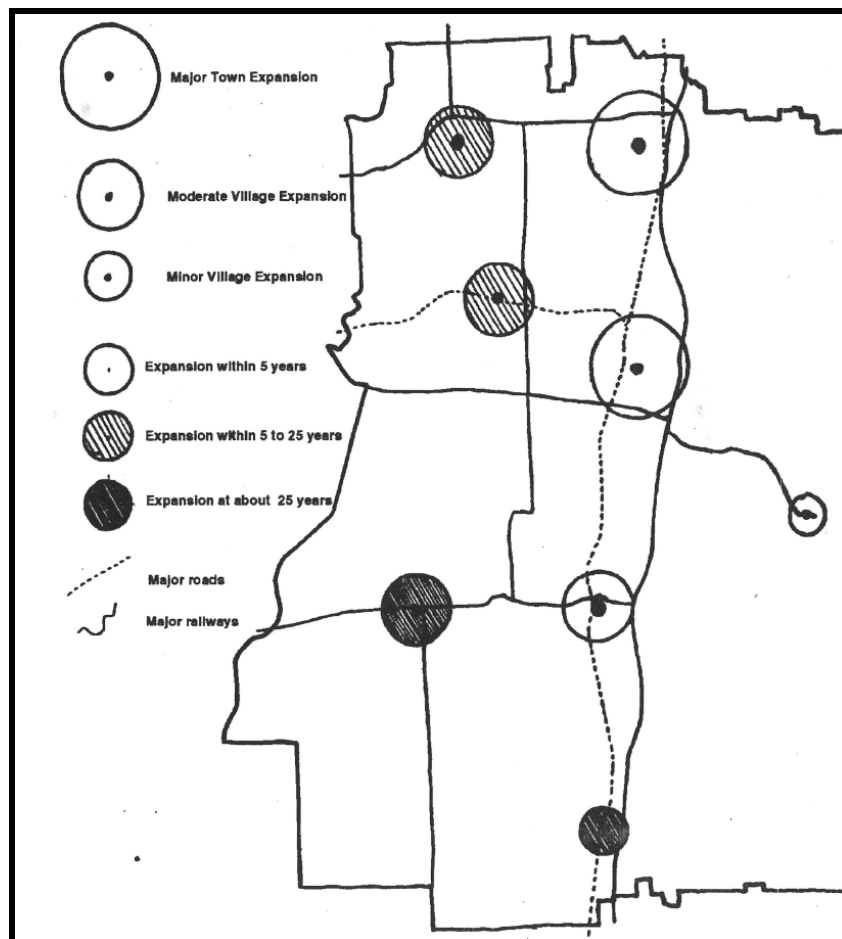


Shire's Original Rationale: The Oakford 'Subject to Future Investigation' area was included in the Rural Strategy Review 2013 based on a concept which was originally identified in the 1994 Rural Strategy. The Oakford Village was identified as one of three urban villages included in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. The other two urban villages identified in the 1994 Rural Strategy were Hopeland and The Flats. The 1994 Rural Strategy stated the following in regards to these new villages:

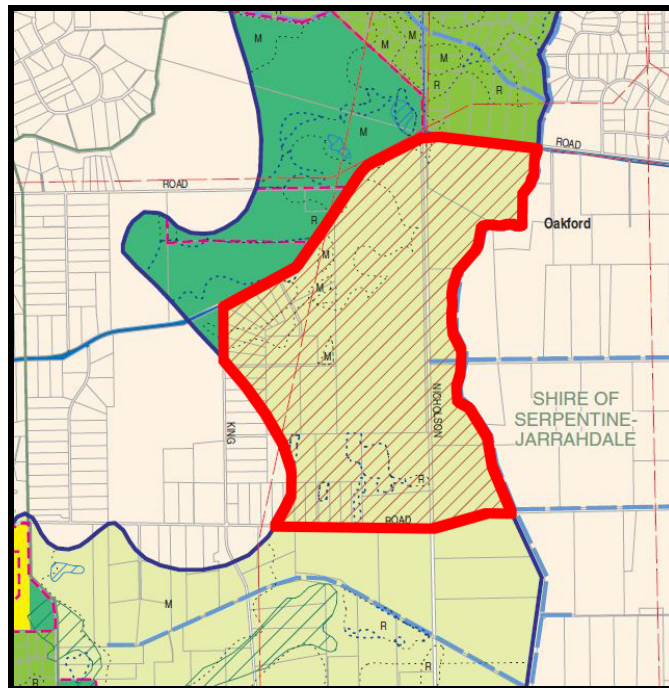
'The new villages appear to have only limited land with suitability for urban development density and are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

The 2003 review of the Rural Strategy identified the 'Oakford Village Possible Site' on the Rural Strategy map. Based on the 1994 Rural Strategy, the Jandakot Structure Plan which was approved by the WAPC in 2007, proposed a small rural village in Oakford at the intersection of Thomas Road and Nicholson Road. Rural living development was also identified in this area south of Thomas Road generally between King Road and

Nicholson Road to accommodate rural activities that require medium-large sized lots. A Rural Economic Living Area was identified over the Oakford site within the 2007 Jandakot Structure Plan. In May 2008, Council resolved to provide in-principle support for the Oakford Village Concept plans. In 2011, the Shire adopted a local planning policy to provide a framework for the future development of the Oakford area regarding the implementation of the Oakford Village and the Rural Economic Living Area as identified in the 1994 Rural Strategy and 2007 Jandakot Structure Plan. The Shire also received a request to support a MRS amendment to rezone 180 hectares of land in Oakford from Rural to Urban in 2011. In 2012, Council resolved to provide in-principle support for the proposed amendment and formally requested the Western Australian Planning Commission to progress the amendment. This MRS amendment was not progressed by the Commission pending the finalisation of the Strategic Assessment of the Perth and Peel Regions. Given this history of the Oakford site for a possible village and rural living precinct, the Rural Strategy Review 2013 included the Oakford/Oldbury Subject to Future Investigation Area.



1994 Rural Strategy – Proposed Urban Villages



2007 Jandakot Structure Plan – Rural Economic Living Area

WAPC Rationale: *The intent for this land remains uncertain until such time as the SMPPF is finalised and it is recommended that the land remain classified as Rural.*

Officer Comment: Shire officers do not support the WAPC's decision to remove the Oakford/Oldbury Subject to Future Investigation Area from the Rural Strategy Review 2013. This area has been identified for further development in Shire and WAPC approved documents since 1994 as described above under the Shire's original rationale. Under the 2007 Jandakot Structure Plan, a portion of the Oakford/Oldbury Subject to Future Investigation Area was identified as a Rural Economic Living Area. In 2016, Council adopted the SJ 2050 document which identified a settlement pattern aligned with the Perth and Peel@3.5million frameworks and identified the Oakford area as an intensive agriculture area. A significant percentage of the land uses within the area are considered to fall within the rural enterprise or intensive agriculture land use classifications.

Given the area has been identified for rural economic living purposes in Shire and WAPC approved documents, the existence of a significant proportion of rural enterprise land uses in the area, and the identification of Oakford for intensive agriculture within SJ 2050, Shire officers suggest that a rural enterprise precinct be identified in Oakford. Shire officers recommend that this rural enterprise area is comprised of the land which was identified as the Rural Economic Living Area under the 2007 Jandakot Structure Plan. This area of land is considerably smaller than the area of land identified within the Oakford/Oldbury Subject to Future Investigation Area under the Rural Strategy Review 2013. Shire officers would be supportive of the land which is not identified within the Rural Economic Living Area being identified within the Rural policy area under the Rural Strategy Review 2013. In regards to the land within the Rural Economic Living Area, Shire officers recommend this land is depicted as Rural with an overlay for Rural Enterprise Future Investigation.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural.* Council have previously agreed to the Jandakot Structure Plan 2007 and

request that the Rural Strategy Review 2013 depict the land within the Rural Economic Living Area as “Rural” with an overlay for “Rural Enterprise Future Investigation” in accordance with the Jandakot Structure Plan 2007.

- Modification: Reserve 10164 Byford** – Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion).



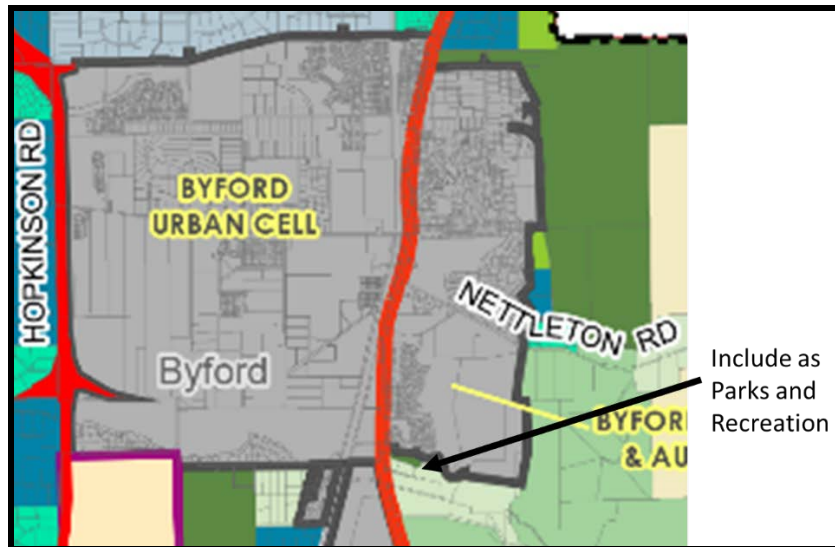
Shire’s Original Rationale: The eastern portion of Reserve 10164 was identified as Parks and Recreation under the Rural Strategy Review 2013 and the western portion was identified as Rural Living B. It was a minor oversight that the western portion of this reserve was not identified as Parks and Recreation in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: The western portion of Reserve 10164 is reserved as Public Open Space under Town Planning Scheme No. 2 and the eastern portion is reserved Parks and Recreation under the MRS. This is a minor modification to better reflect the purpose of this land.

Officers recommend that Council agree to Modification 3: Reserve 10164 Byford – Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion) as this minor variation better reflects the purpose of the land.

- Modification: Byford Urban Cell** – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status.



Shire's Original Rationale: The Rural Strategy Review 2013 was prepared prior to the release of the draft SMPPF. It was a minor oversight that Reserve 48455 was not identified as Parks and Recreation in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: (a) This is considered to be a minor modification which does not change the intent of the Council endorsed Rural Strategy Review 2013. (b) This portion of land is reserved as Public Open Space under Town Planning Scheme No. 2. This is a minor modification to better reflect the purpose of this land.

Officers recommend that Council agree to Modification 4: Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status as this minor variation better reflects the purpose of the land.

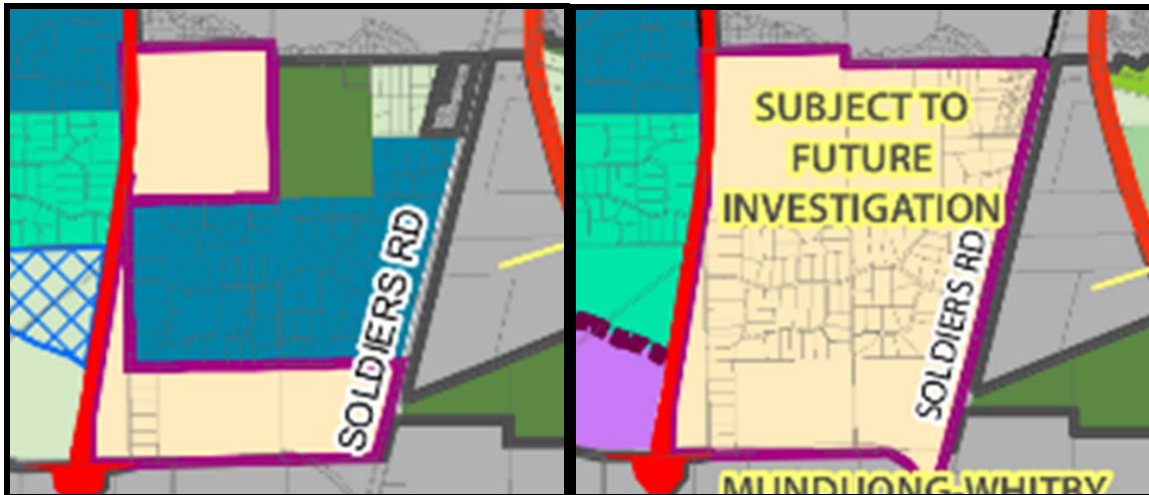
5. **Modification: Subject to Future Investigation between Byford and Mundijong – To be depicted as 'Subject To Future Investigation'.**

- Lot 33 (681) Hopkinson Road,
- Lot 103 (130) Bishop Rd, Cardup, and
- Lot 30 (496) Soldiers Rd, Cardup

All remaining land to be depicted as per the current Strategy/Scheme classifications, being:

- Parks and Recreation for R2457,
- Rural Living B for Special Rural 8 and Special Rural 17
- Urban Cell for the R5 coded area
- Rural for the land between the R5 and R2457
- Rural for Lots -391 (900) Hopkinson Rd, and Lots 19-24 Hopkinson Rd, Cardup

**Lot 1 (1) Bishop Road is part of the Mundijong urban cell.*



Shire's Original Rationale: All land between Byford and Mundijong bound by Soldiers Road and the future Tonkin Highway was identified as 'Subject to Future Investigation' in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres. This land is well-located and in close proximity to the existing and planned facilities and services in Byford and Mundijong and the Cardup Business Park to the east. The future Tonkin Highway provides a logical boundary to separate the urban land from the Rural and Rural Living uses to the east.

WAPC Rationale: Not Stated.

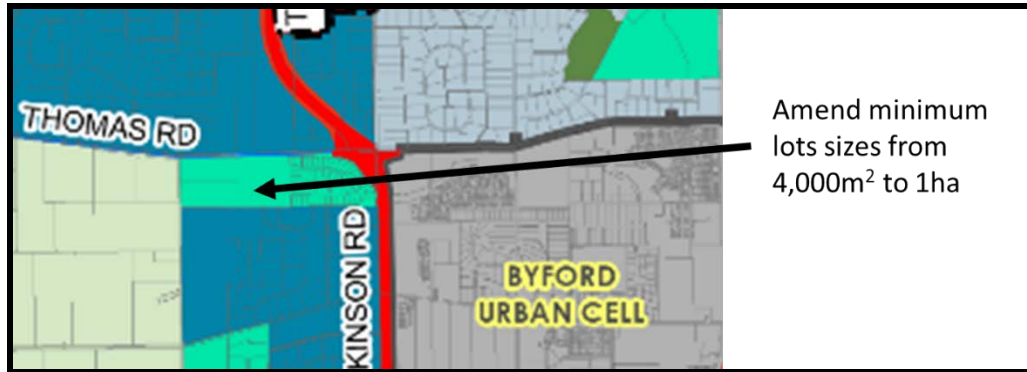
Officer Comment: Shire officers support the inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area but consider that all the land between Mundijong and Byford should keep a rural residential character to ensure the two urban areas in Byford and Mundijong have defined urban boundaries. The investigation areas should therefore be carefully planned to ensure this character and rural residential edge remains in perpetuity. This was also articulated in SJ 2050's settlement pattern. This soft rural residential edge is important to create distinction and legibility and to differentiate between the urban areas in Mundijong and Byford.

Shire officers do not agree to the identification of the land between the R5 coded area and Reserve 2457 as Rural given that this small area of land is surrounded by urban and rural living properties. The lot sizes in this area are more appropriate for a rural living designation and identifying this land as rural, may lead to future land use conflicts and impacts to amenity.

Officers recommend that Council agree to a part of Modification 5: The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area. The modification was identified as 'Subject to Future Investigation' in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres, with the proviso that the current rural residential character is retained.

Officers however recommend that Council request the Western Australian Planning Commission to reconsider the part of Modification 5: Rural for the land between the R5 coded area and Reserve 2457. The lot sizes in this area are more appropriate for a rural living designation and identifying this land for rural purposes may lead to future land use conflicts and impacts to amenity given that this small area of land is surrounded by urban and rural living properties.

6. **Modification: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford.** Retain Rural Living A classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted".



Shire's Original Rationale: This land was identified as Rural Living A to consolidate the existing rural living precinct bound by Thomas Road, Kargotich Road and the future Tonkin Highway.

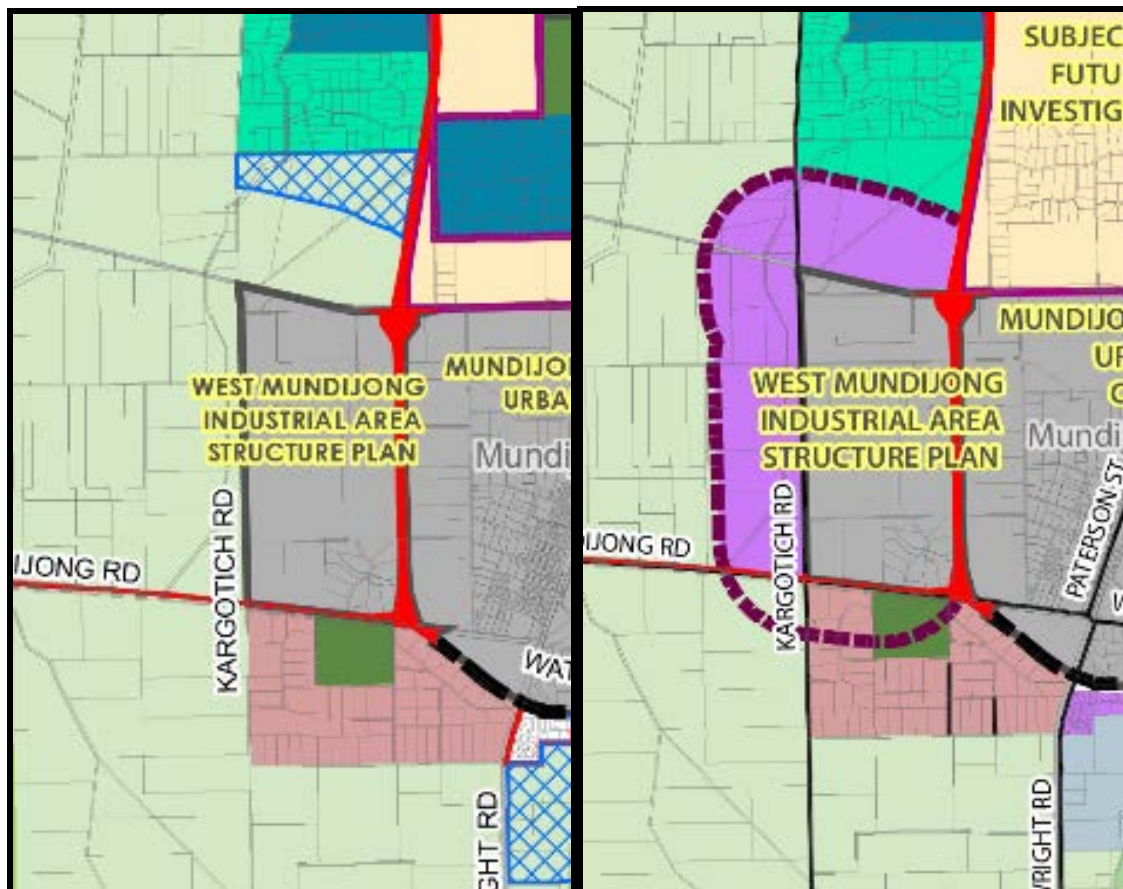
WAPC Rationale: It is acknowledged that these landholdings are identified for Urban Expansion in the draft SMPPF where the land may eventually be developed to lot sizes of less than 1 hectare, however, the RSR identified this land for Rural Living A which promotes a lot size range of between 4,000m² and 1 hectare. In addition, these lots are affected by the recent release of the draft GSP (2016) and the requirement for a 1 hectare minimum lot size.

In view of the uncertainty pertaining to this site at this time, it is recommended that the land remain classified for Rural Living A with an annotation that a 1 hectare lot size is applicable. Subject to the final release of the SMPPF and future demand for rural living land within the Shire, there may be scope for this land to be further subdivided below 1 hectare if deemed appropriate. However, this modification will ensure that in the short-term, the intent of the GSP (2016) is not undermined nor the urban potential of the site prejudiced prior to the final outcome of the SMPPF in the interim.

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that the land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the release of the draft Government Sewerage Policy which only exempts lots greater than 1ha from requiring a connection to reticulated sewerage. Requiring larger lot sizes in this location would reduce the potential for land use conflicts with the rural land uses to the west.

Officers recommend that Council agree to Modification 6: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. Retain Rural Living A classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted". The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

7. **Modification: West Mundijong Industrial Area Buffer and Rural Enterprise –** Remove the Industrial buffer and Rural Enterprise classification.



Shire's Original Rationale: Structure planning for the West Mundijong Industrial Area identified the need for an off-site buffer to surround the proposed development. The West Mundijong Industrial Area District Structure Plan specified that the buffer of 1 km to the north and west of the development would be secured in the Rural Strategy Review 2013. The use of the Rural Strategy Review 2013 to identify the buffer was selected for the following reasons:

- Appendix 2 of State Planning Policy 4.1 identifies local rural strategies as a mechanism to maintain the integrity of buffer areas;
- It is proposed that the industries within the West Mundijong Industrial Area will have generally low emissions; and
- Local structure planning of the West Mundijong Industrial Area will require further noise assessments to identify potential compatible developments.

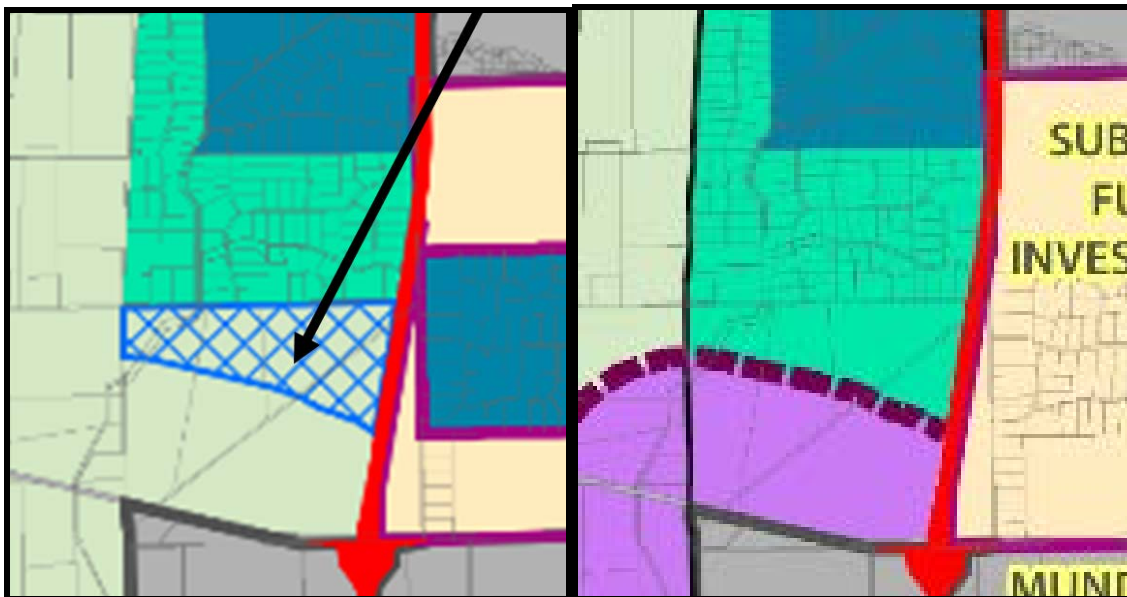
The Rural Strategy Review 2013 introduced the Rural Enterprise Policy Area as a renaming of the Light Industry Policy Area which was identified in the 1994 Rural Strategy. This renaming occurred to more accurately represent the intent of the policy area. The land within the West Mundijong Industrial Area was identified as Rural Enterprise to allow compatible land uses. Additionally, designating this buffer under the Rural Strategy Review 2013 protects this land from urban encroachment. It provides certainty to existing and prospective landowners that this land is within the buffer of an industrial area, minimising the likelihood of the development of sensitive land uses.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers maintain that the West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale.

Officers recommend that Council Request the Western Australian Planning Commission to reconsider Modification 7: West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification. The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale due to its proximity to the West Mundijong Industrial Area and the opportunities that this allows.

8. **Modification: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway** – Remove Rural Living A classification and depict the underlying land as Rural. The Map is to include a footnote attached to the legend which states 'Frameworks Investigation Area #' with the following text: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~5 - 10 years.



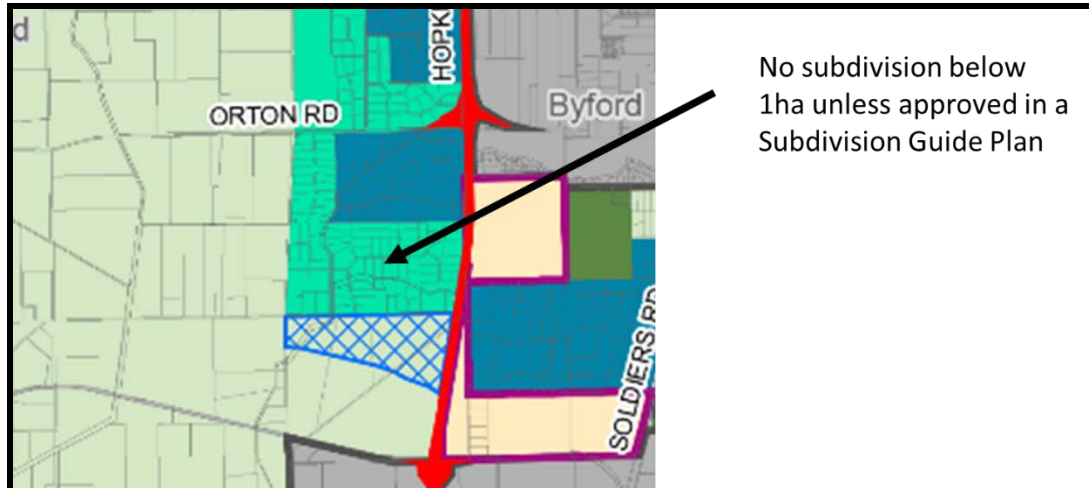
Shire's Original Rationale: This land was included as Rural Living A in the Rural Strategy Review 2013 to consolidate the Rural Living precinct bound by Kargotich Road, Thomas Road, the future Tonkin Highway and the West Mundijong Industrial Area buffer. This expansion of the already existing Rural Living areas to the north does not create a new Rural Living precinct and is not considered to result in a significant increase in lots.

WAPC Rationale: The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).

Officer Comment: Shire officers consider that it is important for this land to be identified as Rural Living under the Rural Strategy Review 2013 as there is no intention for this land to ever be Urban and identifying this land as Rural Living will secure this land for its intended purpose of consolidating an existing Rural Living precinct. With regard to timeframes, it will take a significant amount of time for the planning framework to be amended to allow the subdivision and development of this land for Rural Living purposes. As such it is not considered necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013.

Officers recommend that Council Request the Western Australian Planning Commission to reconsider Modification 8: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove Rural Living A classification and depict the underlying land as Rural. Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and requests that the Rural Living A designation be retained.

9. **Modification: Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission".**



Shire's Original Rationale: The 4,000m² – 1ha lot size range has been applicable for the Rural Living A zone since the 1994 Rural Strategy.

WAPC Rationale: This area is affected by the recent release of the draft GSP (2016), however, a number of areas have existing and approved Subdivision Guide Plan overlays which facilitate lot sizes below 1 hectare where capability is demonstrated. A modification to insert the following text into the RSR is recommended:

"Clause 5.12.4 of TPS No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a SGP and/or overlay depicting smaller lots was existing and approved at such time as the RSR was endorsed by the WAPC".

This clause is intended to:

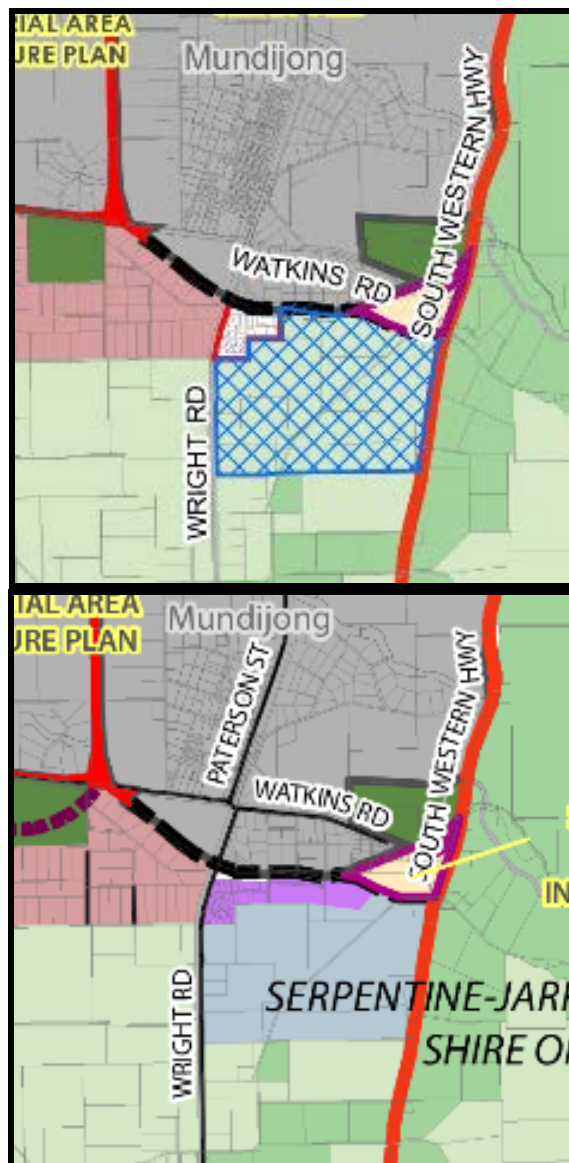
- (i) clarify where lots below 1 hectare are acceptable, and*

(ii) enable continued and consistent decision-making in existing areas.

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the recent release of the draft Government Sewerage Policy. Requiring larger lot sizes in this location would reduce the potential for land use conflicts with the rural land uses to the west. The draft Government Sewerage Policy outlines the circumstances in which the requirement for reticulated sewerage may be exempted. It is specified that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. This land is located within a sewerage sensitive area and therefore the creation of lots smaller than 1ha should not be supported to be consistent with the provisions of the draft Government Sewerage Policy. The draft Government Sewerage Policy does not include the existence of an approved structure plan or subdivision guide plan as an exemption to the requirement for reticulated sewerage for lots under 1ha in size in sewerage sensitive areas. As such, inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, though exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 9: *Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission"*. Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, but exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy and is not supported.

10. **Modification: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable** – a) *Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy. Map includes an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 -10 years.*



Shire's Original Rationale: The Residential and Stables Policy Area south of Mundijong was included in the Rural Strategy Review 2013 to provide an equestrian precinct (293.8 hectares) in close proximity to the Mundijong Whitby urban area, similar to the location of the Darling Downs equestrian precinct directly north of the Byford urban area. The site south of Mundijong was considered to be suitable to accommodate an equestrian precinct for the following reasons:

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

It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle. Providing opportunities to concentrate

these types of development and directly surrounding major settlements will strengthen the industry and further contribute to the area.

WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

When the demand for further rural living land is required within the Shire (beyond the life of this RSR), there are many zonings that may be appropriate for this land, however, in the interim the land is recommended to remain classified for Rural/Agricultural Protection as per the 2002/03 Rural Strategy.

With regard to the Shire and public submissions which seek the creation of a formal equine precinct for horse-keeping, it is noted that the existing Residential and Stables area located in Darling Downs is actually zoned Rural and Special Rural under TPS No.2 as Residential and Stables is not a zoning that exists in the current Scheme. An area does not need to be labelled as a Residential and Stables policy area in the RSR in order to facilitate equine precinct and or horse-keeping. In fact, there are many Rural Living A and B areas within the Shire where the keeping of horses is permitted. The retention of these landholdings as Rural/Agricultural Protection policy areas is not considered detrimental to these ambitions being realised in the future, if deemed appropriate at that time.

Officer Comment: Shire officers consider that the timing of identifying this land as Residential and Stables in the Rural Strategy Review 2013 will not be an issue as the future Tonkin Highway forms the urban boundary and this land is not intended for longer term urban expansion. The rezoning of this land and subsequent subdivision and development will take a significant amount time and as such Shire officers do not consider there to be an issue in identifying this land in the Rural Strategy Review 2013.

With regard to the WAPC's comment that area does need to be labelled Residential and Stables under the Rural Strategy Review 2013 to facilitate an equine precinct and the keeping of horses, the Shire's intention was to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area. As stated above under the Shire's original rationale, the equine industry is both a significant contributor to the local economy and important aspect of lifestyle and character within the Shire. Shire officers consider that it is important to identify this precinct in the Rural Strategy Review 2013 to identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context.

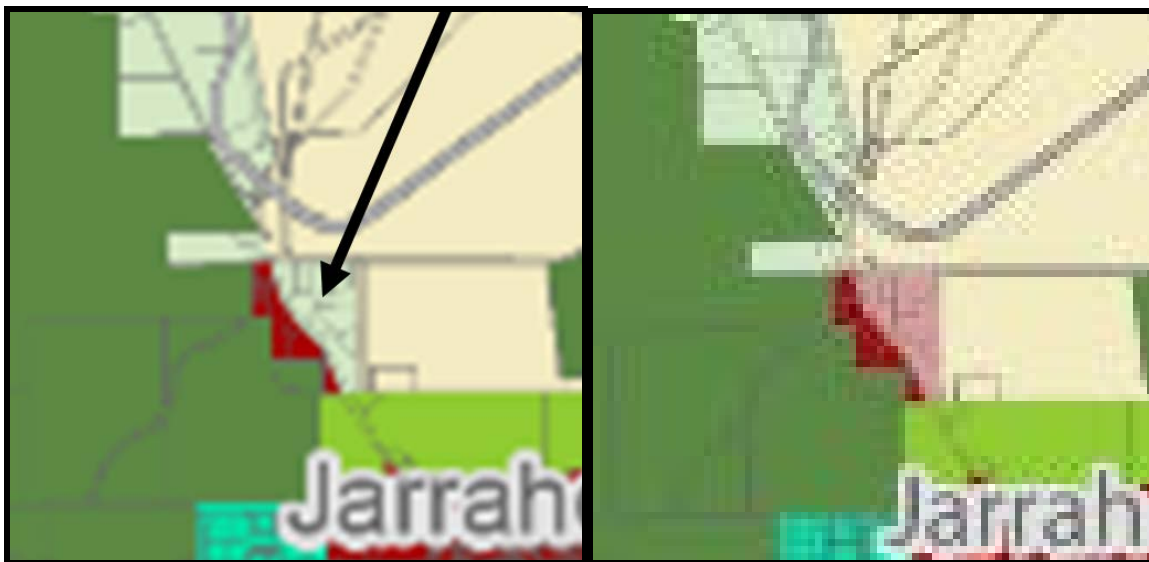
Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 10: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #'. The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry

and facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context and Council believes it to be important for the area.

11. Modification: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlet – Remove Farmlet classification and depict as Rural.

Shire's Original Rationale: This portion of land was identified as Farmlet in the Rural Strategy Review 2013 given the proximity of this land to the Jarrahdale town site, the other land uses surrounding this land and to more accurately reflect the current lot sizes and land uses of these lots. It was considered more suitable for this portion of land to be identified as Farmlet as these lots are not large enough to accommodate rural land uses. The development of the full range of rural land uses in this location, on lots of this size, would create land use conflicts and be incompatible with the surrounding development.

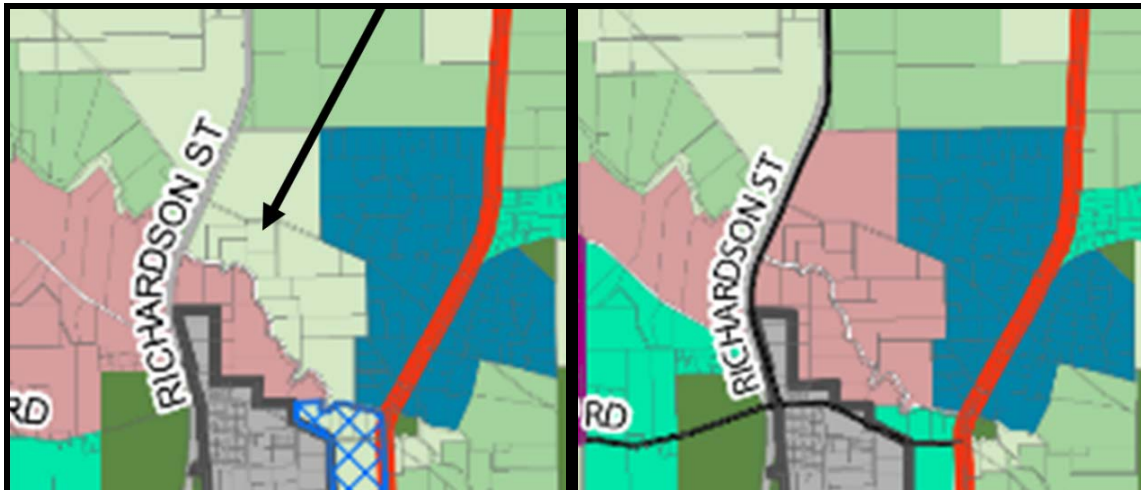
WAPC Rationale: Not Stated.



Officer Comment: Shire officers do not agree with the WAPC's modification to depict this land as Rural for the reasons outlined above under the Shire's original rationale. Furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, Shire officers consider that it would be more appropriate for this land to be identified as Rural Living A under the Rural Strategy Review 2013.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 11: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlet – Remove Farmlet classification and depict as Rural. For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as Rural Living A.

12. Modification: Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlet) – Remove Farmlet classification and depict as Rural.



Shire's Original Rationale: This portion of land was identified as Farmlet in the Rural Strategy Review 2013 as it is located in close proximity to the Serpentine Townsite and is located adjacent to a Rural Living B precinct to the east. Identifying this land as Farmlet consolidates the Rural Living precinct to the north of the Serpentine Townsite and facilitates a graduation in lot sizes. Many of the lots within this precinct have already been subdivided to smaller lot sizes which would be more appropriately identified within the Farmlet Policy Area. One of the outcomes of a Market and Economic Assessment Report prepared for the Shire in 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more uses of the land. Enabling new technologies in agricultural practice will not only have economic benefits, it can also result in improved land use practice. Newer, more environmentally sustainable technologies may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

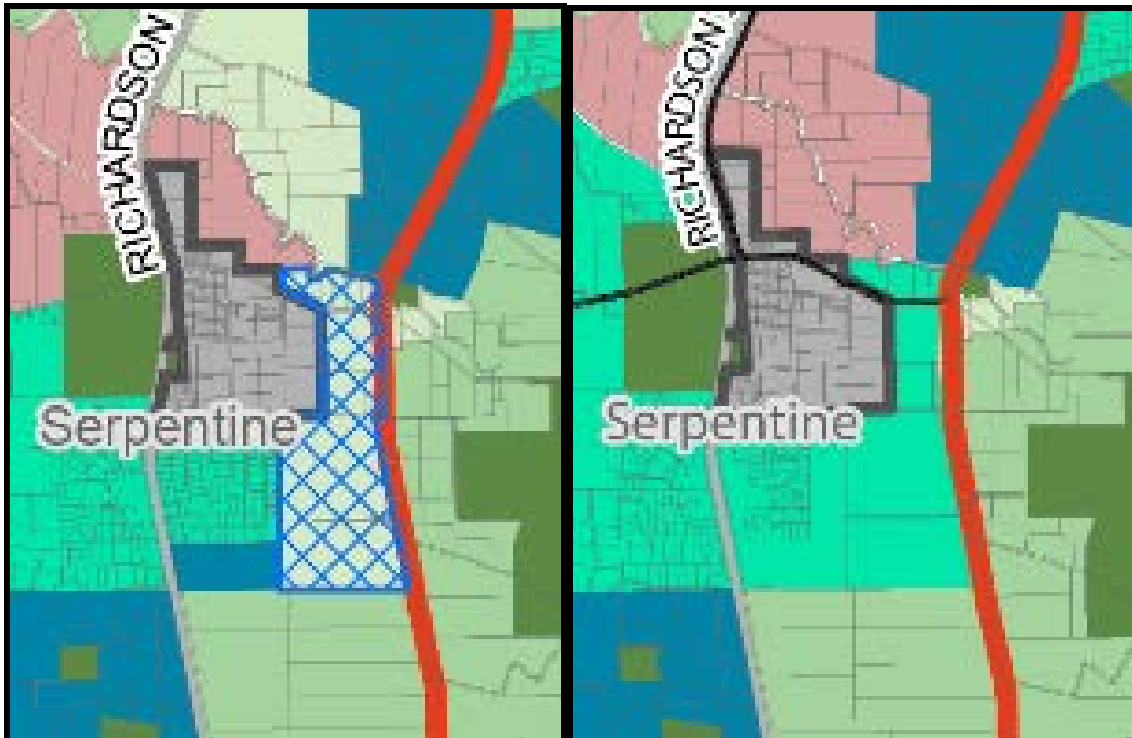
Identifying this land as Farmlet would also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The Farmlet Policy Area provides for 'some limited form of agricultural production' with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area, particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas. The Farmlet Policy Area would still allow this land to be utilised for agricultural production, though without adversely affecting the environment or nearby residents. A key aspect of the Farmlet Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the Farmlet Policy Area. It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the Farmlet Policy Area.

WAPC Rationale: *The creation of additional Farmlet lots will result in the unnecessary fragmentation of rural land which is inconsistent with SPP 2.5. There is no demonstrated 'need' for Farmlet land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR.*

Officer Comment: Shire officers do not agree with the WAPC's modification for the reasons outlined above under the Shire's original rationale. In addition to this, the subject land is strategically located between land which has been supported by the WAPC for Rural Living B and Farmlet development, and is located in close proximity to the Serpentine Townsite. In the recently Council adopted SJ2050 document, this area of land was identified as 'rural fringe' which is intended to provide for rural lifestyle lots that support equestrian uses. The subject land has already been considerably fragmented and identifying this land as Farmlet would facilitate only limited subdivision potential. As this land is located between existing rural living developments and is in close proximity to the Serpentine Townsite, Shire officers consider that there is a risk in allowing this land to remain Rural which may lead to land use conflicts. Shire officers are therefore not in favour of the WAPC's modification to remove the Farmlet policy area and maintain that this land should be identified as Farmlet.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlet) – Remove Farmlet classification and depict as Rural.* The reasons outlined in the Shire's original rationale remain valid and as the subject land is strategically located between land which has been supported by the Western Australian Planning Commission for Rural Living B and Farmlet development, and is located in close proximity to the Serpentine Townsite, this land should remain as Farmlet.

13. **Modification: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural- Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 -10 years.**



Shire's Original Rationale: This portion of land was identified as Rural Living A under the Rural Strategy Review 2013 as it is located adjacent to the Serpentine Townsite and consolidates the existing Rural Living A precinct which currently surrounds the Serpentine Townsite. Situated between the Serpentine Townsite and South Western Highway, it is considered logical for further subdivision and Rural Living development to occur on this portion of land. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

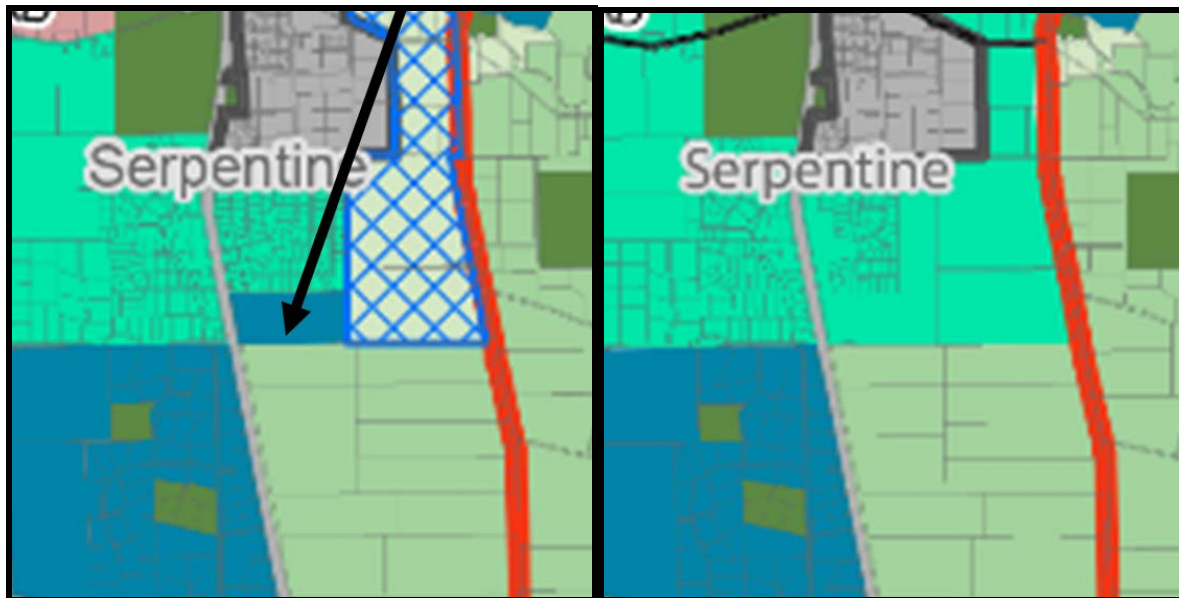
It is acknowledged that the Shire's support for an 'investigation area' over this land is for different reasons to the Department. Notwithstanding, it is clear that both agencies consider the proposal for Rural Living A (as advertised) to be premature and/or unacceptable at this time, which is further complicated by the 1 hectare minimum lot size required by the draft GSP. The footnote/classification proposed by the Department will ensure that this land is not prejudiced in the lifetime of this RSR.

Officer Comment: Council recently endorsed SJ 2050 which identified a potential expansion to the Serpentine Townsite over this portion of land. Given the potential of this land for the longer term expansion of the Serpentine Townsite, Shire officers consider that an investigation area over this land may be more appropriate and support the investigation area recommended by the WAPC.

Officers recommend that Council agree to Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for the

longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.

14. Modification: Lot 9 (147) Hardey Road, Serpentine – Remove Rural Living A classification and depict as Rural Living B.



Shire's Original Rationale: The Rural Strategy Review 2013 identified this lot as Rural Living A as an extension to the existing Rural Living A to the north and to align with the southern Rural Living A boundary in the area west of Hall Road.

WAPC Rationale: *These landholdings were advertised with a Rural Living A classification. It is recommended that this land be classified as Rural Living B to:*

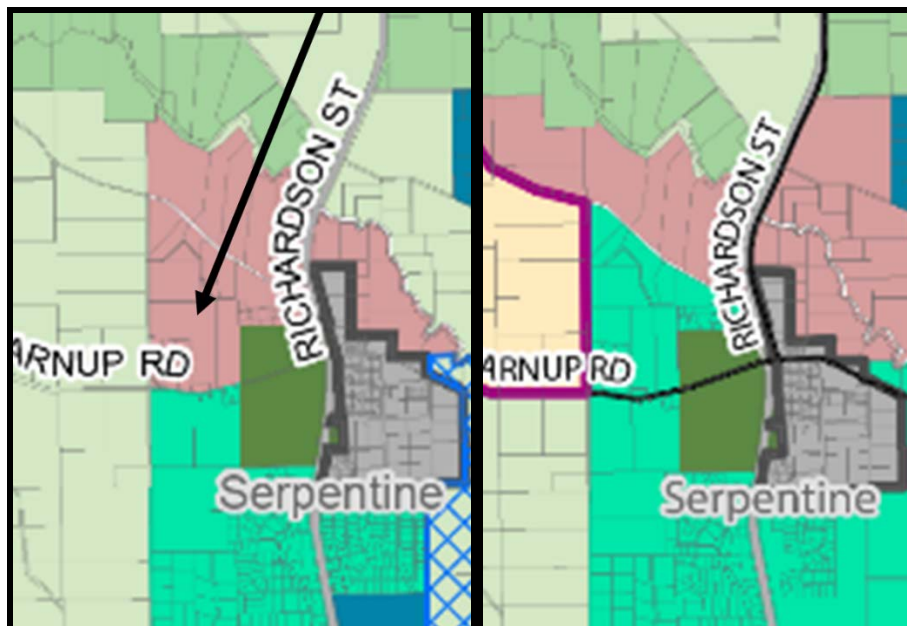
- *more accurately reflect the draft SMPPF;*
- *provide an appropriate transition zone between the Rural Living A area to the north and the rural land to the south, whilst complimenting the larger lots within the Rural Living A across Hardey Rd;*
- *avoid the creation of unnecessary, unforeseen and inefficient additional Rural Living A (Special Residential) lots; and*
- *ensure compliance with the minimum lot sizes required by the draft GSP.*

Officer Comment: Shire officers consider it is logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and consider that this portion of land should remain as Rural Living A. The subject lot is identified as Rural Residential within the draft SMPPF. The intent of the Rural Living A policy area is most closely aligned with the Rural Residential category under the draft SMPPF. Shire officers consider that identifying the subject land as Rural Living A is consistent with the draft SMPPF. While the Rural Living A policy area provides for lots in the range of 4,000m² – 1ha, the intent of the policy area is to provide lots for rural residential purposes. Under the draft SMPPF some Rural Living A areas have been identified within the urban category where lots sizes are mostly 4,000m². To ensure the lot sizes of the subject area align with the Rural Residential category as identified within the draft SMPPF, Shire officers consider it would be more appropriate to include text similar to what the WAPC has recommended for other Rural Living A areas which applies a 1ha lot size minimum rather than changing the policy area to Rural Living B. Additionally, a 1ha lot size minimum would be considered appropriate given that State Planning Policy 2.5 – Rural Planning considers rural living lots to be in the range of 1ha – 4ha and the provisions of

the recently released draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove Rural Living A classification and depict as Rural Living B*. It logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and therefore this portion of land should remain as Rural Living A.

15. **Modification: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlet.**



Shire's Original Rationale: This portion of land was identified as Rural Living A as it is located in close proximity to the Serpentine Townsite and consolidates the existing Rural Living A precinct which surrounds the Serpentine Townsite. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

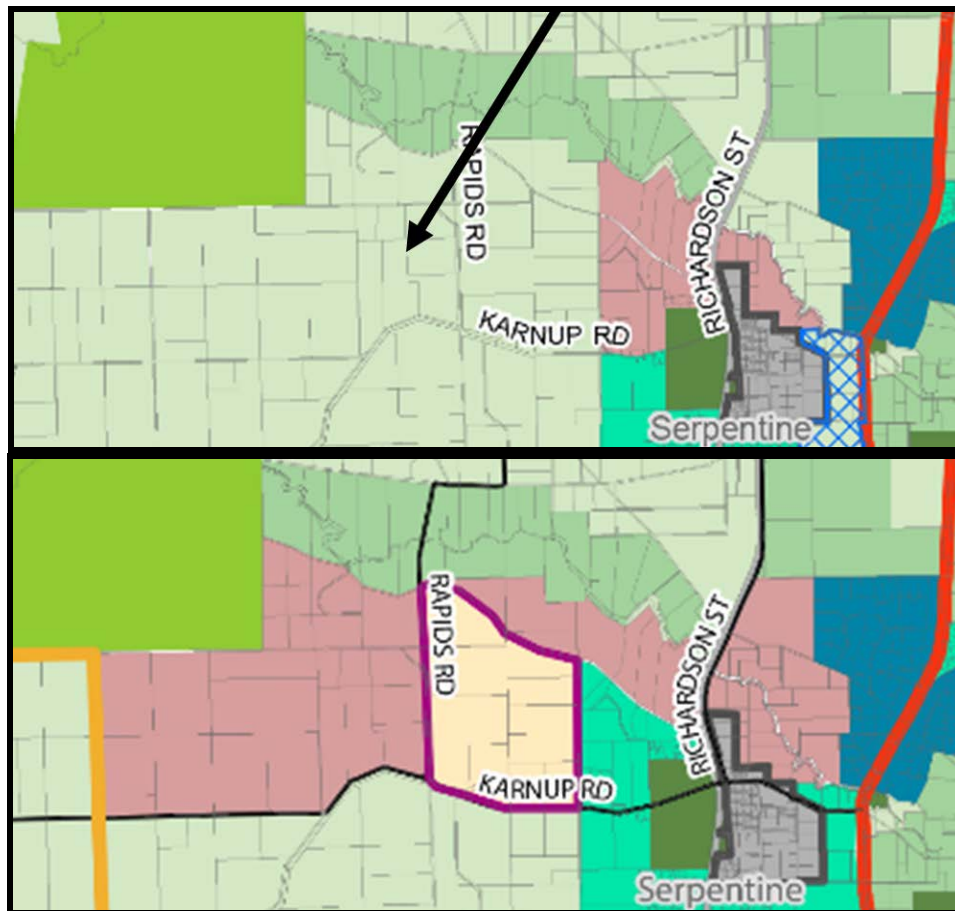
WAPC Rationale: *It is recommended that these landholdings revert from the advertised Rural Living A classification to the Farmlet classification as per the 2002/03 Rural Strategy. A Rural Living A classification will result in the unnecessary, additional fragmentation of land into inefficient special residential lots in this location which is not reflected in the draft SMPPF.*

Lot 5 (142) Gull Road is considered an acceptable exception, as this will provide for the area to be 'rounded' off along a distinct boundary.

Officer Comment: Shire officers do not have a strong objection to the WAPC's modification to revert the subject land back to the Farmlet policy area. The majority of lots in this area have already been rezoned as Farmlet under TPS 2 and some subdivision has occurred. Shire officers consider that is appropriate for this land to remain as Farmlet as it has not been identified for Rural Residential purposes under the draft SMPPF and Farmlet development has already been progressed, compromising the feasibility and quality of further subdivision.

Officers recommend that Council agree to Modification 15: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlet. This land is to remain as Farmlet as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and Farmlet development has already been progressed, compromising the feasibility and quality of further subdivision.

16. **Modification: (All) Land east of Gull Road and east of Walker Road identified for Farmlet and STFI – Remove Farmlet and ‘Subject to Future Investigation’ areas and depict as Rural.**



Shire’s Original Rationale: The Rural Strategy Review 2013 identified this portion of land to be included as Farmlet and ‘Subject to Future Investigation’ to provide a diversity in lot sizes and enable a range of rural land uses. One of the outcomes of a Market and Economic Assessment Report prepared for the Shire in 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more uses of the land. Enabling new technologies in agricultural practice will not only have economic benefits, it can also result in improved land use practice. Newer, more environmentally sustainable technologies may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

Identifying this land as Farmlet would also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The Farmlet Policy Area provides for ‘some limited form of agricultural production’ with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area,

particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas. The Farmlot Policy Area would still allow this land to be utilised for agricultural production, though without adversely affecting the environment or nearby residents. A key aspect of the Farmlot Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the Farmlot Policy Area. It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the Farmlot Policy Area.

WAPC Rationale: *The Department required the majority of this land to revert to a Rural classification prior to providing consent to advertise as this land is not accessible to urban services, infrastructure services or employment opportunities.*

The Department maintains that this proposal is ad-hoc and constitutes the unnecessary fragmentation of rural land. There is no demonstrated 'need' for Farmlot land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR. It is recommended that the landholdings be modified to remain Rural in the RSR.

Officer Comment: Shire officers maintain that identifying this land as Farmlot would limit the development of the more intensive rural land uses and may reduce impacts to the environment, however it is acknowledged that the fragmentation of rural land is not a desirable outcome as contained within State Planning Policy 2.5 – Rural Planning. The subject land already contains a variety of lot sizes which fall within the 4ha – 40ha range of the Farmlot zone. The existing variety of lot sizes would enable a greater diversity in rural land uses which may lead to more economic opportunities and the utilisation of innovative technologies. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area. As such, and with regard to State Planning Policy 2.5 – Rural Planning, Shire officers do not object to the WAPC's modification.

Officers recommend that Council agree to Modification 16: (All) Land east of Gull Road and east of Walker Road identified for Farmlot and STFI – Remove Farmlot and 'Subject to Future Investigation' areas and depict as Rural. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.

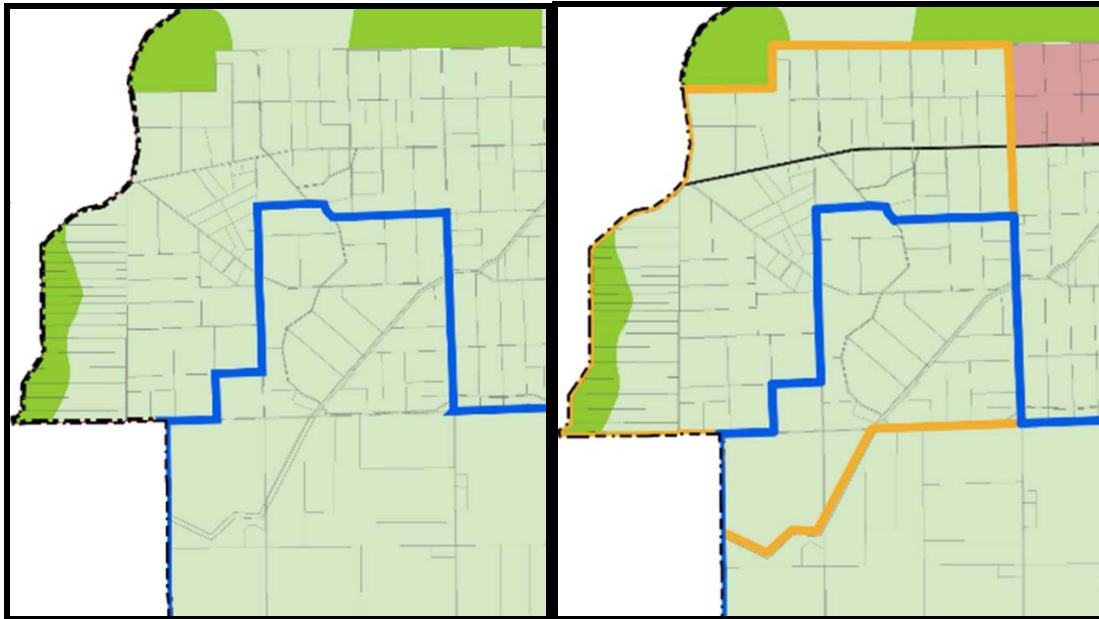
17. Modification: Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend).

Shire's Original Rationale: The Hopeland Urban Village Future Investigation Area was included in the Rural Strategy Review 2013 as it was a concept which was originally identified under the 1994 Rural Strategy. The Hopeland Village was identified as one of three urban villages in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. The other two urban villages identified in the 1994 Rural Strategy were Oakford and The Flats. The 1994 Rural Strategy stated the following in regards to these new villages:

'are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

The 1994 Rural Strategy recommended that of the three proposed urban villages, the Hopeland Urban Village would be the last to develop. It was also clarified under the

1994 Rural Strategy that the identification of possible locations for new villages should not be construed as justification for the development of these villages.



The boundary of the Hopeland Urban Village Future Investigation Area identified within the Rural Strategy Review 2013 was derived from the 2003 Rural Strategy which identified a townsite urban expansion investigation area. Additionally, there are a cluster of lots in the Hopeland area which are zoned Special Rural under TPS 2 and were identified as Rural Living B since the 1994 Rural Strategy. As further studies and investigations are required in regards to Hopeland, the Hopeland Urban Village Future Investigation Area was included as a policy overlay in the Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers note that there is a conflict between the Poultry Policy Overlay and the Hopeland Urban Village Future Investigation Area identified in the Council adopted Rural Strategy Review 2013. The Poultry Policy Overlay also relates to the Poultry Farm Special Control Area contained within TPS 2. Shire officers agree that it would be inappropriate for an urban village investigation area to be located within the Poultry Policy Overlay. The Council adopted vision document SJ 2050 reiterates the importance of this area as a food bowl and Shire officers are in support of removing the Hopeland Urban Village Future Investigation Area from where it overlaps with the Poultry Policy Overlay.

Shire officers agree that an urban village in Hopeland which can accommodate up to 5,000 people as proposed under the 1994 Rural Strategy is not appropriate in this location for the following reasons:

- The proposal is in conflict with Section 5.3(c)(i) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to be *'adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities'*. The Hopeland Urban Village Future Investigation Area is not in proximity to the Shire's urban areas;
- The proposal is in conflict with Section 5.3(c)(ii) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to *'not conflict with the primary production of nearby land, or reduce its potential'*. The Hopeland Urban

- Village Future Investigation Area overlaps with the Poultry Policy Overlay and is located in a rural area of the Shire which has the purpose of primary production.
- The proposal is in conflict with Section 5.3(c)(iv) of State Planning Policy 2.5 – Rural Planning which states *'the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections'*. Population forecasting indicates that projected growth can be accommodated within the currently planned urban areas within the Shire. Rural living demand was calculated and planned for as a part of the Rural Strategy Review 2013 and does not plan for an urban village in Hopeland.
 - The proposal is in conflict with Section 5.3(c)(xii) of State Planning Policy 2.5 – Rural Planning which states that land subject to a rural living proposal is required to not be subject *'to a separation distance or buffer from an adjoining land use, or if it is, that no sensitive land uses be permitted in the area of impact'*. The Hopeland Urban Village Future Investigation Area overlaps with the Poultry Policy Overlay. The Environmental Protection Authority's *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* recommends a buffer in the range of 300m – 1000m for poultry farms. A potential urban village would include sensitive land uses.
 - The Hopeland Urban Village Future Investigation Area is located within the Peel Harvey Catchment and is bound by significant waterways. The intensification of land and greater population density that would result from an urban village, would generate greater amounts of waste and pollutants which may lead to pollutants entering the waterways within the Peel Harvey Catchment.

However, given that there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield in Hopeland, the clustering of these land uses creates a node. Shire officers do not support completely removing the investigation area from Hopeland given the existence of these Special Rural zoned lots, which have not been depicted as Rural Living B within the Rural Strategy Review 2013, and the strategic implications of the Serpentine Airfield being located in this area. Shire officers consider this precinct should be recognised and identified on the Rural Strategy Review 2013 map.

While Shire officers agree that the extent and scale of the Hopeland Urban Village Investigation Area as identified on the Council adopted Rural Strategy Review 2013 map is not appropriate as discussed above, Shire officers do not support the removal of this investigation area in its entirety. Alternatively, Shire officers recommend that the investigation area be modified to no longer be an 'urban village' investigation area but rather just an investigation area. Shire officers also recommend that this investigation area be reduced to only apply over the precinct north of the Poultry farm overlay and south of Karnup road. And include the existing Special Rural lots and the Serpentine Airfield.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend)*. The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses Council recommends that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.

18. **Modification: The legend** – (a) Remove 'Main Roads' depicted on the map (b) Remove Rural Enterprise classification (c) Remove West Mundijong Industrial Area Buffer. (d) Remove the lot size ranges applicable to the Rural Living A and Rural Living B classifications and insert an * with a footnote which states: "Lot size ranges are a guide

only. Final Subdivision Guide Plan's/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints".

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

19. Modification: Strategy text / document – *Update the Strategy text/document to reflect the aforementioned modifications, including but not limited to the following clauses/matters:*

- (i) 3.2: Exclusion Areas - Update to reflect map; remove Oakford/Oldbury Investigation Area and outline some of the land between the Byford and Mundijong Whitby urban cells is subject to future Investigation.*
- (ii) 4.1: Background - Delete the Rural Enterprise Policy Area and associated section (being 4.8).*
- (iii) 4.2: Town and Village Urban Policy Area - Delete the first dot point.*
- (iv) Numerous Policy Areas - Increase rainwater supply requirement from 90,000 litres per lot to 120,000 litre requirement.*
- (v) 4.5 and 4.6: Rural and Agricultural Protection Policy Areas - Insert State Planning Policy 2.5 - Land Use Planning in Rural Areas into the 'Subdivision and Development Guidelines' as a document to accord with.*
- (vi) 4.9: Residential and Stables - text shall be modified to outline that the only Residential and Stables area within the Shire is located in Darling Downs, however, this zoning is not available in the current Scheme (TPS No.2) and appropriate rural living zonings and lot sizes (generally a minimum of 2 hectares) should be proposed/applied in discussion with the Shire/Western Australian Planning Commission.*
- (vii) 4.11: Hopeland and Urban Village Investigation Area – Delete clause.*
- (viii): The following statement should be inserted into the text, linking to the # depicted on the Map, as follows: "It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan and Peel Sub-Regional Planning Framework instalment of the Towards Perth and Peel@3.5 Million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 - 10 years".*
- (ix) The following statement should be inserted into the text, linking to the * depicted on the Map, as follows: "Lot size ranges are guide only. Final Subdivision Guide Plan's/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints".*

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 18 and 19: *The legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of the above.

Options and Implications

In accordance with regulation 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the WAPC determined to require the Shire to modify the Rural Strategy Review 2013 and resubmit the updated document to the DoP. Council can request the WAPC to reconsider this decision, however it should be noted that the reconsideration of a decision under regulation 15(1)(c) is not a formal process under the *Planning and Development (Local Planning Schemes) Regulations 2015*. If the WAPC does not agree to reconsider the required modifications and Council subsequently does not agree to make the required modifications, the 2006 Rural Strategy (as amended) will remain the planning framework of the Shire. Council has the following options:

Option 1: Request the Western Australian Planning Commission to reconsider the modifications that Council does not agree to.

Option 2: Modify the Rural Strategy Review 2013 as required by the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

The WAPC on 20 December 2016 resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications, and required the Shire to modify the document accordingly and requested that the final document be provided to the DoP for ratification. The modifications are substantial and although Shire officers have made it clear that Council continued to support the previous Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014, the SPC made significant changes as indicated in the report. Council is now required to respond to the WAPC's decision.

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

Attachments:

- [OCM054.1/05/17](#) – Schedule of Modifications (IN17/1057)
- [OCM054.2/05/17](#) – WAPC's Map of Modifications (IN16/22191)
- [OCM054.3/05/17](#) – Map depicting the changes as proposed by the WAPC (E17/1021)

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 (Local Planning Schemes) Regulations 2015*

Financial Implications:

There are no financial implications.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Notes the Western Australian Planning Commission's decision on the Rural Strategy Review 2013 as contained in attachment OCM054.1/05/17;
2. Notes that the Planning and Development (Local Planning Schemes) Regulations 2015 do not provide for a further decision to be made by the Shire and that finalization of the 2013 Strategy is more of an administrative process in which the Shire is required to make the Western Australian Planning Commission modifications and then return the modified 2013 Strategy to the Commission for final endorsement; and
3. Notwithstanding the above and considering the number of submissions received in this regard requests the Chief Executive Officer to write to the Western Australian Planning Commission advising of the Council position on the modifications as outlined below considering the detailed rationale provided in the report:
 - a. Agrees to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map*. The Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State and supports the identification of the Jandakot Water Mound Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map.
 - b. Requests the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural*. Council have previously agreed to the Jandakot Structure Plan 2007 and request that the Rural Strategy 2013 depict the land within the Rural Economic Living Area as "Rural" with an overlay for "Rural Enterprise Future Investigation" in accordance with the Jandakot Structure Plan 2007.
 - c. Agrees to Modification 3: *Reserve 10164 Byford – Remove Rural Living B classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion)*. This minor variation better reflects the purpose of the land.
 - d. Agrees to Modification 4: *Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding Rural Living A 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status*. This minor variation better reflects the purpose of the land.
 - e. Agrees to a part of Modification 5: *The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area*. The modification was identified as 'Subject to Future Investigation' in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres, with the proviso that the current rural residential character is retained.
 - f. Requests the Western Australian Planning Commission to reconsider the part of Modification 5: *Rural for the land between the R5 coded area and Reserve 2457*. The lot sizes in this area are more appropriate for a rural living designation and

identifying this land for rural purposes may lead to future land use conflicts and impacts to amenity given that this small area of land is surrounded by urban and rural living properties.

- g. Agrees to Modification 6: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. *Retain Rural Living A classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted"*. The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.
- h. Requests the Western Australian Planning Commission to reconsider Modification 7: *West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification*. The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale due to its proximity to the West Mundijong Industrial Area and the opportunities that this allows.
- i. Requests the Western Australian Planning Commission to reconsider Modification 8: *Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove Rural Living A classification and depict the underlying land as Rural*. Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and requests that the Rural Living A designation be retained.
- j. Requests the Western Australian Planning Commission to reconsider Modification 9: *Rural Living A area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission"*. Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not been finalised and the recent release of the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, though exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy.
- k. Requests the Western Australian Planning Commission to reconsider Modification 10: *Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification*

from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #'. The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context and Council believes it to be important for the area.

- I. Requests the Western Australian Planning Commission to reconsider Modification 11: *Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as Farmlet – Remove Farmlet classification and depict as Rural.* For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as Rural Living A.
- m. Requests the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as Farmlet) – Remove Farmlet classification and depict as Rural.* The reasons outlined in the Shire's original rationale remain valid and as the subject land is strategically located between land which has been supported by the Western Australian Planning Commission for Rural Living B and Farmlet development, and is located in close proximity to the Serpentine Townsite, this land should remain as Farmlet.
- n. Agrees to Modification 13: *Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/Rural Living A 27/Serpentine Townsite to the west and creek line to the north (which is identified as Rural Living A) – Remove Rural Living A classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for the longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.*
- o. Requests the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove Rural Living A classification and depict as Rural Living B.* It logical for the southern Rural Living A boundary to be consistent surrounding the Serpentine Townsite and therefore this portion of land should remain as Rural Living A.
- p. Agrees to Modification 15: *Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove Rural Living A classification and depict as Farmlet.* This land is to remain as Farmlet as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and Farmlet development has already been progressed, compromising the feasibility and quality of further subdivision.
- q. Agrees to Modification 16: *(All) Land east of Gull Road and east of Walker Road identified for Farmlet and STFI – Remove Farmlet and 'Subject to Future Investigation' areas and depict as Rural.* This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.

- r. Requests the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend)*. The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS 2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses Council recommends that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.
- s. Requests the Western Australian Planning Commission to reconsider Modification 18 and 19: *The Legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of a-r above.

OCM054/05/17 COUNCIL DECISION / Alternate Recommendation:

Cr Rich foreshadowed an alternative motion if the motion under debate is lost.

Moved Cr Piipponen, seconded Cr See

That Council

- 1. Notes the modifications made by the Western Australian Planning Commission and Council's legal advice advising its obligation pursuant to section 15(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* in relation to the Rural Strategy for the Shire of Serpentine Jarrahdale and the Shire's obligation under law to modify the Strategy at this stage of consideration and consultation with the Commission.**
- 2. Requests that the Western Australian Planning Commission again consider the Council's position in relation to its original adoption of the Strategy in 2013 / 14 and vehemently requests the Commission adopt those provisions as originally requested by the Shire of Serpentine Jarrahdale who has spent significant funds and consultation with its community over a number of years to have derived the adopted position with its community.**

Council Note: Reasons for the change to the Officers Recommendation:

Council has an obligation under law to amend the Rural Strategy and return to the Western Australian Planning Commission at this stage of the consideration and approval cycle. However, Council should express its advice to the Western Australian Planning Commission that the Council's original resolved position should be considered by the Commission without amendment as the Council and community have spent significant funds and consultation on the preparation and consideration of this Strategy."

CARRIED 5/2

OCM055/05/17	Proposed Amendment to Subdivision Guide Plan – Lot 54 and Lot 55 McKenna Drive, Cardup (PA16/150)
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	4 May 2017
Disclosure of Officers Interest:	As the author of this report I disclose that I have an association with the applicant. This association is a friendship as the applicant is a former employee of the Shire. There may be a perception that my impartiality on this matter may be affected. I declare that I have considered this matter on its merits.

Proponent: Peter Varelis
 Owners: Lot 54 – Charlotte Olivia Reynolds
 Lot 55 – Craig James Wansborough
 Linda Ruth Kirchner
 Peter Harry Varelis
 Sebastian Daniel Walz
 Tracy Louise Timms

Date of Receipt: 10 August 2016
 Lot Area: Lot 54 – 2.04ha approx.
 Lot 55 – 2.47ha approx.
 Town Planning Scheme No 2 Zoning: Rural Living A (RLA 13)
 Metropolitan Region Scheme Zoning: Rural

Introduction

The purpose of this report is for Council to consider an amendment to the Subdivision Guide Plan which applies to Lot 54 and Lot 55 McKenna Drive, Cardup. The Subdivision Guide Plan was adopted as part of Amendment No.100 to Town Planning Scheme No.2 (TPS2).

For the purpose of this report the terms ‘Subdivision Guide Plan’ and ‘Structure Plan’ should be read interchangeably due to Part 9 Clause 79(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* giving the terms a similar meaning.

The amended Subdivision Guide Plan proposes to increase the lot yield of Lot 54 by one lot and Lot 55 by three lots. The original lot yield for both Lot 54 and Lot 55 was two lots. The original lot yield for the overall Subdivision Guide Plan Area was 24 lots and it is proposed to increase to 28 lots.

The Applicant has provided technical information demonstrating that the proposed lots are capable of future development without affecting neighbouring properties, however Shire Officers have concerns that the proposed development is not consistent with appropriate planning principles and strategic documents.

The proposed lot sizes are not consistent with the Western Australian Planning Commission’s (WAPC) resolution of in-principle support of the Rural Strategy Review 2013 which was subject to modifications. Modification No.9 requires the minimum lots size for the sites subject to this Council Report be increased from 4 000m² to 10 000m² (1ha).

Shire Officer’s recommend that Council refuse the amended Subdivision Guide Plan and for it to be forwarded to the Western Australian Planning Commission for determination.

Background

The Subdivision Guide Plan area is bound by Kargotich Road to the west, drainage reserve to the east, an existing Rural Living A subdivision to the north (Kowin Court) and Rural zoned land to the south. The Subdivision Guide Plan applies to approximately 22.74ha of land (excluding McKenna Drive road reserve).

An application was submitted on 10 August 2016 by Peter Varelis to amend the Subdivision Guide Plan to increase the lot yield of Lot 54 and Lot 55 McKenna Drive, Cardup. Further information and modifications were requested by Shire Officers to ensure the documents were sufficient to enable a planning assessment to be completed and for the proposal to be suitable to advertise to the community.

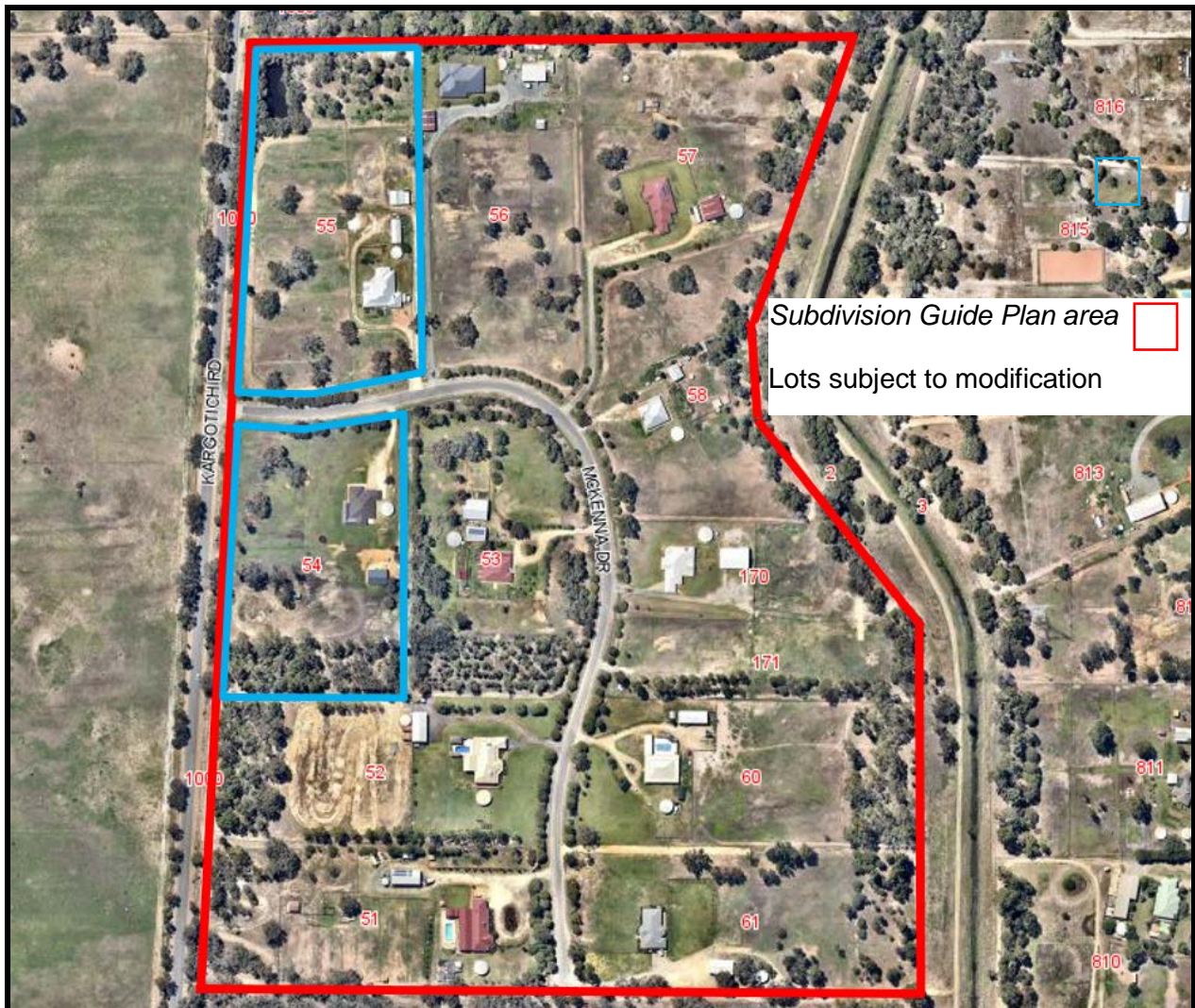


Figure 1 - Subject Site

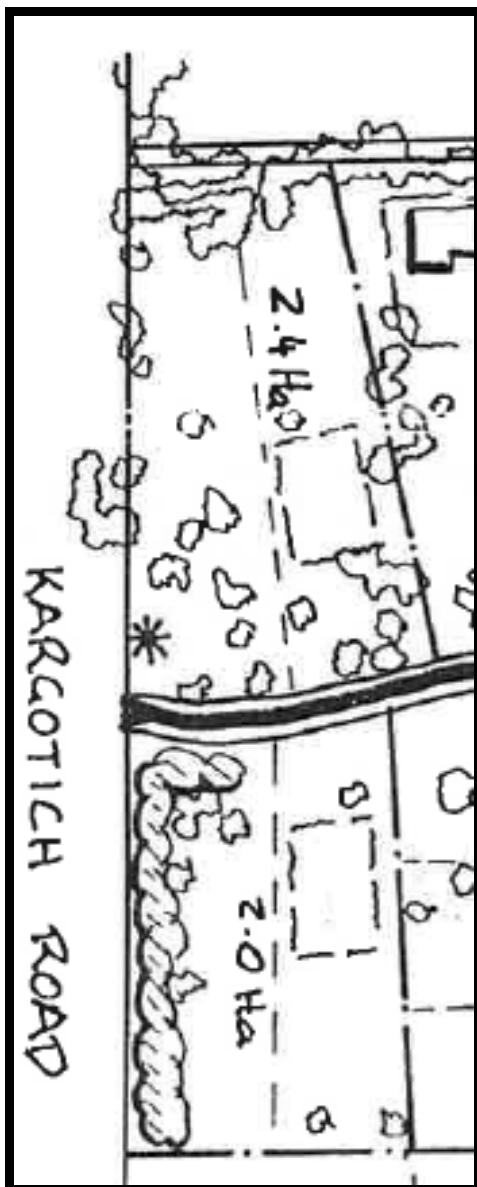


Figure 2 – Current Lot 54 and Lot 55

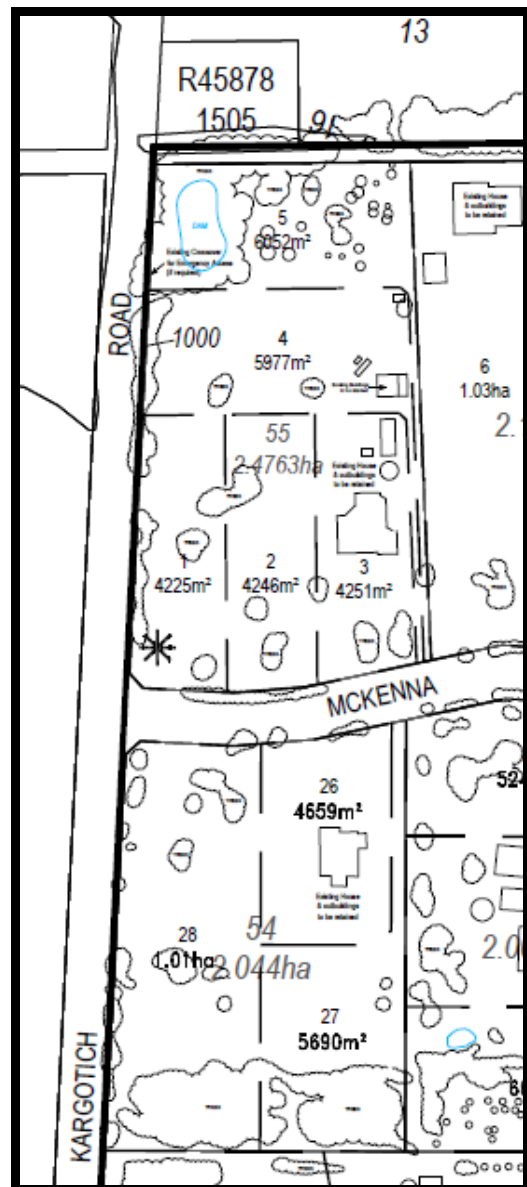


Figure 3 – Proposed Lot 54 and Lot 55

Existing Development

Currently the subject lots feature single dwellings and associated structures such as outbuildings and water tanks. There are revegetation areas planted as part of the original subdivision and small amounts of vegetation planted by landowners or naturally occurring.

Scheme Amendment History

Scheme Amendment No.100 was gazetted on the 14 March 2000, having the effect of rezoning Lot 4 Kargotich Road from 'Rural' zone to 'Rural Living A' zone and applying special provisions within Appendix 4A of TPS2.

Subdivision Application History

Original Referral

On 22 May 2014 the WAPC referred an application seeking a Shire Officer recommendation on a proposed subdivision of Lot 55 McKenna Drive, Cardup, into five lots (S150039).

Due to the land being owned by employees of the Shire, the application was required by Council Policy G703 to be considered by Council before a recommendation could be sent to the WAPC.

Shire Officers prepared a council report which recommended the subdivision application be refused due to being inconsistent with Clause 5.12.9(a) and Clause 5.12.6 of TPS2. However, Council resolved to recommend the WAPC approve the application due to lot sizes being consistent with the Rural Living A zoning.

Upon receiving the Shire's recommendation the WAPC refused the proposed subdivision and gave the following three reasons for its decision:

- “1. The proposal is not consistent with Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2) by reason that it represents a significant departure to the Subdivision Guide Plan (Lot 4 Kargotich Road, Peel Estate) adopted by the Shire on 28 September 1999.*
- 2. The proposal would be contrary to orderly and proper planning by reason of non-compliance with the agreed lot sizes and lot configuration shown on the adopted Subdivision Guide Plan.*
- 3. The proposal, if approved, would prejudice comprehensive planning for the area and set an undesirable precedent for further subdivision in a manner inconsistent with the established planning framework.”*

The landowners appealed the WAPC decision to the State Administrative Tribunal (SAT). Shire Officers were not directly involved with the SAT appeal, however it resulted in an approval for two lots in accordance with the Subdivision Guide Plan.

Second Referral

On 25 January 2017 the WAPC referred a new application seeking a Shire Officer recommendation on a proposed subdivision of Lot 55 McKenna Drive, Cardup, into five lots (154755). As the landowners were no longer employees of the Shire, the recommendation to the WAPC was sent without consideration by Council. The Shire Officer recommendation to the WAPC was that the subdivision should be refused for the four reasons below:

- “1. The proposed subdivision is not consistent with clause 5.12.9(a) of the Shire's Town Planning Scheme No.2 which requires subdivision to be in accordance with the appropriate Subdivision Guide Plan.*

Officers acknowledge that an application to modify the Subdivision Guide Plan to reflect the proposed subdivision has been submitted to the Shire. This application is yet to be supported by Council and the Western Australian Planning Commission.

- 2. The structures to be retained do not comply with clause 5.4.2(a) of the Shire's Town Planning Scheme No.2 which requires buildings to have a ten (10) metre setback from property boundaries.*
- 3. The proposed subdivision is not consistent with the Draft Government Sewerage Policy 2016 which does not support subdivision of lots less than one (1) hectare within sensitive areas.*
- 4. The proposed subdivision is not consistent with clause 5.12.6 of the Shire's Town Planning Scheme No.2 which requires a reticulated water supply to be provided to new lots less than 2 hectares in size unless approved otherwise by Council and the Commission.”*

At the time of writing this report the WAPC had not determined the subdivision application.

Relevant Previous Decisions of Council

- P233/04/99 - Council resolved to initiate Scheme Amendment No.100 to Town Planning Scheme No.2 to rezone Lot 4 Kargotich Road, Cardup from 'Rural' to 'Rural Living A'.
- P070/09/99 – Council resolved for Final Adoption of Amendment No.100 for Lot 4 Kargotich Road, Cardup.
- OCM029/08/14 – Council resolved to recommend the Western Australian Planning Commission approve an application to subdivide Lot 55 McKenna Drive, Cardup into five (5) lots.

Community / Stakeholder Consultation

The proposed Subdivision Guide Plan amendment was publicly advertised between 17 January 2017 and 13 February 2017, inclusive, as required under Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy No.27 – Stakeholder Engagement in Land Use Planning. A total of four submissions were received. One submission raised concerns with the proposal and one submission raised no objection subject to drainage, fencing and tree retention being appropriate. The remaining two submissions supported the proposed Subdivision Guide Plan amendment.

A schedule of the submissions including the Applicants' response to the concerns raised are contained within the attachments to this report. The main concerns raised as part of the submissions are summarised as follows:

- There will be an increase of traffic on McKenna Drive which is a safety issue;
- Existing landowners had an expectation that lots would not be subdivided below 5 acres (2.02ha); and
- Lots subject to the proposed amendment are already subject to water inundation during winter.

These issues are addressed within the Schedule of Submissions and are reflected in the Planning Assessment section of this report.

Attachments

- [OCM055.1/05/17](#) – Application to Amend the Subdivision Guide Plan forming part of Scheme Amendment No.100 (IN17/5973)
- [OCM055.2/05/17](#) – Schedule of Submissions (E17/1103)
- [OCM055.3/05/17](#) – Bushfire Management Plan (IN17/888)
- [OCM055.4/05/17](#) – Transport Statement (IN17/5970)
- [OCM055.5/05/17](#) – Drainage Management Plan (IN17/5969)
- [OCM055.6/05/17](#) – Technical Assessment (OC17/8170)
- **OCM055.7/05/17** – **Confidential** Legal Advice (IN17/9441)

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 (Local Planning Schemes) Regulations 2015*

Part 9 Clause 79(2) provides guidance regarding the classification of planning instruments. In the associated table, Item 1 lists a Subdivision Guide Plan as being a Structure Plan. As such, Shire Officers have progressed the application to amend the Subdivision Guide Plan as though it is a Structure Plan.

Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the procedure for dealing with Structure Plans.

Part 4 Clause 29 provides the framework for amendments to Structure Plans. Clause 29 (1) states that:

“A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.”

As the Applicant is a landowner within the area covered by the Subdivision Guide Plan, there is potential for the Council and WAPC to consider the proposed Subdivision Guide Plan amendment.

Part 4 Clause 20 (2)(d) requires the Shire to assess the proposal based on appropriate planning principles. Shire Officers have used State Planning Policy No.1 (SPP 1) – State Planning Framework principles to guide this assessment.

- State Planning Policy 1 – State Planning Framework Policy (SPP1)

The purpose of SPP1 is to set out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made. It also provides a range of strategies and actions which support these principles generally and for each of the ten regions of the State.

a) Environment

This principle aims to protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles.

Amending the Subdivision Guide Plan to facilitate additional lots and subsequently additional dwellings and outbuildings will not result in the protection of natural assets. Existing vegetation is likely to be removed in order to facilitate the construction of new dwellings, as well as ancillary development such as driveways and firebreaks.

Subdivision does provide potential for re-vegetation as planting in strategic areas of subdivided lots can be required as a condition of subdivision approval. Shire Officers consider this is likely to balance the negative impacts of subdivision, but re-vegetation measures are unlikely to significantly enhance natural assets of the Cardup area.

b) Community

This principle aims to respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities. Vibrancy occurs as a result of diversity and self-reliance occurs when areas have sufficient local infrastructure to work and live.

Providing 4000m² lots in this area will provide diversity in the size of lots available to suit different needs of households as there are no 4000m² lots on McKenna Drive. It can facilitate ageing in place as larger lots can become difficult to maintain as the population demographic ages. Shire Officers consider the amended Subdivision Guide Plan to

provide for diversity of lot sizes on McKenna Drive, however there is not a shortage of 4000m² lots within the Shire. The closest example is Maresfield Way, Cardup which is approximately 580m to the east of Lot 55 McKenna Drive. Encouraging infill subdivision in an area with limited services is unlikely to facilitate a vibrant, safe and self-reliant community.

Providing additional lots in an area which is not serviced by public transport does not facilitate self-reliance, as residents without private car transport will be isolated. Additional lots will not provide for a land use pattern which promotes the use of public transport as nearby facilities do not exist and as a result it does not reduce dependence on private cars.

c) Economy

This principle aims to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.

This principle is not directly relevant to the development as there is no commercial or industrial component and therefore it does not provide opportunities for industry to develop. Rural Living A subdivisions do not typically directly result in the development of industries. Rural Living A subdivisions can provide a local workforce to support existing industry as they perform a dormitory function. Subdivision facilitated by this Subdivision Guide Plan amendment is likely to result in short-term employment in the local area as future subdivision works are undertaken and new dwellings are constructed.

d) Infrastructure

This principle aims to facilitate strategic development by making provision for efficient and equitable transport and public utilities. An example of applying this principle is preventing development in areas which are not well serviced and where services and facilities are difficult to provide economically.

While the amended Subdivision Guide Plan proposes the creation of only four additional lots and this is considered to be a minor increase in lot yield, the lots are not in an area which is suitably serviced by reticulated sewer or public transport. The *Draft Government Sewerage Policy 2016* indicates that due to the sensitivity of the subject area a minimum of 1ha lot sizes should be approved to ensure that servicing requirements can be accommodated on the lot.

The area is not serviced by public transport and additional residents could result in a greater dependence on private cars. Residents without a private car could find it difficult to access community and commercial services compared to an area which has frequent bus or train services. As the population ages, residents will be restricted in their ability to use their own private cars and are likely to have a greater reliance on nearby residents or private transport providers.

Recommending approval of the amended Subdivision Guide Plan with lots less than 1ha would not be consistent with the planning principles related to infrastructure.

e) Regional Development

This principle aims to assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

As the Shire of Serpentine Jarrahdale is not located in an outlying region of the south-west of Western Australia this planning principle does not apply to the proposed amended Subdivision Guide Plan.

- *Metropolitan Region Scheme (MRS)*

Zoned 'Rural' under the MRS

- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)*

The lots are zoned 'Rural Living A' under TPS2.

Clause 5.12.8 of TPS2 requires:-

“there be a plan of subdivision entitled Subdivision Guide Plan for each specified parcel of land included in the Rural Living A and Rural Living B zones endorsed by the Shire Clerk and approved by the State Planning Commission.”

These are usually included within the scheme amendment to rezone the land from Rural to Rural Living A, which has occurred with Amendment No.100 to TPS2.

Clause 5.12.9(a) of TPS2 clarifies that:

“subdivision shall be in accordance with the appropriate Subdivision Guide Plan endorsed by the Shire Clerk but minor amendments to the plan of subdivision may be permitted subject to the approval of the Commission, and Council, however, lot sizes will not generally be permitted to be reduced”.

The Subdivision Guide Plan shows Lot 55 McKenna Drive being subdivisible into only two lots, not five as proposed, thus to realise any further subdivision potential the Subdivision Guide Plan requires modification. As noted earlier in this report, the original subdivision application for Lot 55 McKenna Drive was refused by the WAPC because it was considered to be a major departure from the Subdivision Guide Plan.

The landowners application to amend the Subdivision Guide Plan is consistent with the statutory process outlined in TPS2, although the framework for dealing with the application to amend the Subdivision Guide Plan is provided in the *Planning and Development (Local Planning Schemes) Regulations 2015* as discussed earlier in this report.

- Amendment No.100 Subdivision Guide Plan (Current)

The proposal represents a significant departure to the Subdivision Guide Plan (Lot 4 Kargotich Road, Peel Estate) adopted by the Shire on 28 September 1999. In order to facilitate further subdivision of Lot 54 and Lot 55 McKenna Drive, Cardup, a landowner of Lot 55 has applied to amend the Subdivision Guide Plan. As noted above, this is required to go through the structure plan process as set out in Part 4 clause 17 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- Liveable Neighbourhoods 2009

This State Government document is an operational policy for the design and assessment of structure plans and subdivision for new urban (predominantly residential) areas in the metropolitan area and country centres, on greenfield and large urban infill sites. While the amended Subdivision Guide Plan proposes an additional four lots compared to the current Subdivision Guide Plan, the change of the overall lot yield from 24 lots to 28 lots triggers consideration of servicing requirements referenced in Liveable Neighbourhoods as discussed below.

Element 1 – Community Design

This element includes two objectives which are relevant to the amended Subdivision Guide Plan.

Objective 1 is to facilitate a sustainable approach to development, in particular referencing car dependence. As noted earlier in this report there is no public transport infrastructure near the subject lots. This may result in an increase in private car transport and therefore the amended Subdivision Guide Plan is not consistent with this objective. This objective is partially repeated in objective 10 which seeks to structure urban areas to enable public transport systems to provide a viable alternative to private cars. Shire Officers consider that Objective 10 is not achieved by the amended Subdivision Guide Plan.

Element 2 – Movement Network

This element is related to the amended Subdivision Guide Plan, although it is acknowledged that the road network, hierarchy and design has already been established.

The ability for the existing road network to accommodate the additional lot yield is discussed in more detail in the technical assessment section of this report.

In addition to considering private car transport, this element also considers public transport, cycle movement network and the pedestrian movement network. The area is not serviced by public transport, nor are dedicated pedestrian and cycle paths provided. These elements of the movement network share the road pavement with private cars.

The lack of movement network options is typical of a Rural Living A area as population density is low and the cost of providing cycle and pedestrian paths is significant due to the isolation of this area from town centres in Byford and Mundijong.

While the Rural Living A zone in TPS2 facilitates a minimum lot size of 4000m² where appropriate, urban residential areas are often developed to a similar size. For example the 'R2.5' density code can facilitate a minimum lot size of 4000m² and the 'R5' density code can facilitate a minimum lot size of 2000m². Given the similarity between the proposed lot sizes on the amended Subdivision Guide Plan, Shire Officers consider the traffic impacts of further subdivision to be consistent with an R2.5 density urban subdivision which has site constraints.

Shire Officers consider the existing road network to be sufficient for private cars, however, insufficient infrastructure is provided for pedestrians and cyclists who would have no choice but to share the private car movement network.

Element 3 – Lot Layout

This element features objectives relating to housing diversity, provision of lots for special uses, lot design and climatic response and should be read in conjunction with elements 1 and 2 of *Liveable Neighbourhoods*.

Objective 2 aims for urban development to have a suitable level of services. As Shire Officers have established in earlier sections of this report, the area of the amended Subdivision Guide Plan is not well serviced with infrastructure.

Objective 5 aims for lots to front streets such that development enhances personal safety, traffic safety, property safety and contributes to streetscape quality. While the existing Subdivision Guide Plan provides for one rear battle-axe designed lot, the amended Subdivision Guide Plan shows three battle-axe lots. Battle-axe lots can be difficult to design in a way that contributes to Objective 5, however as access to the battle-axe lots is reciprocal on Lot 55 and the lots abut Kargotich Road Shire Officers

consider the indicative lot design to be appropriate. Only one lot (proposed Lot 27) is surrounded on four sides by neighbouring lots which means that there is no street frontage available. Proposed Lots 4 and 5 have a rear boundary along Kargotich Road.

Objective 8 aims to provide lots in appropriate locations which reduce travel and provide jobs. There is no nearby commercial land, however there are rural and agricultural businesses in the general area. In the future the West Mundijong Industrial Area may provide employment opportunities for residents of dwellings on McKenna Drive. Shire Officers consider the lots to provide for reduced travel if residents are employed in local agriculture businesses, however other residents are likely to have to travel outside of the Shire or to Byford or Mundijong for employment. Shire Officers are not concerned regarding the provision of employment opportunities as the number of additional lots is only a minor increase to the overall lot yield of the Subdivision Guide Plan.

Element 4 – Public Parkland

This element seeks to establish a range of site responsive parklands. As the amended Subdivision Guide Plan does not provide for any Public Open Space it does not satisfy this element of Liveable Neighbourhoods. The amount of open space should be 10%, however this can be reduced to 8% if the remaining 2% comprises restricted use public open space such as drainage.

Requirement 39 of Element 4 allows the WAPC to agree to cash-in-lieu of public open space, where the land area is such that a 10% public open space contribution would be too small for practical use. Shire Officers consider that a subdivision arising from this amended Subdivision Guide Plan is likely to fall into this category. However, Requirement 39 of Element 4 also notes that for subdivisions of five lots or less the WAPC may not always require cash-in-lieu for open space. While the amended Subdivision Guide Plan could result in 28 lots, for Lot 55 McKenna Drive five lots are shown.

These matters are typically addressed through a subdivision application due to the Subdivision Guide Plan area already being subdivided and no open space has been provided to date. Shire Officers consider this element capable of being addressed at the subdivision stage of development given that the majority of the existing Subdivision Guide Plan has been implemented without provision of public open space areas.

Element 5 – Urban Water Management

This element focuses on achieving sustainable development and encourage water-sensitive urban design with a particular focus on stormwater management.

The Applicant has provided a new drainage management plan to reflect the Subdivision Guide Plan amendment which has been assessed by Shire Officers and considered to be sufficient. More detailed comments are provided in the Technical Assessment section of this report.

Shire Officers note that the ability for the Applicant to apply innovative water sensitive urban design strategies is restricted due to the existing Subdivision Guide Plan being implemented.

Element 6 – Utilities

This element requires each new lot to be provided with a standard of utility services appropriate for its intended use, giving particular consideration to the servicing capability of the land and the Government Sewerage Policy.

Objective 3 aims to accommodate a sewerage system that is adequate for the maintenance of public health and the disposal of effluent to maximise environmental

protection. Requirement 16 notes that the WAPC will apply the requirements of the Government Sewerage Policy. In November 2016 a draft Government Sewerage Policy was advertised for public comment. It combines the previously separate Metropolitan and Country Sewerage Policies. This document identified the lots subject to the amended Subdivision Guide Plan being capable of a minimum size of 1ha. Shire Officers consider that a recommendation can still be made giving due regard for the November 2016 draft Government Sewerage Policy.

Further to Objective 3, Requirement 18 of Liveable Neighbourhoods notes that developments with a lot yield over 25 lots are not subject to any exemptions from complying with the Government Sewerage Policy.

Element 7 – Activity Centres and Employment

This element relates to the principles of structuring an urban area to provide for an appropriately distributed range of mixed-use activity centres. As the amended Subdivision Guide Plan does not include any commercial components and this element is not relevant to the Shire Officers assessment.

Element 8 – Schools

This element relates to the provision and design of school sites within an urban network. As the Subdivision Guide Plan does not include provision for a school this element is not relevant to the Shire Officers assessment. Educational needs of residents of McKenna Drive can be accommodated within existing and future Mundijong and Byford schools.

- State Planning Policy 2.5 – Rural Planning

As the land has already been rezoned from ‘Rural’ to ‘Rural Living A’, this policy which is intended to guide the rezoning of Rural zoned land has already been sufficiently addressed through the scheme amendment process which occurred with Amendment No.100 to TPS2.

- State Planning Policy 3.1 – Residential Design Codes

The lots subject to the proposed Subdivision Guide Plan amendment, feature existing residential dwellings and associated structures such as outbuildings and water tanks. Given clause 5.4.2 of TPS2 applies a ‘default’ residential density of R2, any subdivision of the land needs to give consideration to setback requirements of the Residential Design Codes.

In this case the proposed indicative lot layout may result in the requirement for some existing structures to be removed or modified. Many of these structures appear to be set back less than ten metres from the proposed property boundaries. The ten metre setback is taken from the R2 density code.

Some buildings (or part thereof) will either need to be demolished, or the subdivision boundaries modified to facilitate ten metre setbacks. This can be determined once the subdivision boundaries have been finalised as part of the subdivision application. However the landowner should be made aware of the possible implications for existing structures.

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

This policy requires consideration be given to the risk of bushfire where subdivision and development is proposed in bushfire prone areas. To address the bushfire risk the applicant provided a Bushfire Management Plan for Lot 54 and Lot 55 McKenna Drive, Cardup. Shire Officers have assessed the Bushfire Management Plan and are satisfied

that it is consistent with SPP 3.7 and that the applicant has demonstrated that the indicative subdivision layout can be developed.

- Development Control Policy 3.4 – Subdivision of Rural Land

This policy guides Local Governments and land developers in determining the merits of subdividing rural land. The main premise being that land which is suitable for agricultural use should not be lost to small rural lot subdivision. The subdivision of rural land in this case does not impact on the agricultural viability of any business enterprises or agricultural pursuits. Being subject to inundation, the land is difficult to farm and does not have obvious agricultural value to be retained.

- Draft Government Sewerage Policy 2016

This is a recently advertised draft State Government Policy which concluded its public comment period on the 10 February 2017. The draft policy indicated that subdivision of lots less than 1ha, in areas within 1km of a significant wetland or within the Peel Harvey coastal plain catchment are not supported due to those areas being classified as 'sensitive zones'. The Subdivision Guide Plan amendment is within the sensitive zone. As a result, supporting a Subdivision Guide Plan with lots less than 1ha in size would not be consistent with the draft Government Sewerage Policy.

Shire Officers note that this is a draft State Government Policy and while it has been advertised, it is yet to be formally adopted by the WAPC. It has been given due regard in the Shire Officers assessment of the Subdivision Guide Plan amendment.

- Rural Strategy (Inclusive of Rural Strategy 1994 as amended and Rural Strategy Review 2013)

The Shire's Rural Strategy (1994 as amended) guides Shire Officers in considering a strategic approach to subdivision and development based on key themes such as the protection of natural assets, protection of rural character and facilitating productive rural areas. The subject lots are identified in the Rural Strategy (1994 as amended) and Rural Strategy Review 2013 documents as Rural Living A. While Rural Living A areas are recommended for subdivision to lots sizes between 4000m² and 2ha, applications must be assessed with regards to the themes of the strategy.

The subject lots are partially cleared with the exception of areas which were revegetated as a part of the previous subdivision of Lot 4 Kargotich Road which created Lot 54 and Lot 55 McKenna Drive and therefore do not offer potential for the protection of natural assets. There is opportunity to enhance the natural aesthetics of the area with the inclusion of additional landscaping areas. Shire Officers consider the proposed Subdivision Guide Plan amendment to be consistent with the themes of the Rural Strategies due to offering potential to further improve previously cleared pastoral land by requiring re-vegetation of proposed lots through the subdivision process.

Western Australian Planning Commission's recent request for modifications to the Rural Strategy

Consideration of the draft Rural Strategy Review 2013 has been complicated recently due to feedback received from the WAPC. While the WAPC offered its support of the document, it also required a number of modifications be undertaken before the Strategy would be ratified by the WAPC.

Modification No.9 of the WAPC's response applies to the lots subject to the Subdivision Guide Plan modification and requires the inclusion of the following text:

“Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission”

While Shire Officers acknowledge the inconsistency between the WAPC modifications and the proposed Subdivision Guide Plan amendment, at the time of writing this report the Council had not made a formal determination on the WAPC modifications. Shire Officers have received a legal opinion which indicates that any recommendations of Shire Officers after the WAPC's principle support letter had been received should be in accordance with the modifications. In this case the proposed Subdivision Guide Plan is not capable of Shire Officer support due to lot sizes being below 1ha.

Financial Implications

There are no direct financial implications regarding this matter.

Planning Assessment

The proposed Subdivision Guide Plan amendment has been considered against the provisions and objectives contained within relevant State Planning Policies, Local Planning Policies, Rural Strategy and TPS2.

Proposed development

The proposed Subdivision Guide Plan amendment seeks to obtain approval to increase the lot yield of Lot 55 by three lots and Lot 54 by one lot. In total, it is proposed to increase the overall lot yield by four lots.

The Subdivision Guide Plan amendment shows that battle-axe access is proposed for the additional lots. The indicative lot layout of the proposed Subdivision Guide Plan would increase the amount of lots taking battle-axe access from McKenna Drive by three, however two of the lots are proposed to share a crossover. There is potential for all three additional lots on Lot 55 McKenna Drive to share the one crossover.

There is potential for four additional single houses and four Ancillary Accommodation buildings which in turn, would create additional residential vehicle trips on McKenna Drive. Additional buildings would also have an impact on the groundwater and drainage of the area, as fill would be required to be brought to the proposed additional lots to facilitate a separation of buildings to the groundwater level.

Technical Assessment

Drainage and Water Management

To satisfy Shire Officers that the land is capable of being developed in accordance with the amended Subdivision Guide Plan the Applicant provided a drainage management plan to demonstrate how stormwater and groundwater would be managed. A copy of the drainage management plan is attached to this report.

The drainage management plan provides measures to mitigate the risk of flooding and water-logging within the development and to protect receiving environments. The majority of stormwater management will be accommodated within water tanks, although larger storm events can be accommodated within swales. Stormwater from major events is proposed to be conveyed along roads, discharging into existing main drains. The specific storage

requirements are usually required of a landowner at the subdivision stage of development and as such Shire Officers are satisfied with proposed stormwater management measures.

Groundwater management is a concern for Shire Officers due to existing landowners making the Shire aware of inundation which is experienced in the area. The main requirement to facilitate future development is to provide a minimum 1.2m clearance above the maximum groundwater level. This has been facilitated for existing residences by the importation of clean fill and the same approach is proposed for buildings and structures within the amended Subdivision Guide Plan area. This approach is acceptable to Shire Officers as it has been proven to be effective on other lots in McKenna Drive.

Drainage of the land is controlled by rural drainage which ensures that flood waters do not sit on the land for more than three days following a flood event. The seasonal saturation of the land is due to shallow low permeability soil deposits which results in groundwater perching near and at surface during the winter months. The area does not have an extensive network of groundwater control infrastructure (open drains & subsoil drains.). The proposed lot sizes are not considered compatible with the seasonal inundated nature of the land. The large urban or 1 acre block is typically around 50% site covered with dwelling, outbuilding and driveway coverage. The remaining 50% or 2,000m² is typically given over to high intensity outdoor use e.g. small holding chickens, fruit and vegetable production and ornamental gardens. These sorts of spaces do not handle inundation well and residents generally object to the land being flooded for significant lengths of time. At 1ha this is not observed as an issue due to the extra open space being provided, reducing peoples' concentration of activity and acceptance of the lands natural capability. Therefore, from a technical perspective without control measures e.g. (extensive fill through the region or groundwater control infrastructure) the land is not believed capable of supporting the density of development proposed.

Traffic

The proposed increased lot yield will have an impact on the amount of dwellings taking access from McKenna Drive and that will increase the amount of motor vehicle traffic on both McKenna Drive and at the nearby intersection of McKenna Drive and Kargotich Road.

To satisfy Shire Officers that the increase in lot yield would not have an impact on safety or the standard of road infrastructure required in the area, the Applicant provided a transport statement which is attached to this report.

The transport statement notes that the typical amount of vehicle trips per dwelling per day is nine. The current Subdivision Guide Plan facilitates 24 lots and an estimated maximum number of 216 vehicle trips. For the proposed total lot yield of McKenna Drive the amount of vehicle trips per day is estimated to be 252. The additional 36 vehicle trips does not trigger any requirement for road upgrades or create safety issues to McKenna Drive. With a road pavement width of six metres, McKenna Drive is similar to an Access Street D as defined in Element 2 of the State Government Document *Liveable Neighbourhoods* which provides planning guidance on movement network requirements for subdivision areas. An Access Street D has a maximum capacity of 1000 vehicles per day which is almost four times as much as the proposed vehicle trips per day.

Shire Officers are satisfied that the additional lot yield will not create a requirement for intersection upgrades given that the proposed 252 vehicle trips per day is significantly less than the maximum 1000 vehicle trips per day for a road pavement which is similar to Access Street D design standards.

If other landowners on McKenna Drive prepared subsequent amendments to the Subdivision Guide Plan to realise the minimum 4000m² lot sizes, the maximum overall lot yield would be approximately 56 lots. Based on nine vehicle trips per dwelling per day this would result in

504 vehicle trips which is only 50% of the capacity of McKenna Drive. If the assumption was modified to account for possible ancillary dwellings on each of the 4000m² lots the estimated trips per day would be closer to 15. Even at 15 trips per day the maximum estimated vehicle trips on McKenna Drive would be 840 and remain below the 1000 vehicle capacity of McKenna Drive. As a result Shire Officers are satisfied that McKenna Drive will be a busy, yet functional, road even in a worst case trip generation scenario.

Recommended Modifications:

Shire Officers have not recommended any modifications to the proposed Subdivision Guide Plan amendment. Requiring the Applicant to amend the Subdivision Guide Plan to reflect the WAPC's in-principle support of the Rural Strategy Review 2013 minimum lot sizes of 1ha would effectively mean the proposed Subdivision Guide Plan reverts back to the current Subdivision Guide Plan and does not facilitate any additional subdivision potential.

Options and Implications

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

- Option 1: To recommend to approve the amended Subdivision Guide Plan without modifications.
- Option 2: To recommend to approve the amended Subdivision Guide Plan subject to modifications.
- Option 3: To recommend to refuse the amended Subdivision Guide Plan.

If Council resolves to refuse the amended Subdivision Guide Plan, the application will be sent to the WAPC with a recommendation to refuse the proposed amendment and it will then be up to the WAPC to consider the Council recommendation and relevant information and then determine the application having regard for Council's comments and the technical report.

Option 3 is recommended.

Conclusion

The subject application seeks to obtain Council support to modify the existing Subdivision Guide Plan which forms part of Amendment No.100 to TPS2.

Facilitating an additional four lots, the Applicant has satisfactorily demonstrated that the additional lot yield does not have any adverse impacts on the locality. Shire Officers have considered the proposed modification and believe it to be inconsistent with the strategic objectives of the area.

The proposed Subdivision Guide Plan amendment is not consistent with the WAPC's in-principle support of the Rural Strategy Review 2013 which recommends a minimum lot size of 1ha in the subject area.

Shire Officers consider the application to have some planning merit, however it is not consistent with strategic documents and therefore the modification is not supported by Shire Officers.

As part of its determination, Shire Officers recommend Council endorse the submissions received in attachment OCM055.2/05/17.

Voting Requirements Simple Majority

OCM055/05/17 Alternate Recommendation:

Cr See foreshadowed the Officers recommendation if the motion under debate is lost.

Moved Cr Piipponen, seconded Cr Ellis

That Council approve the amended Subdivision Guide Plan without modifications as contained in attachment OCM055.1/05/17

Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, endorses the schedule of submissions and comments contained within attachment OCM055.2/05/17 with any modifications required to reflect that no amendment be required to the Local Structure Plan.

Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends the Western Australian Planning Commission approves the proposed amendment to the Subdivision Guide Plan without any further modification.

LOST 3/4

OCM055/05/17 COUNCIL DECISION/Foreshadowed Motion/Officers Recommendation:

Moved Cr See, Seconded Cr Hawkins

That Council:

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorses the schedule of submissions and comments contained within attachment OCM055.2/05/17.**
- 2. Pursuant to Clause 20 Part 4 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends the Western Australian Planning Commission refuse the proposed amendment to the Subdivision Guide Plan due to inconsistency with the Western Australian Planning Commission's in-principle support for the Rural Strategy Review 2013 as detailed in the Shire's report contained within attachment OCM055.6/05/17.**

CARRIED UNANIMOUSLY

OCM056/05/17	Proposed Signage – Lot 27, 17 Abernethy Road, Byford (PA17/106)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	26 April 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Proponent: M and S Architects
 Owner: Kentucky Fried Chicken Pty Ltd
 Signed by Mr Pickford - Director on behalf of the Company as per the consent form

Date of Receipt: 1 March 2017
 Lot Area: 2,178m² (0.21ha)
 Local Planning Scheme Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban
 Existing Land Use: Restaurant, Health Studio and Fast Food/Takeaway Shop

Introduction

The purpose of this report is for Council to consider a Development Application for signage to an approved Fast Food/Takeaway Shop at Lot 27, 17 Abernethy Road, Byford. The proposal requires variations to a Local Planning Policy. Officers do not have delegation to determine the application in accordance with delegation P035S, and as such, the proposal is presented to Council for determination.

The proposal includes a pylon sign that is not considered appropriate in accordance with the provisions of Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines (LPP31). Other variations are sought relating to size and coverage of on building signs and the illumination.

LPP31 does not provide for discretion to be exercised by Officers for the above variations, therefore the application is presented to Council for determination. Officers recommend that the application be approved subject to conditions as the signage is appropriate to the approved building design and form.

Background

The site is located within the town centre of Byford. Approval was granted under delegation P035S on 16 September 2016 for a Fast Food/Takeaway Shop. The site is currently vacant. Lots to the south comprise of residential properties. Lots to the north, east and west comprise of commercial development with a service station located adjacent to the site. Abernethy Road runs along the northern boundary of the site and Soldiers Road is located along the eastern boundary.



Location Plan

The application seeks approval for signage associated with the Fast Food/Takeaway Shop.

Signage

The following signage is proposed, specifications of which are contained in attachment **OCM056.1/05/17:-**

- One pylon sign;
- Two freestanding directional signs;
- Seven wall mounted signs;
- Four Menu boards; and
- One drive thru awning.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Planning Assessment

In determining the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed Provisions of the Regulations and relevant Local Planning Scheme provisions. Attachment **OCM056.2/05/17** details a comprehensive assessment of each of the 27 matters contained within clause 67. For the purposes of this report, topics of concern or where variations are sought, are discussed within this report including 1) Land Use and 2) Form of Development and Amenity.

1) Land Use

Definitions

The subject site has approval for a Fast Food/Takeaway Shop that is defined under TPS2 as “a shop wherein food is prepared and offered for sale for consumption principally off the premises”. The proposed signage is considered incidental development to this approved land use.

Permissibility

The proposal already has approval for the land use, and the intended development (signage) is considered to be incidental to this approved land use. The proposal does not recommend a change of use and should therefore only be considered in terms of design and form.

Policy Framework

LPP31 sets out the desired built form and development for the Byford Town Centre and provides design objectives and policy requirements for signage. The proposal is consistent with the design objectives of the proposal as discussed in the following section of the report.

2) Form of Development and Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed.

Clause 1.4 – Operation of LPP31 allows proposals to be assessed against the design objectives of the policy where the proposal does not comply with a policy requirement. The design objectives of the policy requires signage to positively contribute to the streetscape and not be excessive or obtrusive. The objectives also state that signage is encouraged to be creative and individual, drawing from local character.

Pylon Sign

The proposed pylon sign (S01 of attachment **OCM056.1/05/17**) is to be located to the north east of the site adjacent to Abernethy Road. The pylon itself measures 6m in height with a 'bucket' shaped sign measuring 2.35m x 2.39m located at the top with two smaller circular signs below each with a diameter of 0.7m.

The policy requirements of LPP31 do not permit pylon signs. The design objectives aim to ensure signage contributes positively to the streetscape and reflects the local character of the area. The existing streetscape comprises of a commercial area where signage of this nature is commonplace. There is a pylon sign located at the adjacent service station and also at Coles which is located opposite the subject site. The proposed pylon sign is synonymous with a Fast Food/Takeaway Shop which is a permitted use within a commercial area. The design of the pylon sign is relatively smaller by way of bulk and scale compared to the others within the streetscape. This is because the style is a monopole comprising of three individual signs instead of a standard pylon sign with the whole structure being used for advertising purposes.

It is considered that due to the scale of the pylon sign, its location and the existing streetscape, it would not adversely impact the character of the area or appear visually obtrusive. It is acknowledged that this sign does not strictly meet the policy requirements of LPP31, however discretion exists to consider the proposal against the design objectives. The design and form of the sign is considered appropriate due to the land use, the building form and character of the area. As such, this incidental structure could be supported and Officers recommend that the Pylon sign be approved.

Banner Sign

Initially it was proposed for two banner signs to be located within the site. The impact of the banner signs on the visual amenity of the streetscape was considered excessive and contrary to the design objectives of LPP31 that also states that bunting is not permitted. Following consultation with the applicant, the banner signs have been removed from this application and do not form part of the plans included in attachment **OCM056.1/05/17**.

Building Signage

The proposal includes the display of wall-mounted signs as follows:-

Front elevation

- One set of illuminated 'KFC' letters measuring 0.9m x 3m (S09b of attachment **OCM056.1/05/17**)
- One illuminated panel sign showing the 'Colonel' measuring 1.96m x 1.96m (S08 of attachment **OCM056.1/05/17**)
- One illuminated 'Krushbar' sign measuring 1.25m x 0.6m (S10 of attachment **OCM056.1/05/17**)

Rear elevation

- One set of illuminated 'KFC' letters measuring 0.9m x 3m (S09b of attachment **OCM056.1/05/17**)

Side elevation (east)

- One illuminated panel sign measuring 1.96m x 1.96m (S09b of attachment **OCM056.1/05/17**)

Side elevation (west)

- One set of illuminated 'KFC' letters measuring 0.9m x 3m (S09b of attachment **OCM056.1/05/17**)
- One illuminated panel sign measuring 1.96m x 1.96m (S08 of attachment **OCM056.1/05/17**)

The policy requirements of LPP31 state that wall signs should have an area of no more than 0.4m² per 1m of street frontage. The proposed wall signs are integrated into the form of the building and are of a simple design. The signs to the front, rear and side (east) elevations are compliant with the policy requirements of LPP31.

The wall signage to the side (west) elevation however, seeks a variation to the policy requirements.

The policy requirements permits signage to the west elevation to have an area of 4.8m² whereas the signage proposed has an area of 6.5m², resulting in a 1.7m² variation. The west elevation of the building fronts onto the area designated for deliveries and the "drive thru". It does not face directly on to a road frontage. This elevation is therefore not visually prominent within the streetscape of Abernethy Road or Soldiers Road. Due to the location of this signage and the modest policy variation, it is considered that it would not appear excessive or intrusive or be to the detriment of the visual amenity of the area.

The signage to the front, rear, and east elevations is compliant with the policy requirements of LPP31 and it is considered that the signage to the west elevation is consistent with the design objectives of LPP31 and therefore recommended for approval by Officers.

Directional Signage and Menu Boards

Four menu boards are proposed to be located within the drive thru measuring 1.96m x 0.99m (S03 of attachment **OCM056.1/05/17**). Two directional signs measuring 1.7m x 0.8m (S06 and S07 of attachment **OCM056.1/05/17**) are also proposed providing direction to the entry to the site and "drive thru". These signs are all set back behind the building line fronting Abernethy Road, and are screened from Soldiers Road by the building. As such, due to their siting, this signage would not appear visually obtrusive from the street.

LPP31 does not provide specific provisions for this type of signage however, it is considered that due to its location and scale it is compliant with the design objectives of LPP31, by virtue of its siting and scale it would not appear obtrusive or excessive.

"Drive Thru" Awning Signage

The awning signs are located within the “drive thru” (S04 of attachment **OCM056.1/05/17**). The signs include one set of illuminated ‘Drive Thru’ letters measuring 3.7m x 0.6m together with an illuminated rectangular ‘Colonel’ sign measuring 2m x 1.5m, and an illuminated ‘stop’ sign measuring 0.6m x 0.6m.

LPP31 does not provide specific provisions for this type of signage. Given the proposed modest sized signage is set back approximately 12m from Abernethy Road, concealed from Soldiers Road and located within the “drive thru”, the signs do not unduly impact the streetscape. Therefore, it is considered that the design, bulk and scale of these signs are compliant with the design objectives of LPP31, by virtue of not being obtrusive or excessive.

Illumination

As previously stated, the wall mounted signs and drive thru signs are proposed to be illuminated. LPP31 allows for illuminated signs where their use is limited between 8.00am and 9.00pm. The objective of this is to ensure signage does not detract from the visual amenity of the town centre.

In this case, the approved Fast Food/Takeaway shop does not have restricted opening hours although the applicant has advised that it is likely to close at 11.00pm. It is not considered reasonable for the illumination to be restricted further than the hours of operation. The adjacent service station has no restrictions on illuminated signage. The level of illumination and its location is not considered to adversely impact on the visual amenity of the town centre due to the designation for commercial activity.

Although the policy does not address the impact of signage on adjoining landowners it is considered that illuminated signage in close proximity to residential properties could impact residential amenity. In this case, there is a laneway separating the subject site from the residential properties to the rear on Velvetene Road. The Local Development Plan for this area also requires garages to be located to the north of these lots. Due to the separation distance of the illuminated signage from these properties and the location of the dwellings it is considered that the extended use of the illuminated signs would not adversely impact on the residential amenity of these properties.

Community / Stakeholder Consultation

The application was advertised to neighbouring landowners for a period of 14 days from 9 March 2017 – 23 March 2017. During this consultation period no submissions were received.

Options

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

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

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

Option 1 is recommended.

Conclusion

The application seeks approval for signage to an approved Fast Food/Takeaway Shop. For the reasons set out in the report, Officers consider that the proposal is compliant with the matters listed in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the planning policy framework subject to appropriate conditions.

Attachments

- [OCM056.1/05/17](#) - Application Details (IN17/8555)
- [OCM056.2/05/17](#) - Clause 67 Checklist (E17/3108)

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

The proposal will enhance the existing village environment by providing an additional facility serving the community and encouraging social interaction. The design of the development is consistent with the rural character of the district by way of the use of materials and contemporary appearance.

Statutory Environment

- Delegation P035S

“...delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.”

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

Schedule 2, part 9, clause 67 of the Deemed Provisions of the Regulations states that “*in considering an application for development approval the local government is to have due regard*” to 27 matters “*to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application*”.

Attachment **OCM056.2/05/17** details a comprehensive assessment of each of the 27 matters contained within clause 67.

Schedule 2, Part 4, Clause 27 states:

“Effect of structure plan

(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.”

- Metropolitan Region Scheme (MRS)

The subject site is zoned ‘urban’ under the MRS.

- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS2)

Clause 3.2.3 of TPS2 states “*Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone*”.

Clause 5.17 of TPS2 states

“The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

(a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity.

(c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience”

- Byford District Structure Plan

The subject site has a designation of “Town Centre” under the Byford District Structure Plan.

- Byford Town Centre Local Structure Plan

The subject site has a designation of “Commercial” under the Byford Town Centre Local Structure Plan.

- Lot 9200 Abernethy Road Local Development Plan (LDP)
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines.

Clause 1.4 Operation of LPP31 states “*where an application does not comply with a Policy Requirement, Council at their discretion can assess the proposal against the related Design Objective(s) Column of Table 1 subject to an appropriate rationale being provided*”.

LPP31 - 2.0 General Policy Requirements

O13.1 – “*Provision of signage which is informative and contributes positively to the overall streetscape and is not excessive or obtrusive.*”

O13.2 – “*Provision of signage which is creative, individual, handcrafted, unique and drawing from local character is strongly encouraged.*”

LPP31 - Policy Requirements

R13.2 “*Signage shall be of high design standards and shall be integrated into the building design and shall not adversely impact visual amenity or conflict with architectural features. Signage should be kept simple and only display information that relates to the activities carried out on the premises.*”

R13.6 “*Signs attached to the building façades should be aligned with and relate to the design lines of the façade. Wall sign are permitted with an aggregate area of 0.4m² per 1.0 metre of street frontage of the subject tenancy (up to a maximum aggregate area of 10m²).*”

R13.10 – “*The following signage is not permitted:*

- *Flags or bunting;*
- *Free standing pylon structures.*”

R13.11 “*Illuminated signs may be permitted and where suitable the use of LED lighting is strongly encouraged. However their use shall be limited between 8am and 9pm only.*”

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements Simple Majority

Officer Recommendation:

That Council:

Approves the application submitted by M and S Architects on behalf of Kentucky Fried Chicken Pty Ltd for proposed signage on Lot 27, 17 Abernethy Road, Byford subject to the following conditions:

1. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the Shire of Serpentine Jarrahdale.
2. The signs shall be securely fixed to the structures by which they are supported, and maintained in a safe condition at all times.
3. The signs shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
4. Prior to the display of the banner sign, details of the graphic to be displayed shall be submitted and approved by the Shire of Serpentine Jarrahdale.

Advice Notes

NOTE 1: If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

NOTE 2: 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.

NOTE 3: 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.

OCM056/05/17 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Hawkins, Seconded Cr Piipponen

That Council:

Approves the application submitted by M and S Architects on behalf of Kentucky Fried Chicken Pty Ltd for proposed signage on Lot 27, 17 Abernethy Road, Byford subject to the following conditions:

- 1. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the Shire of Serpentine Jarrahdale.**
- 2. The signs shall be securely fixed to the structures by which they are supported, and maintained in a safe condition at all times.**

- 3. The signs shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times to the satisfaction of the Shire of Serpentine Jarrahdale.**
- 4. Prior to the display of the banner sign, details of the graphic to be displayed shall be submitted and approved by the Shire of Serpentine Jarrahdale.**
- 5. No signage be placed on the southern portion of the building as it faces residential lots.**

Advice Notes

Note 1: If the development, the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: 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.

Note 3: 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

Council Note: Reasons for the change to the Officers Recommendation:
The Officers Recommendation was changed by adding condition 5 to prevent signage on the southern portion of the building due to concerns on the impact on adjacent residential lots.

Moved Cr Ellis, seconded Cr Hawkins

That the Council meeting be adjourned at 8.39pm for the purpose of a rest break.

CARRIED UNANIMOUSLY

Moved Cr See, seconded Cr Ellis

That the Council meeting resume at 8.42pm.

CARRIED UNANIMOUSLY

The meeting reconvened at 8.42pm and all Councillors and Shire Officers in attendance prior to the adjournment were present when the meeting reconvened.

7.3 Engineering Reports:

OCM057/05/17 Acquisition Agreement to Facilitate Abernethy Road Works (SJ1665)	
Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer:	Doug Elkins – Director Engineering
Date of Report:	5 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of the report is for Council to authorise the affixing of the Common Seal, under the signature of the Chief Executive Officer and Shire President, to the Acquisition Agreement to Facilitate Abernethy Road Works for the various affected landholdings. These agreements are required to facilitate the construction of Abernethy Road, where land which would otherwise be ceded through subdivision processes, has not yet been made available.

Background

As part of Council's obligations, under the Byford Developer Contribution Plan ('DCP'), Officers have progressed the upgrade of Abernethy Road to a construction stage. Part of the works will require access to future road reserves, that are currently private landholdings awaiting to be ceded as part of land development.

To progress access to the required future land, officers have met with the individual landowners and have agreed the broad terms of a deed of agreement, which will allow access to the land, until such time as the land is ceded as part of the development. The major relevant elements of the deeds are the allowance of access, liability for the road, and the ultimate ceding of the land, or acquisition of the land through *Land Administration Act 1997* provisions. Copies of the draft Acquisition Agreement to Facilitate Abernethy Road Works, as prepared for the relevant developers, are included at attachments **OCM057.1/05/17, OCM057.2/05/17 and OCM057.3/05/17**

The draft deeds were prepared at the Shire's cost by the Shire's solicitors. As negotiations of the deeds are still occurring, it is recommended that Council authorise the affixing of the common seal, under the signatures of the Chief Executive Officer and Shire President, subject to the Chief Executive Officer's satisfaction with the final document.

Relevant Previous Decisions of Council

There is a history of Council decisions leading to progressing the Abernethy Road Upgrade Construction project to the current point in time. These include decisions relating to a Town Planning Scheme amendment, the adoption of a district structure plan, the inclusion of the DCP in the Town Planning Scheme and the adoption of the 2016/17 financial year budget.

More recently is Council Resolution SCM001/04/17 where a tender for the construction of the major part of Abernethy Road, was awarded.

Community / Stakeholder Consultation

Developers fronting Abernethy Road (Peet Limited Land Developer, LWP Property Group and SCA Property Group), were consulted, as there is a need to enter their land in advance of the land being handed over as part of development.

Comment

The key elements of the draft deeds are noted in the background above. As noted above, the documents were prepared by the Shire's solicitors. The major elements of the agreement are for access to the land, liability for the road, and the ultimate ceding of the land. In the case that there is a lengthy delay in finalising development, that results in the land not being ceded, the deeds also provide for the land to be taken by agreement, in accordance with provisions in the *Land Administration Act 1997*.

Without access to the required land, some sections of dual carriageway cannot be built, and some of the intersections cannot be finalised. Access to the land is beneficial to the community at large, the Shire and the relevant landowners.

The deeds have been prepared in consultation with the landowners and at their request. Although the documents are straightforward, as the land access arrangements are a negotiation, it may be necessary to make minor amendments to each of the documents to reach a mutually acceptable agreement. Accordingly, it is recommended that Council endorse the affixing of the common seal, under the signatures of the Chief Executive Officer and Shire President, subject to the Chief Executive Officer being satisfied with any amendments to the documents.

Attachments

- [OCM057.1/05/17](#) – Draft Acquisition Agreement to Facilitate Abernethy Road Works - LWP (OC17/8013)
- [OCM057.2/05/17](#) – Draft Acquisition Agreement to Facilitate Abernethy Road Works - API (OC17/8012)
- [OCM057.3/05/17](#) – Draft Acquisition Agreement to Facilitate Abernethy Road Works - Peet (OC17/8010)

Alignment with our Strategic Community Plan

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporate community safety and emergency management.

Statutory Environment

The *Land Administration Act 1997* provides mechanisms to facilitate land required for public works. The Acquisition Agreement to Facilitate Abernethy Road Works is written to allow the ultimate acquisition of the required land, in accordance with the provisions of this legislation.

Land can be required to be ceded as part of land development, as provided for under the *Planning and Development Act 2005*. The subject land would be provided in the case the land is developed.

Section 9.49 of the *Local Government Act 1995* defines a document executed by the Local Government and the requirements associated with affixing the common seal.

Financial Implications

The Shire is responsible for the cost of preparing the Acquisition Agreement to Facilitate Abernethy Road Works documents. In the case that the land is ultimately acquired through the *Land Administration Act 1997* provisions, the Shire will be responsible for any survey and administration costs. These costs would be expected to be under \$10,000. Land costs would only accrue in the case that the particular portion of land is identified under the

Developer Contribution Plan to be purchased, and the funds are paid for out of the Developer Contribution Plan funds.

Voting Requirements Simple Majority

OCM057/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council authorise the affixing of the common seal, under the signatures of the Chief Executive Officer and Shire President, to the three Acquisition Agreement to Facilitate Abernethy Road Works documents, as included at attachments OCM057.1/05/17, OCM057.2/05/17 and OCM057.3/05/17, subject to any updates to the Acquisition Agreement to Facilitate Abernethy Road Works documents being to the satisfaction of the Chief Executive Officer.

CARRIED UNANIMOUSLY

OCM058/05/17	Authorisation of the Extension of Kerbside Waste and Recycling Pickup Contract (TPS 0950) for Twelve Months (SJ216)
Author:	Doug Elkins - Director Engineering
Senior Officer/s:	Kenn Donohoe – Chief Executive Officer
Date of Report:	5 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Council is requested to extend the existing kerbside waste and recycling service pickup by 12 months, to the 30 June 2018, in accordance with the contract extension provisions and at current contract rates.

Background

In April 2010, the Shire tendered for the provision of kerbside waste and recycling pickup services (“wheelie bin” service). The contract includes sorting of recyclables, commercial bins, park bins and a customer service centre. The awarded contract was for a period of five years, with three optional one-year extensions. The contract commenced on 1 July 2010, so that the initial five year term has finished, and two of the one-year extensions have been exercised. In accordance with the contract, the Contractor has requested the Shire exercise the final one-year extension.

Under the contract, the Contractor is entitled to a 3.5% rate increase on each extension. In this case, the Contractor has agreed to maintain existing contract rates (i.e. not exercise the 3.5% rate increase) in the case that the contract extension is agreed.

At the time of awarding the tender, the Council resolved as follows:

‘Council awards the Waste Collection Service and the Recycling Collection Service to Perthwaste Pty Ltd for a five (5) year term commencing on 1 July 2010, based on an annual fixed 3.5% increase with an option to extend the term of one (1) year at a time over the next three (3) consecutive years.’

Based on the resolution of Council it appears that, although the Council was cognisant of the three one-year contract extensions, it did not authorise the Chief Executive Officer to determine the extensions. Accordingly, a decision of Council is required to exercise the final contract extension.

Relevant Previous Decisions of Council

SCM038/06/10, award of contract for period of five years, with three one-year extensions, as noted above.

Community / Stakeholder Consultation

Nil

Comment

The current contractor has provided a high quality service and has operated within the requirements of the contract document. The initial contract award was to Perth Waste. Perth Waste were taken over by Suez, an international waste management company. The new management have agreed to a contract extension without a rate increase. This represents a 3.5% saving to the contract entitlement.

The agreement to a 0% rate rise is considered to be a reasonable response from the contractor. At the time of initially tendering, the cost of providing services was growing significantly, particularly with the demand on labour through the mining industry. Accordingly, a 3.5% rate increase was conservative. With the change in the State's economy, and the increase in the availability of labour, the cost to provide services has stagnated or decreased. In this environment, a 3.5% rate increase would be unreasonable. As a 0% increase has been agreed by the contractor, the exercise of the final one-year contract extension is recommended.

Attachments

Nil

Alignment with our Strategic Community Plan

Objective 5.1	Responsible Resource Management
Key Action 5.1.2	Reduce the creation of waste, facilitate waste recovery and reuse, and minimise the negative environmental impacts of waste disposal.

Statutory Environment

The *Local Government (Functions and General) Regulations 1996* determine the requirements for tendering. In this case, a tender has been called, and a contract has been entered into, which included three one-year extensions. In accordance with the contract, Council is being asked to extend the contract into its final year.

Financial Implications

The estimated contract value, for the 2017/18 financial year, is \$2.4m. Maintaining the current contract rates is expected to save \$40,000 to the waste service.

Voting Requirements Simple Majority

OCM058/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council endorses the exercise of the third and final one-year extension to contract TPS 0950, Waste Collection Services, ending the contract on 30 June 2018.

CARRIED UNANIMOUSLY

OCM059/05/17	Permit to Operate Heavy Vehicles on Thomas and Anketell Roads – BGC Transport (SJ1218)
Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer:	Doug Elkins – Director Engineering
Date of Report:	5 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider BGC Transport's request to support its application to operate Accredited Mass Management Scheme ('concessional loads') vehicles on Thomas Road and Anketell Road, Oakford. The request is for a letter of endorsement from the Shire, which will allow the operation of overweight vehicles. It is recommended that Council does not support the application. In addition, in the case that Council does not support concessional loads, it is recommended that Council policy ED612, Restricted access vehicle operations within the Shire of Serpentine Jarrahdale, be updated.

Background

BGC Transport has requested the Shire to approve the use of concessional loads (Concessional Level 4.3) on Anketell Road and Thomas Road. These roads already allow level four vehicles, and with a letter from the Shire, a vehicle can operate concessional loads on these roads (a copy of a letter of approval, from the Shire, is required to be carried within the cab of each truck). A copy of the application letter is included at attachment **OCM059.1/05/17**.

At the February and April 2017 Ordinary Council Meetings, Council considered requests to allow enhanced truck access to local government roads, including the use of concessional loads. In each case, Council did not support the application to use concessional loads. It is the Officer's recommendation that Council do not support this application for the use of concessional loads on Anketell and Thomas Roads. It is also recommended that Council update Council policy ED612, Restricted access vehicle operations within the Shire of Serpentine Jarrahdale, to make a clear statement that concessional loads are not supported, to allow officers to deal with the requests without having to bring each one to Council. Council's existing policy ED612, is included at attachment **OCM059.2/05/17**. The proposed updated policy is included at attachment **OCM059.3/05/17**.

Relevant Previous Decisions of Council

OCM009/02/17 – Council did not support expanding heavy vehicle access to Anketell and Thomas Roads, including not allowing the use of concessional loads.

OCM043/04/17 – Council approved the use of larger heavy vehicles on Mundijong Road, however, did not support the use of concessional loads.

Community / Stakeholder Consultation

Nil

Comment

Concessional loads are 'legally overweight'. The argument, by Main Roads Western Australia, for allowing concessional loads is that, while the vehicles are overweight, the accreditation system guarantees the vehicles are only overweight by a limited amount and will not be at a weight greater than the limit. However, where a vehicle is not a concessional load vehicle, there are no checks in place, by the operator, to guarantee that the vehicle is

within weight. In reality, concessional loads is a way to compensate operators for performing their own weight checks, so that the State can reduce its enforcement presence. This comes as a cost saving to the State, but at the cost of the local road authority. The effect of increasing weight, on pavement damage, is an increase to the power of four. That is, there is a significant additional road degradation as a consequence of using concessional loads.

In the past, the Shire has requested Main Roads Western Australia take control of Thomas Road, which would allow the State Government to issue authorisations to operate concessional loads. Anketell Road is shown as a major freight link in the draft Perth Peel Transport Plan. To date, Main Roads has not agreed to take control of these roads, which are both being used for the State freight task. Accordingly, in the case that it is the view of Main Roads Western Australia that concessional loading should be approved on these roads, control and responsibility for the roads should be transferred.

It is recommended that Council does not support allowing concessional loads on its roads. Concessional loads is a guarantee of increased pavement degradation without compensation. In particular, in the case of Anketell and Thomas roads, the result of concessional loads is increased costs to the local community, to the benefit of private business outside the Shire and the State Government. To crystallise this position, and to allow officers to deal with future applications for concessional loads, without having to bring applications to Council, it is recommended that Council update policy ED612, Restricted access vehicle operations within the Shire of Serpentine Jarrahdale, to reflect this position. The updated policy replaces existing policy Clause 3.4, point four to state that the Shire does not allow concessional loads.

In addition to the recommendation to update the policy to reflect Council's position on concessional loads, it is also recommended that Council re-number the policy from ED612 to ED613. This will correct an administrative error, whereby two policies carry the same number. This change has been reflected in the updated draft policy.

Attachments

- [OCM059.1/05/17](#) – BGC Transport – Request for Approval Letters (IN17/9203)
- [OCM059.2/05/17](#) – Existing policy ED612, Restricted access vehicle operations within the Shire of Serpentine Jarrahdale (E17/3468)
- [OCM059.3/05/17](#) – Proposed policy ED613, Restricted access vehicle operations within the Shire of Serpentine Jarrahdale (E17/3467)

Alignment with our Strategic Community Plan

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporate community safety and emergency management.

Statutory Environment

Section 56 of the *Land Administration Act 1997* vests the care, control and management of roads in the local government.

Subdivision 5 of the *Local Government Act 1995* provides powers to the Local Government to close thoroughfares to vehicles or classes of vehicles.

Section 3.54 of the *Local Government Act 1995* confirms the care, control and management of reserved land, to the Local Government.

Financial Implications

The use of concessional loads results in increased pavement degradation. As a result, total ownership costs for roads increase.

Voting Requirements Simple Majority

OCM059/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr See

That Council

- 1. Does not support BGC Transport's application to operate Restricted Access Vehicles to Tandem Drive 4 and Concessional Level 3 on Anketell Road and Thomas Road.**
- 2. Update Council policy ED612 Restricted access vehicle operations within the Shire of Serpentine Jarrahdale, to state that concessional loads (Accredited Mass Management Scheme) are not permitted on Shire roads, and re-number the policy to ED613, as included at attachment OCM059.3/05/17.**

CARRIED UNANIMOUSLY

Cr Hawkins declared a proximity interest in OCM060/05/17 and left the meeting at 8.45pm.

OCM060/05/17	Confirmation of Council's Direction for Percy's Park Toilet (SJ1997)
Author:	Doug Elkins – Director Engineering
Senior Officer/s:	Kenn Donohoe - Chief Executive Officer
Date of Report:	5 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

At the March 2017 Ordinary Council Meeting, Council considered a report providing options for the construction of a toilet in Percy's Park, which included a request for a budget variation. The report was intended to progress a project included on the 2016/17 budget, which had originally been funded under the 2015/16 budget. The outcome of the Council process was a majority of Councillors present supporting a recommendation to construct a toilet, but without the absolute majority required to amend the budget to allow the particular toilet recommended to be constructed. An alternative toilet option is now presented for Council consideration.

Background

As part of the 2015/16 annual budget, Council resolved to include funds for the construction of a public toilet in Percy's Park, Byford. This project was not identified on a forward plan, and was inconsistent with Council's policy that determined where such facilities were to be constructed. To progress the project, officers consulted with the Byford Glades Residents' Association to determine a toilet design and installation location that was suited to Council's budget.

Although the toilet type and location had been subjected to a public consultation process, a number of Councillor enquiries prompted staff to provide a report to Council, enabling Council to make a decision on the toilet style and specific location. At the time of Council considering the report, at the August 2016 Ordinary Council Meeting, the toilet determined through consultation with the Byford Glades Residents' Association had been ordered.

At the August 2016 Ordinary Council Meeting, Council resolved to extend the public consultation to properties that could be impacted by the installation of a public toilet in Percy's Park. The completed public consultation process resulted in 170 property owners being contacted via letter, with only 16 responses (9%) received. Following the consultation process and the general guidance provided through Council's decision at the March 2017 Ordinary Council Meeting, Council is now asked to endorse the toilet and installation location determined through consultation with the Byford Glades Residents' Association.

Relevant Previous Decisions of Council

OCM028/03/17 - Council considered a recommendation for an Exeloo style toilet to be located in close proximity to the existing playground. The motion included a budget variation, so required an absolute majority. The motion was lost due to a failure to achieve the required absolute majority (vote: 4/2 – 5 votes required for an absolute majority). No alternative motions were moved.

OCM156/08/16 – Council resolved to consult with residents in the streets immediately adjacent to Percy's Park.

Community / Stakeholder Consultation

Initially, officers consulted with the Byford Glades Residents' Association. As a result of this consultation, a toilet design was selected and location determined. Subsequently, Council resolved to extend the consultation to residents living in close proximity to Percy's Park. Of the 170 residents contacted as part of the latter consultation, only 16 responded (9%).

Comment

The reports to Council, presented to the August 2016 and March 2017 Ordinary Council Meetings (note – the report to Council in March 2017, was a deferred report from the November 2016 Ordinary Council Meeting) noted that Percy's Park toilet was a Councillor initiated project, which was not previously identified on any existing plans. It was also noted that the location of a toilet, in Percy's Park, is inconsistent with Local Planning Policy 60 (Public Open Space). However, Shire Officers have continued to progress the project on the basis that Council has made an informed decision to include the project on the budget. Accordingly, officers are approaching this project with a view to delivering the budgeted outcome. If Council is of a view that the project should not proceed, a resolution to this effect is required.

On the basis that Council continues to support the construction of a toilet in Percy's Park, it is recommended that the toilet design and location determined through consultation, with the Byford Glades Residents' Association, be constructed. This toilet, the Modus, has already been purchased and is in storage. The design is sympathetic to the park, and has an aesthetic that is consistent with Byford and the desired rural appeal. The cost of this toilet, installed, is \$60,000. Pictures of the two toilet options are included in attachment **OCM060.1/05/17**

The recommendation to use the Modus toilet is based on previous public consultation, and the previous purchase of the toilet. The consultation of surrounding residents provided a very low response rate. Officers previously recommended an Exeloo toilet, based on the majority of the small number of respondents preferring this toilet (nine respondents preferred the Exeloo and two respondents preferred the Modus). However, considering the low number of respondents to the consultation process, and the low number of respondents indicating a preference for the Exeloo, the adoption of the Modus toilet, based on other consultation, is considered reasonable. The Modus option is supported by a consultation process, and can be delivered within the assigned budget, or just over, depending on the selected location.

In addition to the installed toilet cost, there is a need to create a sewer connection. Council has previously been presented three sewer connection options. These are included again in attachment **OCM060.2/05/17**. Officers have previously recommended that toilet location one (adjacent to Mead Street) be adopted. Location one has a sewer connection cost of \$70,000, which, combined with the toilet, will result in the total project cost exceeding the budget by \$10,000 (estimated cost of \$130,000). As an alternative, the cost of sewer connection can be reduced to \$40,000 if the toilet is located nearer to Veterans Drive. If this latter option is preferred, the project can be delivered within the budget determined by Council (estimated cost of \$100,000).

The recommendation to adopt location one as the installation location for the toilet, is due to the proximity of the community garden. The other identified toilet installation sites are within walking distance from the playground and barbeque area and at a distance consistent with many parks in Perth. However, at location one, the toilet will also easily service the adjacent community garden. It is for this reason location one is recommended, even with a total project cost \$10,000 more than the budget determined by Council.

In the case that Council accepts the Officer recommendation, it will be necessary to increase the total project cost by \$10,000. As it is now too late in the financial year to complete the project, and winter will prevent economic construction of the sewer connection, it is expected that the project will not now progress until late in the calendar year. Accordingly, it is recommended that Council endorse carrying-forward the unspent funds, and including an additional \$10,000 in the 2017/18 financial budget, for the project.

Proposal

It is recommended that Council support the installation of the Modus toilet in location one, as shown on attachment ***OCM060.2/05/17***.

Options and Implications

Option 1: Install the Modus toilet in location one (adjacent to Mead Street) and increase the project budget by \$10,000. The additional funds to be allocated in the new financial year as part of the 2017/18 budget.

Option 2: Install the Modus toilet in location three (closer to Veterans Drive).

Option 3: Discontinue the project and reallocate the funds in the budget.

Option 4: Council has previously considered the option of installing the Exeloo toilet in location one. This option is still open to the Council. If Council is inclined to resolve to endorse the Exeloo option, an additional \$81,000 will be required.

If Council desires to install a toilet in Percy's Park, option 1 is recommended.

Attachments

- [OCM060.1/05/17](#) – Percy's Park Toilet Block – Proposed Toilet Style (E16/6416)
- [OCM060.2/05/17](#) – Percy's Park Toilet Block – Proposed Location Plan (E17/3576)

Alignment with our Strategic Community Plan

Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors
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Statutory Environment

The general obligations regarding budgets, decision making, and management, of the *Local Government Act 1995*, apply.

Financial Implications

The Officer's recommendation increases the project cost to \$10,000 over the current budget. An alternative option, provided to Council, will allow the toilet to be installed within the value of the budget.

As this project was Councillor initiated, Officers were not involved in the development of the costing of the project. However, the original Councillor request was for a budget allocation of \$150,000, which is enough to accommodate the Officer recommendation. Increasing the budget by \$10,000 to a total project budget of \$130,000 is within the original estimate provided by the then Councillor making the budget request.

As it is too late in the financial year to complete the project, and winter will prevent the construction of the sewer connection, the commencement will not be until the new financial year. It is recommended that Council endorse carrying forward funds into the 2017/18 financial budget, and include an additional \$10,000 as part of the budget.

Voting Requirements Simple Majority

OCM060/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Piipponen

That Council:

- 1. Endorses the construction of a ‘Modus’ style public toilet in Percy’s Park in location one as shown on attachment OCM060.2/05/17.**
- 2. Considers ‘carrying-forward’ unspent funds in the 2016/17 financial year budget, (approximately \$60,000) from account PPT900, into the 2017/18 financial year budget; and**
- 3. Considers allocating an additional \$10,000 to the construction of a toilet in Percy’s Park, as part of the 2017/18 financial year budget.**

CARRIED 4/2

Councillor Hawkins returned to the meeting at 8.56pm.

The Shire President informed Councillor Hawkins that the Officers Recommendation was carried 4/2.

OCM061/05/17	Award of Tender – Byford Skate Park – Stage 1 Construction Project (SJ2010/SJ2222)
Author:	Doug Elkins – Director Engineering
Senior Officer/s:	Kenn Donohoe – Chief Executive Officer
Date of Report:	5 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider the Officer's recommendation to award tender RFT 06/2017 for the Byford Skate Park – Stage 1 Construction. Council is also asked to amend the 2016/17 budget to recognise the actual tendered price for the works.

Background

At the February 2017 Ordinary Council Meeting, Council resolved to progress the construction of the Byford Skate Park. In accordance with Council's resolution, Officers utilised the WALGA panel contract to procure construction services. As a result of this process, only a single offer of service was received, and the offered price was substantially over the original project estimates.

Following the attempted WALGA procurement process, Officers called a tender for the required works. As a result, four submissions have been received, each of which is over the original estimates and the funds allocated for this component of the project. The recommended tender has provided a price that is \$35,000 over the funds allocated to the skate park construction. Accordingly, it is recommended that Council vary the budget, utilising funds from the predicted 2016/17 surplus, to fund the higher cost.

Tender

A tender was called for the construction of the first stage of the Byford Skate Park. Excluded from this procurement process is the additional landscaping and lighting works, to be funded through a Royalties for Regions grant. This omission was a deliberate decision, based on the concrete skate park works being specialised, and generally not related to the construction of structures, landscaping and lights. These items will be procured through a separate process.

Relevant Previous Decisions of Council

OCM008/02/17 Byford Skate Park Budget Variation

OCM053/09/14 Council endorsed the Briggs Park Recreation Precinct Master Plan

Community / Stakeholder Consultation

Tender RFT 06/2017, for the Byford Skate Park – Construction Stage 1, was advertised in the West Australian newspaper on Wednesday 12 April 2017. The tender closed at 2:00pm on Friday 28 April 2017.

The design of the skate park was subjected to a separate community consultation process.

Submissions

Four tenders were received. The assessment of each submission is summarised in the tender assessment included as **confidential** attachment **OCM061.2/05/2017**.

Evaluation Panel

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

- Manager Infrastructure and Design
- Subdivision Coordinator
- Project Coordinator
- Design Coordinator

Each member of the panel assessed the tenders independently.

Evaluation Criteria

The evaluation criteria and percentage weighting against which the tenders were assessed were:

- Price with quantities (45%);
- Relevant experience (25%) with:
 - Provide details of similar work (type, size and budget);
 - Demonstrate competency and proven track record of achieving outcomes;
 - Provide details of issues that arose during the project and how these were managed;
- Respondent's Resources (30%) with:
 - Information on proposed personnel/operators to be allocated for supply and delivery of the goods including:
 - i) Their role in the performance of the Contract;
 - ii) Licence(s)/Qualification(s) held by Operators;
 - iii) Relevant experience of Operators;
 - Any contingency measures or backup of plant / material / operator resources; and
 - Specify timeframe for delivery following receipt of purchase order from the Principal.

Comment

The recommended tender is tenderer number one in the assessment summary included at attachment **OCM061.2/05/2017**. The recommended tenderer provided the most competitive price, and has demonstrated experience in building similar, and larger, more complex skate parks.

Noted by the individual assessors was the short delivery timeline proposed by the recommended tenderer. The proposed period of five weeks is less than half of the time estimated by the other tenderers. Assessing officers formed the view that this might be ambitious, considering the other cited times. However, it was determined that, even if the project timeframe extended by several weeks over the estimate, the construction timeframe would still be shorter than the alternatives.

Noted above, the recommended tender, while the cheapest price, is still \$35,000 over the project budget. Also noted above, the project has been subjected to two procurement processes, with both processes resulting in prices exceeding the budget. It is considered that the recommended tenderer represents the best price available for the delivery of the project, and if Council desires to deliver this particular project, an adjustment to the budget will be required. It is recommended that Council amend the project budget, through an increase of \$35,000 utilising funds available through savings within other accounts in the 2016/17 budget.

Conclusion

It is recommended that the tender be awarded to Tenderer One at Tenderer One's tendered price. It is also recommended that Council amend the 2016/17 financial year budget, by increasing the Byford Skate Park budget by \$35,000, funded through budget savings, as noted in the Financial section of the report.

Attachments

- **Confidential OCM061.1/05/17 – Recommended Tender Submission (IN17/9123)**
- **Confidential OCM061.2/05/17 – Combined Tender Evaluation Score Sheet (E17/3476)**

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
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

The *Local Government Act 1995, Section 3.57 (1) (2)* and the *Local Government (Functions and General) Regulations 1996, Part 4*, provide for the calling of tenders and the award of contract.

Financial Implications

The budget allocated to the construction of the actual skate park (i.e. excluding landscaping, lights etc.) was \$280,700. The price of the recommended tender is higher than the allocated funds, resulting in a budget shortfall of \$35,000. It is recommended that Council proceed with this project, utilising the recommended tenderer, and amend the 2016/17 budget to cover the shortfall. The required \$35,000 can be funded through \$20,000 savings in the salary account of the Environmental budget, and \$15,000 in savings from the Building Services' Training and Consultants budgets.

Although the construction timeframe for the project is short, it is still likely that some funds will need to be carried forward into the 2017/18 financial year, to allow final payments to be made in July and August.

Voting Requirements Absolute Majority

OCM061/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See , seconded Cr Ellis

That Council:

1. **Awards contract RFT 06/2017, for the Byford Skate Park – Construction Stage 1 project to Carving Concrete Construction Pty Ltd trading as Carving Concrete Skateparks for the value of \$315,043.00 excluding GST, in accordance with the tender submitted and attached at Confidential Attachment OCM061.1/05/17;**

2. Adjusts the 2016/17 annual budget to include an additional allocation of \$35,000 to the Briggs Park Youth Precinct Facilities – Skate Park budget, as follows:

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
BYP900	Briggs Park Youth Precinct Facilities – Skate Park	\$330,700	\$365,700	\$35,000
ENV500	Salaries – Municipal Fund	\$295,552	275,552	(\$20,000)
BUI502	Building Services - Consultants	\$20,000	\$12,500	(\$7,500)
BUI508	Building Services - Staff Training	\$31,500	\$24,000	(\$7,500)

and

3. Considers ‘carrying-forward’ unspent funds in the 2016/17 financial year budget, from account BYP900, into the 2017/18 financial year budget.

CARRIED BY ABSOLUTE MAJORITY 7/0

7.4 Corporate and Community Services Report:

OCM062/05/17 Confirmation Of Payment Of Creditors (SJ514-08)	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	2 May 2017
Disclosure of Officers Interest	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

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.

It is recommended that Council receives the payments made under delegated authority. A detailed list of invoices for the period 1 April 2017 to 30 April 2017 is provided per attachment OCM062.1/05/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 March 2017 to 5 April 2017 as per attachment OCM062.2/05/17.

Attachments

[OCM062.1/05/17](#) - Creditors List of Accounts 1 April 2017 to 30 April 2017 (E17/3403)

[OCM062.2/05/17](#) – Purchasing Card Report 6 March 2017 to 5 April 2017 (E17/3401)

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 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, within parameters.

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

OCM062/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council records the accounts as paid under delegated authority for April 2017, totalling \$2,152,276.37 as attached, covering:

- 1. EFT Vouchers EFT 46523 to EFT 46826 totalling \$2,027,002.89, including Purchasing Card Payments of \$1442.59;**
- 2. Municipal Cheque Vouchers CHQ 45842 to CHQ 45846 including cancelled CHQ45757, totalling \$1342.36.**
- 3. Municipal Direct Debits DD44826.1 to DD44879.32 totalling \$123,931.12.**

CARRIED UNANIMOUSLY

OCM063/05/17 Monthly Financial Report - April 2017 (SJ801)	
Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Director Corporate and Community
Date of Report:	2 May 2017
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 <i>Local Government Act 1995</i>

Introduction

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

Background

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

Relevant Previous Decisions of Council

The original budget for 2016/17 was adopted on 25 July 2016 at a Special Council Meeting (SCM011/07/16). As a part of this decision Council resolved for the Monthly Financial Report to:

- a) to be reported by Business Unit in accordance with Section 6.4 of the *Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996*;
- b) adopt the material variance of 10% or greater in accordance with Section 6.4 of the *Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996*;
- c) apply the 10% or greater material variance to total revenue and expenditure of each Directorate in the statement of financial activity, forming part of the monthly financial report.

Further, at the Ordinary Council Meeting held on 24 April 2017, Council resolved to amend the format of the Monthly Financial Report to receive the Monthly Financial Statement of Financial Activity by Program and Nature and Type. At this meeting Council also adopted a change to the material variance reporting; amending it to require material variances of the greater of \$10,000 or 10% (over or under budget) to be explained for total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Comment

The period of review is April 2017. The municipal surplus for this period is \$11,584,654 compared to a budget position of \$8,645,733. This is considered a satisfactory result for the Shire as the Shire is maintaining a healthy budget surplus position.

Income for the April 2017 period, year-to-date is \$33,243,233. This is made up of \$29,729,020 in operating revenues and \$3,514,213 in non-operating grants, contributions and subsidies received. The budget estimated \$33,688,257 would be received for the same period. The variance to budget is (\$445,024). Details of all significant variances are provided in the notes to the Statement of Financial Activity.

Expenditure for the April 2017 period year-to-date is \$27,703,149. This is made up of \$25,019,624 in operating expenditure, and \$2,683,525 in capital works expenditure. The budget estimated \$31,040,994 would be spent for the same period. The variance to budget is \$3,337,845. Details of all significant variances are provided in the notes to the Statement of Financial Activity.

The Chief Executive Officer has requested a new account – CEO529 – Donations and Waivers - to be created and for Council to consider approving a budget amendment of \$3,000. This budget amendment will enable the CEO to carry out his functions under Delegated Authority C009D. This amendment will reduce the budgeted surplus to \$181,208.

It is proposed that Council establish the following Reserve Accounts pursuant to s6.11 of the *Local Government Act 1995*;

1. Unspent Grants & Contributions Reserve; with the purpose of restricting unspent grants and contributions at the end of the financial year.
2. Committed Works Reserve; with a purpose to transfer unspent municipal funded expenditure on specific projects, to enable identification of carryover expenditure into the next financial year.

The objective of the two Reserves is to introduce appropriate mechanisms at the end of the financial year to identify unfinished committed works, and quarantine the municipal and grant funding associated with these projects at year end. By transferring unspent municipal funds into Reserve, this will have the impact of smoothing out any major variance in the actual municipal surplus at end of year compared to the budgeted result.

The Chief Executive Officer has also requested Officer's to review Policy G917 Corporate Purchasing Cards, with a view of reducing the number of purchasing cards in the organisation to a single card. Whilst robust internal controls exist around the current use of purchasing cards, the Chief Executive Officer has determined that purchasing cards should only be used as a last resort in instances where a purchase order cannot be issued. Staff members that incur incidental work related expenses will be requested to submit receipts for reimbursement.

Attachment

- [OCM063.1/05/17](#) – Monthly Financial Report April 2017 (E17/3410)

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 budgeted closing surplus position are detailed in this report.

Voting Requirements Absolute Majority

OCM063/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis , seconded Cr Hawkins

That Council:

1. **Accepts the Monthly Financial Report for April 2017, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM063.1/05/17.**
2. **Approves a budget amendment of \$3,000 for CEO529 – CEO Waivers and Donations to enable the CEO to carry out functions under Delegated Authority C009D, resulting in an amended budget surplus of \$181,208 as at 30 June 2017.**
3. **Resolves to establish a Reserve Account under s6.11 of the *Local Government Act 1995* titled ‘Unspent Grants & Contributions Reserve’ with a purpose of restricting unspent grants and contributions at the end of the financial year.**
4. **Resolves to establish a Reserve Account under s6.11 of the *Local Government Act 1995* titled ‘Committed Works Reserve’ with a purpose to transfer unspent Municipal funded expenditure on specific projects, to enable identification of carryover expenditure into the next financial year.**
5. **Approves a transfer of \$85,516 into the Committed Works Reserve, being the Municipal funded amount for the following projects:**

Account Description	Amount
Toilet for Percy’s Park	\$85,516
TOTAL TRANSFER TO RESERVE	\$85,516

Please note that this transfer has no impact on the forecast budget surplus; the reduction of expenditure in this financial year is offset against the transfer of funds to Reserve.

- 6. Requests that the Chief Executive Officer review Policy G917 Corporate Purchasing Cards, with the objective of reducing the number of purchasing cards in the organisation to a single card.**

CARRIED BY ABSOLUTE MAJORITY 7/0

OCM064/05/17	Landcare SJ Inc. – Funding Agreement (P03799)
Author:	Sara Bryan – Leasing and Property Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	2 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

This report is presented to Council to consider the services and funding agreement between the Shire of Serpentine Jarrahdale and Landcare SJ for the provision of protection and management of the natural resources of the Shire of Serpentine Jarrahdale and Peel Harvey Catchment areas.

Background

Landcare SJ Inc (Landcare SJ) are an incorporated, not for profit entity. Landcare SJ was incorporated in 2002, through an agreement between the Shire of Serpentine Jarrahdale (Shire) and the SJ Land Conservation District Committee (SJ LCDC) to provide coordination and management for environmental projects in the Shire. The goals and objectives of Landcare SJ include the development and management of programs promoting sustainable practices, conservation and restoration of native habitat and improvement of water quality in river systems, drains and wetlands.

These have been realised through activities such as:

- engaging and training landholders and community organisations;
- publishing documents, guides and pamphlets;
- managing to completion on-ground projects on Shire reserves and road verges; and,
- cooperatively developing, promoting and implementing Shire's environmental policy, including management plans, free verge plant scheme and the biodiversity strategy.

Landcare SJ fund their projects by obtaining grants from a number of government and non-government funding partnerships. Since their inception in 2002, the Shire have supported their operations with a financial contribution, which has been utilised to subsidise salary costs.

Relevant Previous Decisions of Council

Council have not considered this matter as a standalone item since December 2011, where support was provided for a Memorandum of Understanding (MOU) to be entered into until 30 June 2012.

Since this time, an annual funding request to support Landcare SJ's operations has been considered as part of the broader budget setting process, with the MOU being managed at an operational level. Existing MOU shown under attachments - Memorandum of Understanding between the Shire of Serpentine Jarrahdale and Landcare SJ Inc for period 1 November 2016 to 30 June 2017 as per attachment **OCM064.1/05/17**.

Community / Stakeholder Consultation

A comprehensive consultation process has been undertaken in preparing this recommendation, involving both internal and external stakeholders as noted below.

External

- Executive Officer, Landcare SJ Inc
- Landcare SJ Inc Board

- Chief Executive Officer, Peel Harvey Catchment Council
- Chris Ferreira, sustainability expert and founder of the Forever Project
- Armadale Gosnells Landcare Group
- Environmental Officer, Shire of Murray
- Manager Governance, Western Australian Local Government Association

Internal

- Executive Management Group
- Environmental Sustainability team
- Manager Finance
- Manager Corporate Services
- Coordinator Community Engagement

A consistent theme of feedback for the Landcare SJ operation from both internal and external stakeholders is that the team and the work completed by the team is of extraordinary value for the community of Serpentine Jarrahdale. Landcare SJ is widely considered one of, if not the premier Landcare organisation in the region.

The Peel Harvey Catchment Council estimate that every \$1 of funding obtained by Landcare SJ, is converted to the value of three or four times this amount in tangible outcomes. The recommendation of this item provides for the preparation of a business plan and development of a formalised reporting process through to the Shire. Through this business planning and reporting process, the Shire will have the ability to monitor the value of its investment in this space.

In considering the governance structure of comparable entities, the Armadale Gosnells Landcare Group (AGLG) provides some useful benchmarking measures.

The governance structure of the AGLG organisation differs to Landcare SJ in that the AGLG officers are hosted by the City of Armadale and City of Gosnells environmental management teams and are physically located within the respective organisation's office accommodation. The physical separation of Landcare SJ's team from the Shire's operations is acknowledged to be one of the main contributors to their success by supporting and maintaining their unique identity.

AGLG receive a combined funding allocation from the City of Armadale and City of Gosnells in partnership to contribute to 100% of salaries and wages costs of their staff, inclusive of HR, payroll, training and vehicle costs. The total combined land area for Armadale and Gosnells is 677km² (Armadale – 560km², Gosnells – 127km²). The Shire of Serpentine Jarrahdale covers an area of 905km².

AGLG are currently reviewing their suite of strategic and business planning documents to guide their activities into the future. It is suggested that the Shire consider working with Landcare SJ to determine and agree shared strategic priorities and work towards the development of a strategic plan and business plan to guide the direction and ensure the relevance of their activities into the future.

Various meetings have been held between Officers and Landcare SJ during the consideration of this item. Landcare SJ are supportive of the proposed improvements to their business planning and reporting processes.

Comment

Landcare provide a highly valued service to the community of Serpentine Jarrahdale. They provide a passionate, knowledgeable and respected customer interface and deliver on important Natural Resource Management (NRM) activities through catchment and reserve

planning, providing education and support to the community as well as project management for a program of externally funded environmental projects. They prepare a bi-monthly report on project activity as per **OCM064.3/05/17**

As noted under the previous decisions of Council section of this report, this item has not been considered as a standalone matter by Council since 2011/12. The Shire's support of the services provided by Landcare SJ has been administered on an annual basis through the broader budget consideration process through an MOU in recent years. Any delay in confirming financial support to the arrangement poses a risk to Landcare SJ's ability to cover salary and wages expenses, which has a direct impact on their ability to confirm resourcing for any externally funded projects.

The Shire are the responsible manager of considerable environmental land assets within the Shire boundaries. A number of these management obligations are passed on to Landcare SJ within the services outlined in the MOU.

Review of Memorandum of Understanding

In reviewing the current MOU in place between the Shire and Landcare SJ, it is recommended that due to the quantum of funding provided under the agreement that the documentation be renewed as a Contract for the provision of funding; inclusive of a Licence Agreement to cover the provision of the Landcare building.

A key recommendation from this review is also for a formal reporting process to be agreed and actioned to support efficient and effective contract management. Consideration of strengthening the contract management of the agreement would also provide an opportunity for Council to consider providing a longer funding contract term to Landcare SJ which would provide certainty to their operation and increase their ability to obtain and manage external grant funding.

As noted in the background of this item, the Shire and Landcare SJ have maintained a successful long term partnership, dating back to 2002.

Historically, Landcare SJ have provided a bi-monthly report from their management committee meetings through to Shire Officers. This report contains project update information as well as any business arising during the specific period. It is recommended that this report be provided as a quarterly report to Council.

An improvement to the reporting framework for activity against Landcare SJ's service delivery obligations will enable both parties to monitor activity and provide a reference point for key strategic themes relevant to the Serpentine Jarrahdale community now and in the future.

Within the terms of the MOU, the Shire has an obligation to ensure attendance of suitable Shire representatives to Landcare SJ's board and management committee meetings.

In considering the above amendments to the current agreement, Council are also asked to consider an extension to the term of the funding contract to approve a funding allocation to Landcare SJ for a period of 3 years.

It is recommended that any new agreement consider the retention of the existing services, with the addition of the following items:

1. Landcare SJ to prepare a Strategic Plan within 6 months of the commencement of the Funding Agreement;

2. Landcare SJ to prepare a Business Plan within 6 months of the commencement of the Funding Agreement;
3. Shire to formalise a reporting process of Landcare SJ project activity and performance against key service areas by way of a quarterly report to Council;
4. Shire to provide commitment for representation at Management and Board Meetings in accordance with the Funding Agreement.

Attachments

- [OCM064.1/05/17](#) – Memorandum of Understanding between the Shire of Serpentine Jarrahdale and Landcare SJ Inc for period 1 July 2016 to 30 June 2017 (IN16/24764)
- [OCM064.2/05/17](#) – Landcare SJ – April 2017 Project Report (IN17/9065)
- [OCM064.3/05/17](#) – Letter from Chief Executive Officer, Peel Harvey Catchment Council (E17/3478)
- [OCM064.4/05/17](#) – Landcare SJ proposed contribution, scenario analysis (E17/3579)

Alignment with our Strategic Community Plan

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity
Objective 5.3	Environmentally Active Community
Key Action 5.3.1	Support community groups (both new and existing), who are preserving and enhancing the natural environment.
Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures
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.
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.

Statutory Environment

This item is considered in accordance with section 1.3 (3) of the *Local Government Act 1995*, which states that a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Further, where Landcare SJ is applying its efforts to management and maintenance of land under the care, control and management of the Local Government, it is assisting Council to fulfil a general power of the local government under section 3.54.

In preparing this item, officers liaised with the Manager Governance at the Western Australian Local Government Association (WALGA). WALGA confirmed that providing a grant in exchange for an agreed suite of outcomes does not correlate to a procurement activity, and as such, the recommendation of this item does not need to consider either the tender regulations under section 3.57 of the *Local Government Act 1995* or the Shire's procurement policy.

Financial Implications

The 2016/17 budget contains an amount of \$100,000 for contribution towards Landcare SJ salary expenses.

The Shire's annual financial contribution to Landcare SJ between 2002/03 and 2013/14 remained consistent at an amount of \$60,000. In 2014/15, the amount was increased to

\$100,000. This amount was reduced to \$80,000 in 2015/16 and increased again in 2016/17 as per the current budget allocation.

As noted in the comment above, the AGLG arrangement with the City of Armadale and City of Gosnells provides funding to cover all costs associated with the employment of a Community Landcare Coordinator and Community Landcare officer to the total funding allocation of \$198,265 for the 2016/17 budget period. This amount includes line items for training, phone and vehicle costs. In addition to these amounts, the City of Armadale also provides HR and payroll services to the group as an in-kind contribution.

As a comparison, the total combined land area of Armadale and Gosnells combined is 677km² – the total land area of Serpentine Jarrahdale is 905km². The local government contribution to AGLG is equivalent to \$292.85 per square kilometre; the proposed increase to the Shire's direct contribution would take Landcare SJ's ratio from \$110.50 to \$165.74 per square kilometre.

The Department of Parks and Wildlife are responsible for the management of considerable land areas within each of these local government areas. Armadale and Gosnells – 322.80km² and Serpentine Jarrahdale 454km². Even in consideration of the deduction of these areas from the local government responsibility, the Shire's contribution to Landcare services are still below the comparative AGLG ratios.

For the same period Landcare SJ have a budgeted annual salaries and wages expense of \$175,000.

The recommendation of this item considers a review of the annual direct funding allocation and suggests that the annual direct funding amount be increased to an amount of \$150,000.

The Shire currently provides a fully maintained facility, as well as payroll administration services and access to a printer. The budget line items for these in-kind contributions are itemised in the table below:

In-Kind Contributions	2016/17
Insurance	\$ 1,525
Cleaning	\$ 1,800
Building maintenance	\$ 8,375
Program maintenance	\$ 800
Utilities	\$ 3,700
Meeting place gardens	\$ 14,336
Payroll administration	\$ 4,266
Printing	\$ 1,500
Total	\$ 36,302

Landcare SJ cover their own costs for a number of operational items as per the detail below:

Item	2015/16	Year to date 2016/17
Vehicle costs (excl. depreciation)	\$ 8,106	\$ 10,586
Insurances	\$ 4,127	\$ 3,136
Meeting costs	\$ 704	\$ 1,019
Broadband, phones and internet costs	\$ 2,230	\$ 3,658
Stationery, office supplies, sundry costs	\$ 990	\$ 2,429
IT costs (maintenance)	\$ 1,780	\$ 1,000

Workers compensation	\$ 6,459	\$ 7,035
Total	\$ 24,396	\$ 28,863

A detailed cost analysis of direct and in kind contributions to the operations of Landcare SJ is included as per attachment **OCM064.4/05/17**.

Should Council resolve to proceed with the recommendation of this item, this amount would be increased by CPI annually for the term of the 3 year funding agreement.

Voting Requirements Absolute Majority

Officer Recommendation:

That Council:

1. Provides support for the Shire of Serpentine Jarrahdale to enter into a service partnership with Landcare SJ Inc via the 'Agreement for Funding and Use of the SJ Community Landcare Centre', on the following terms and conditions:
 - a) Agreement for Funding term of 3 years to commence 1 July 2017;
 - b) Annual direct funding amount of \$150,000, increased annually by the Consumer Price Index for Perth on 1 July 2018 and 1 July 2019;
 - c) Annual in-kind contribution to provide the SJ Community Landcare facility and payroll administration;
 - d) Retain existing services, with the addition of:
 - i. Landcare SJ to prepare a Strategic Plan within 6 months of the commencement of the Funding Agreement;
 - ii. Landcare SJ to prepare a Business Plan within 6 months of the commencement of the Funding Agreement;
 - iii. Shire to formalise a reporting process of Landcare SJ project activity and performance against key service areas by way of a quarterly report to Council;
 - iv. Shire to provide commitment for representation at Management and Board Meetings in accordance with the Funding Agreement;
 - v. Landcare SJ to recognise the Shire of Serpentine Jarrahdale in any branding and marketing material, and to ensure appropriate recognition of the partnership between the Shire of Serpentine Jarrahdale and Landcare SJ in the achievement of any awards or nominations.
2. Requests that the final Agreement for Funding and Use of the SJ Community Landcare Centre be brought back to Council for formal ratification and execution at the Ordinary Council Meeting to be held July 2017.

OCM064/05/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Rich, seconded Cr Piipponen

That Council:

- 1. Provides support for the Shire of Serpentine Jarrahdale to enter into a service partnership with Landcare SJ Inc via the 'Agreement for Funding and Use of the SJ Community Landcare Centre', on the following terms and conditions:**
 - a) Agreement for Funding term of 3 years to commence 1 July 2017;**
 - b) Annual direct funding amount of \$200,000, increased annually by the Consumer Price Index for Perth on 1 July 2018 and 1 July 2019;**
 - c) Annual in-kind contribution to provide the SJ Community Landcare facility and payroll administration;**
 - d) Retain existing services, with the addition of:**
 - i. Landcare SJ to prepare a Strategic Plan within 6 months of the commencement of the Funding Agreement;**
 - ii. Landcare SJ to prepare a Business Plan within 6 months of the commencement of the Funding Agreement;**
 - iii. Shire to formalise a reporting process of Landcare SJ project activity and performance against key service areas by way of a quarterly report to Council;**
 - iv. Shire to provide commitment for representation at Management and Board Meetings in accordance with the Funding Agreement;**
 - v. Landcare SJ to recognise the Shire of Serpentine Jarrahdale in any branding and marketing material, and to ensure appropriate recognition of the partnership between the Shire of Serpentine Jarrahdale and Landcare SJ in the achievement of any awards or nominations.**
- 2. Requests that the final Agreement for Funding and Use of the SJ Community Landcare Centre be brought back to Council for formal ratification and execution at the Ordinary Council Meeting to be held July 2017.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Council Note: Reasons for the change to the Officers Recommendation:

The Officers Recommendation was changed by amending the amount in 1(b) from \$150,000 to \$200,000.

OCM065/05/17	Management Contract – Serpentine Jarrahdale Community Recreation Centre – 2017/2018 Operating Budget, Fees & Charges and Capital Works Plan (SJ994)
Author:	Kellie Bartley – Manager Corporate Services
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	21 April 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

The purpose of the report is to request Council to endorse the proposed 2017/2018 Operating Budget, Fees and Charges and Capital Works Plan for the YMCA WA for the Shire of Serpentine Jarrahdale Community Recreation Centre.

Background

The Shire of Serpentine Jarrahdale's Community Recreation Centre in Byford opened in 2005 and provides a multi-purpose sports facility delivering a range of health and fitness, recreation, sporting and leisure opportunities to the Shire's residents. Since opening, the management of the Centre has been contracted to the YMCA WA.

The YMCA WA form a valuable partnership with the Shire of Serpentine Jarrahdale. As a not for profit organisation it brings a range of additional services and programs to the Shire and the greater community.

Relevant Previous Decisions of Council

OCM086/11/13 – Awarding a Tender Management of Shire of Serpentine Jarrahdale Recreation Centre

Community / Stakeholder Consultation

The YMCA WA provided a presentation to Council at the Policy Concept Forum on 8 May 2017.

Comment

The YMCA WA is engaged to manage the Shire of Serpentine Jarrahdale Community Recreation Centre. The current management contract commenced in April 2014 and the contract period ends on 31 December 2018 with an option of a three year extension until 2021. YMCA WA have provided recreational management for facility and dry recreation services, which include the provisions of youth services and senior services.

The key objectives of the service partnership with the YMCA WA are identified as:

- Positive recognition for the Shire from residents for its facilities and service provision.
- A diverse range of programs and activities which may be used by a broad cross section of groups and individuals within the community to participate in a variety of active and passive recreation pursuits.
- Provision of high quality recreational programs.
- Innovative children and youth engagement programs, including leadership programs, holiday activities and other activities that cater for a range of child and youth cohorts.
- Accessible programs for those with special needs.

- A variety of high quality and realistically priced recreation opportunities and programs which are consistent with needs and aspirations of the community and that respond and adapt to the evolving community interest and needs.
- Ease of access to amenities to all residents and community members (including establishing a 24 hour gymnasium).
- An economically efficient and viable operation of the Centre, which minimises the cost and maximises value for money for the Council and residents.
- Cost effective programs on a 'user pays' basis except where such policy conflicts with a previous commitment.
- High quality of programs and services delivered in a safe, comfortable and clear environment by professional staff committed to maintaining the highest standards of instruction and safety.
- High levels of customer service and communication that demonstrate genuine interest and concern for the needs of each individual participant and provide opportunities for family and other group participation.
- Enhancement of the Centre as a welcoming focal point and social hub for community interaction and development, where programs are offered in a relaxed, friendly atmosphere and foster opportunities for participants for all ages to socialise and to develop new friendships.
- Development of additional revenue streams and income generation through the utilisation of the Centre's facilities, including more use of the Centre as a function venue and increase levels of casual usage of the Centre.
- Harnessing growth in the Shire's population to increase patronage, especially by those living in areas of the Shire other than Byford.
- High quality of promotion/marketing for the Centre.
- Development of effective external partnerships to add value to the Centre i.e. schools, local sporting clubs, youth service providers and senior service providers.
- Effective management of equipment/facility assets, including ensuring the venue is well maintained.

The YMCA WA are required under their contract with the Shire to provide the following in relation to the provision of services:

- Business Planning.
- Financial Management.
- Customer service focus.
- Limited maintenance including all cleaning services.
- Resource management.
- Research and development – including identifying business development opportunities.
- Marketing and promotion.
- Determining a methodology for the setting of fees and charges.
- Provision of traineeships.
- Occupational, health and safety management.
- Provision of equipment for activities.
- Provision of recreational and other related instruction services.
- Seeking sponsorship (subject to approval from Council).
- Monthly reporting on performance against agreed KPI's, including financial statements.

The Shire is responsible for the overall policy development and strategic planning for the Shire's sport, recreation and leisure facilities, to ensure that programs, activities and services meet users' needs and expectations, and provide a financial return/value for money to the community.

The YMCA WA is required to provide monthly and annual reports as part of the contract. Under the contract agreement, Shire Officers have not adhered to their reporting responsibilities with regards to the Key Performance Indicators and other reporting. Officers will be presenting required reporting under the contract agreement to identify key issues and areas for improvement to be reported to Council. Shire Officers have been working with the YMCA WA on improving communication and defining responsibilities between both parties.

The Shire advertises the Fees and Charges that the YMCA WA imposes as part of the annual budget process. The Capital Works Plan is required to be funded from the capital expenditure budget in the Shire's 2017/2018 Annual Budget.

2017/2018 Budget

The YMCA WA have submitted a 2017/2018 budget for consideration by Council. The budgeted net position for 2017/2018 varies from the original tender document by (\$198,931). This is primarily due to the loss of expected income (approximately \$200,000) for facility hire by the Byford High School which was expected at the time of tender submission and can be seen as being consistent in the variance between tender and budget in previous years.

There is a saving of \$29,985 in management fees as identified in the 2017/2018 operational budget due to a reduction of the income and expenses for the Essential Services outlined. The YMCA WA management fee for the proposed budget is \$124,404. As the YMCA WA expects to have a small surplus from operations of \$364 for the year, the proposed net cost to the Shire to provide the Recreation Centre Essential Services for 2017/2018 is \$124,040.

	2016/2017		2017/2018	
	Tender	Approved Budget	Tender	Proposed Budget
Essential Services				
Income	1,385,271	1,014,948	1,471,851	1,131,310
Expenditure	(1,183,400)	(1,064,715)	(1,242,570)	(1,130,946)
Surplus/Deficit before Management Expense	201,871	(49,767)	229,280	364
YMCA WA Management Fee Expense	(147,037)	(161,413)	(154,389)	(124,404)
Net Surplus/(Deficit) excl GST	54,833	(211,181)	74,891	(124,040)
Variance Budget to Tender		(266,014)		(198,931)

A copy of the detailed operating budget is provided with attachment **OCM065.1/05/17**.

The operating budget includes an annual amount of \$86,868.28 for the leasing of gym and other equipment. The leasing agreements are undertaken with All-Leasing (who are a WALGA preferred supplier) and have been in place for the last 5 years. The advantage of leasing equipment is that it allows for the cost to be amortised over the life cycle of the equipment. Officers consider the lease arrangements to be value for money. Under the contract with the YMCA WA, the Shire is obligated to fund the gym equipment of the Serpentine Jarrahdale Community Recreation Centre.

There has been an identified loss of \$26,253 between the income and expenses for the provision of a crèche. Within the Recreation Centre, a crèche is provided as a 'service' to members. If the YMCA WA did not provide a crèche service it is estimated that the membership numbers would decline by approximately one third. Many Recreation Centres and gyms provide a crèche service knowing that it will run at a loss. The attraction of additional income from memberships because the crèche service is available far outweighs the loss to provide this service.

Group Fitness Income and Expenses has a loss of \$67,145 and can be attributed to patrons having a “Full Membership”. This membership type includes access to the gym, group fitness classes, use of the courts and rock-climbing. There is no precise way of determining exactly what percentage of the \$34.50 per fortnight would be appropriate to allocate to group fitness. Based on this information the YMCA WA chooses to put all the income to Health Club and just the casual group fitness income to Group Fitness.

It is erroneous to compare actual budget performance against the tender financials, due to two variations applied to the tender following award of the tender. The variations are due to the loss of the Byford High School with their hours of operation withdrawn for hiring the facility and the closure of the before and after school care.

Fees & Charges

A CPI increase of 1.5% has been applied to the fees and charges for 2017/2018. The YMCA WA apply an annual CPI increase as opposed to a cumulative one every couple of years which is the practice of private facilities.

An increase to the hire fees for the function room were not correctly indexed last year and therefore appear to be a little higher but are still relative.

Membership Fees are proposed to increase for the first time in three years. Previously they have remained the same in order to be the ‘cheapest’ in the Shire.

Capital Items for 2017/2018

Three items have been identified in the Capital Works Plan included in the attachments; repainting the Kingia Function Room and Green Room; replacement of the urinals in the men’s toilet; and the Fire Hydrant Booster which requires extensive work due to non-compliance with Building Regulations. Under the *Building Regulations 2012, Regulation 48A* states the following:

“**Safety measures** means measures relating to the following-

- (a) *Building fire integrity;*
- (b) *Means of egress;*
- (c) *Signs;*
- (d) *Lighting;*
- (e) *Fire fighting services and equipment;*
- (f) *Air handling systems;*
- (g) *Automatic fire detection and alarm;*
- (h) *Occupant warning systems;*
- (i) *Lifts;*
- (j) *Standby power supply systems;*
- (k) *Building clearances and fire appliances;*
- (l) *Glazed assemblies, balconies, balustrades, refrigerated chambers, strong rooms, vaults;*
- (m) *Bushfire protection measures;*
- (n) *Building use and application.*

(2) *The owner of an existing building that is a Class 2 to Class 9 building must ensure that –*

- (a) *the safety measures in each part of the building are capable of performing to standard set out in the building standards for the part;”*

Shire Officers have advised that where a building is over 500m² it requires pumps and tanks as part of the firefighting services and equipment to comply with the *Building Regulations*

2012. If these are not maintained and functional, then the building itself is considered non-compliant. The YMCA WA has been undertaking inspections regularly and have reported this non-compliance to the Shire.

Under clause 9.17 (1) (YMCA WA's Repair Obligations) of the YMCA WA contract, the agreement between the parties states that the YMCA WA must promptly and to the satisfaction of the Shire repair any damage; or replace any damaged item in respect of (but not limited to):

- the Recreation Centre fittings, fixtures, plant and equipment;
- amenities and all attachments;
- buildings and;
- grounds maintenance including lawns, garden beds and reticulation repairs.

Under clause 9.17 (2) (b) & (c) it states:

'The YMCA WA will not be required to effect any repairs or replacement where:
(b) *the repairs or replacement are of a capital or structural nature; or*
(c) *the cost will exceed \$5,000.'*

As the nature of these capital requests exceed \$5,000 and are of a structural and building compliance nature, the Shire is required to cover the costs of the items as outlined. The Shire did not undertake a condition audit of the assets upon commencement of the contract.

The information provided within the operational budget, fees and charges and capital works plan are considered by the YMCA WA to be commercially sensitive intellectual property. The YMCA WA therefore have a preference to not make this information public.

Key Performance Indicators (KPIs) have been discussed and are required to be reviewed and agreed upon by both parties on an annual basis. The YMCA WA self assessed against these KPIs; the first year the YMCA WA just met the KPIs, the 2nd and 3rd year these KPIs were exceeded. This is due to no variation or comparison being completed since the initial contract was awarded. The KPIs have remained unchanged for the past three years and the outcomes achieved by the Centre have not been reported to Council to date.

Upon adoption by Council of the Operational Budget, Fees and Charges and Capital Works Plan, the YMCA WA will progress a review of their business plan, operational budget and KPIs for the 2017/2018 financial year. These KPIs will be submitted to Council for consideration. Council's endorsement of these key operational documents will ensure Council remain informed of the financial status and performance outcomes of the Centre.

Attachments

- [OCM065.1/05/17](#) – 2017/2018 Budget YMCA WA (E17/3393)
- [OCM065.2/05/17](#) – 2017/2018 Fees and Charges (IN17/8896)
- **CONFIDENTIAL** [OCM065.3/05/17](#) – 2017/2018 Capital Works Plan (E17/3472)

Alignment with our Strategic Community Plan

The proposal aligns with the following specific objectives outlined in the 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 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness.

Statutory Environment

There are no statutory provisions related to this matter. However, it does align with our Strategic Community Plan. Sections 1.1 and 6.1 applies as the Centre seeks to provide and support programs, events, facilities and services that attract and connect people and residents.

The *Local Government Act 1995* allows for the imposition of fees and charges as outlined in Section 6.16.

Financial Implications

Although the Shire advertises the Fees and Charges, income generated from Fees and Charges are retained by the YMCA WA as part of the contract agreement. Within the provisions of the contract, if a surplus is generated, the surplus will be split equally between the Shire and the YMCA WA.

Voting Requirements: Absolute Majority

OCM065/05/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See , seconded Cr Ellis

That Council:

- Adopts the schedule of Fees and Charges pursuant to Sections 6.16 to 6.19 of the *Local Government Act 1995* as contained in OCM065.2/05/17.**
- Approves the Management Fee of \$124,404 in accordance with the terms of the contract between the Shire of Serpentine Jarrahdale and the YMCA WA for the 2017/2018 Financial Year.**
- Endorses the operating budget for 2017/2018 for the Serpentine Jarrahdale Recreation Centre as follows, including the continuation of the financial lease for the gym equipment and other equipment amounting to \$86,868.28 per annum:**

	2016/2017		2017/2018	
	Tender	Approved Budget	Tender	Proposed Budget
Essential Services				
Income	1,385,271	1,014,948	1,471,851	1,131,310
Expenditure	(1,183,400)	(1,064,715)	(1,242,570)	(1,130,946)
Surplus/Deficit before Management Expense	201,871	(49,767)	229,280	364
YMCA WA Management	(147,037)	(161,413)	(154,389)	(124,404)

Fee Expense				
Net Surplus/(Deficit) excl GST	54,833	(211,181)	74,891	(124,040)
Variance Budget to Tender		(266,014)		(198,931)

4. Approves the Capital Works Plan as contained in Confidential attachment *OCM065.3/05/17* totaling \$28,353.00 with the capital expenditure to be considered in the Shire's 2017/2018 Annual Budget.
5. Authorises the Chief Executive Officer to commence negotiations with the YMCA WA to formalise Key Performance Indicators for the 2017/2018 financial year.

CARRIED BY ABSOLUTE MAJORITY 7/0

OCM066/05/17	Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowances and Reimbursements (SJ2055)
Author:	Karen Cornish – Governance Advisor
Senior Officer:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	1 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

Council is requested to set a fixed percentage for the payment of Elected Member fees and allowances. This percentage shall be used to calculate fees and allowances entitled to be paid to Elected Members, based on the annual Salaries and Allowances Tribunal (*the Tribunal*) determination.

Background

The *Local Government Act 1995* provides an entitlement for Elected Members to be paid a prescribed minimum meeting attendance fee and an allowance for the Shire President. Alternatively, the *Local Government Act 1995* also allows Council to set these fees and allowances within a prescribed range as determined by the Salaries and Allowances Tribunal.

The fees and allowances paid to Elected Members for attending meetings is not a salary but a recognition of the amount of time and effort members are required to put into preparing for Council and committee meetings.

Council also have the discretion to provide an annual allowance for the Deputy Shire President of up to a maximum of 25% of the annual allowance to which the Shire President receives.

The percentage determined by Council for these fees and allowances shall be reflected in Council Policy G003 Councillor Fees and Entitlements.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

Fees and allowances for Elected Members is regulated by legislation and community consultation is not a requirement under that legislation.

A presentation to Elected Members at Policy Concept Forum was held on Monday 1 May 2017 to inform Elected Members of the Tribunal's determination. Included in this presentation was a range of percentage options relating to fees and allowances for Elected Members, the Shire President and the Deputy Shire President.

Comment

The Tribunal is required each year to determine:

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* ('the LG Act') to elected council members for attendance at meetings;
- The amount of expenses or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and

- The amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

The most recent determination of the Tribunal was published on the 11 April 2017 and comes into effect on 1 July 2017. As part of this determination, the Shire of Serpentine Jarrahdale was upgraded from Band 3 to Band 2. The Tribunal's determination is included with the attachments.

It is at Council's discretion to either receive the minimum entitlement or to set the fees and allowances at a level within the prescribed range determined by the Tribunal. Should no decision be made by Council, the current fees and allowances will remain set at 100% of the Tribunal's determination.

The current Council Policy, G003 Councillor Entitlements, set outs the Annual Meeting fees for Elected Members and President/Deputy President's Allowance, and the Information and Communications Technology Allowance at the maximum as determined by the Salaries and Allowances Tribunal.

Individual Elected Members may, by written request, elect not to accept those payments or to accept a lesser level.

Attachments

- [OCM066.1/05/17](#) - Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members as at 11 April 2017 (E17/3425)
- [OCM066.2/05/17](#) – Budget Implications – Elected Member Fees and Allowances (E17/3426)
- [OCM066.3/05/17](#) - Amended Council Policy G003 – Councillor Fees and Entitlements (E17/3427)

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.2.1	Attract, develop and retain the best people to work in the Shire
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Key Action 1.2.6	Comply with all legislative and statutory requirements

Statutory Environment

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Salaries and Allowances Tribunal each year to determine the setting of fees, allowances and reimbursement of expenses to be paid under the *Local Government Act* to Elected Members.

Sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* provides the fees and allowances applicable to Elected Members, Mayor or President and Deputy Mayor or President.

The *Local Government (Administration) Regulations 1996* prescribe further detail on limits and extent of fees, allowances and expenses for reimbursement:

- Regulation 30 Meeting Attendance Fees
- Regulation 31 Expenses to be reimbursed
- Regulation 32 Expenses that may be approved for reimbursement
- Regulation 33 Annual local government allowance for mayors or presidents
- Regulation 33A Annual local government allowance for deputies
- Regulation 34 Annual attendance fees

Financial Implications

Determining a percentage for Elected Members fees and allowances will assist the Shire in setting its 2017/18 annual budget.

Should Elected Members choose to maintain the current level of fees and allowances set at Band 3, this would not have a financial impact on the annual budget.

As highlighted in the Options and Implications section of this report, depending upon where Council resolve to set the fees and allowances, the financial implication may vary from a \$53,844 budget decrease, up to a budget increase of \$92,780 should the maximum entitlement be determined.

Options and Implications

Council are able to determine the level of fees and allowances within a prescribed range as determined by the Salaries and Allowances Tribunal. Listed below is a scenario of 3 options and the budgetary implications of those options.

1. Setting the fees and allowances at 50% of the maximum entitlement results in a \$53,844 budget decrease.
2. Setting the fees and allowances at 75% of the maximum entitlement results in a \$19,467 budget increase.
3. Setting the fees and allowances at 100% of the maximum entitlement results in a \$92,780 budget increase.

A spreadsheet outlining the budget implications is included with the attachments.

Voting Requirements: Absolute Majority

Officer Recommendation:

That Council determines:

1. The Annual Meeting Attendance Fees for Elected Members shall be ____% of the annual maximum Salaries and Allowances Tribunal determination.
2. The Annual Meeting Attendance Fees for the Shire President shall be ____% of the annual maximum Salaries and Allowances Tribunal determination.
3. The Annual Allowance for the Shire President shall be ____% of the annual maximum Salaries and Allowances Tribunal determination.
4. The Annual Allowance for the Deputy Shire President shall be ____% of the annual allowance for the Shire President as determined in 3 above.
5. Elected Members receive the maximum prescribed Information Technology and Telecommunications Allowance of \$3,500 per annum as determined by the Salaries and Allowances Tribunal.
6. Reimbursements of expenses will be in accordance with Council Policy G003 - Councillor Fees and Entitlements.
7. All fees, allowances and reimbursements be paid monthly in arrears.
8. To adopt amended Council Policy G003 – Councillor Fees and Entitlements and request the policy be updated to reflect the decisions of 1 to 7 above.

Cr Rich foreshadowed she would move the following motion if the motion under debate was lost:

That Council:

- 1. Acknowledges the independent determination of the Salaries and Allowances Tribunal to increase the Band applicable to the Shire of Serpentine Jarrahdale for 2017 to Band 2.**
- 2. Does not increase any allowances for elected members beyond current levels and requests the Chief Executive Officer to reflect current amounts in the 2017/2018 budget considerations.**

Reason for Change

Council is in the process of considering responsible budget allocations in a tight financial period for the district. The State Government has indicated its intention to freeze allowances and salary increases for a four year period and Council must be cognisant of financial constraints in a demanding financial period for the community.

Note: In accordance with the provisions of section 5.21 of the Local Government Act I request the presiding person record the vote of all members present in the Minutes.

OCM066/05/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Hawkins, seconded Cr Piipponen

That Council;

- 1. Acknowledges the independent determination of the Salaries and Allowances Tribunal's to increase the Band applicable to the Shire of Serpentine Jarrahdale for 2017 to Band 2.**
- 2. Determines that its policy, G003, is applied to the Band 2 determination and that this amount be put forward to Council to consider as part of its 2017/18 budget determinations and reflected in the Annual Financial Report in accordance with Regulation 44 of the *Local Government (Financial Management) Regulations 1996*.**
- 3. Acknowledges that this amount represents the maximum allowance provision as determined by the Salaries and Allowances Tribunal for Band 2.**

Council Note: Reasons for the change to the Officers Recommendation:

The Salaries and Allowances Tribunal has made a determination to increase the Band for the Shire of Serpentine Jarrahdale to Band 2. This Band reflects the growth and rapid development being experienced in the district. Council has a policy that was applicable to Council's previous Band position and considering this determination seeks to reaffirm Council's previous policy position in relation to Salaries and Allowances Tribunal rulings.

CARRIED BY ABSOLUTE MAJORITY 5/2

Cr Ellis requested his vote in favour of the Motion be recorded

OCM067/05/17	2017/18 Schedule of Fees and Charges (SJ2055)
Author:	Megan Hodgson – Strategic Financial Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	3 rd May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

Council is requested to adopt the 2017/18 Schedule of Fees and Charges, and advertise the Schedule of Fees and Charges prior to the implementation date of 1 July 2017, pursuant to the requirements of Section 6.19 of the *Local Government Act 1995*.

Background

In order to comply with the provisions of the *Local Government Act 1995*, all Fees and Charges to be levied by Council for the financial year are to be submitted for adoption by Council.

The Schedule of Fees and Charges is presented to Council as attachment *OCM067.1/05/17*.

The Shire is working towards a schedule of Fees and Charges which is based on the following guiding principles:

- Private Benefit – Service benefits particular users without any broader benefits to the community. Full cost recovery is expected.
- Public Benefit – Service provides broad community benefit. Nil to partial cost recovery.
- Shared Benefit – Service provides both the community benefits and a private benefit. Partial cost recovery is expected.

The application of these principles to the Schedule of Fees & Charges is summarised in the table below:

SERVICE	PRINCIPLE	COST RECOVERY
Administration	Private	100%
Ranger	Private	100%
Fire & Emergency Services	Private	100%
Health Services	Private	100%
Planning Services	Private	100%
Cemetery	Private	100%
Waste	Private	100%
Library	Private	100%
Community Halls	Shared	Partial
Sports Ovals and Facilities	Shared	Partial
Community Bus	Private	100%
Serpentine Jarrahdale Recreation Centre	Private	100%
Engineering Services	Private	100%
Building Services	Private	100%

Section 6.17 of the *Local Government Act 1995* refers to setting the level of Fees and Charges and states (in part) as follows:

In determining the amount of a fee and charge for a service or for goods a local government is required to take into consideration the following factors –

- (a) the cost to the local government of providing the service or goods;*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

2017/18 Fees and Charges have been reviewed by each service area manager with these factors in mind. Regulatory fees are set by legislation. As a baseline for discretionary fees a CPI increase of 1.5% has been applied.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this.

Community / Stakeholder Consultation

Each service area has reviewed the Fees and Charges applicable to their particular area and their recommendations are submitted through this report to Council for consideration as part of the budget process.

The proposed Schedule of Fees and Charges was discussed with Council at the Policy Concept Forum on 1 May 2017.

The Schedule of Fees and Charges will be advertised prior to an effective date of 1 July 2017.

Comment

The Schedule of Fees and Charges is presented for adoption without Waste charges. Waste Fees and Charges are set on a cost recovery basis for the total budget costs of the Waste Business Unit. The 2017/18 budget is in progress and total costs on which to set these fees will not be known until June. Waste Fees and Charges will be raised with the rates on budget adoption at the end of July 2017. By adopting the Fees & Charges schedule excluding waste prior to budget adoption, all other Fees and Charges will be effective from 1 July.

Whilst the Shire is working towards a Schedule of Fees and Charges based on the guiding principles within this item, it is acknowledged that 100% of costs are not necessarily being recovered in all Fees and Charges classified as a private benefit, and that a low percentage of costs are being recovered in Fees and Charges classified as a shared benefit. This relates in particular to fees being charged for the hire of the Shire's Halls and Facilities.

Attachments

- [OCM067.1/05/17](#) – Schedule of Fees and Charges 2017/18 (E17/3447)

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

Local Government Act 1995

6.16 Imposition of Fees and Charges

6.17 Setting level of Fees and Charges

6.18 Effect of other written laws

6.19 Local government to give notice of Fees and Charges

Local Government (Financial Management) Regulations 1996

5. Financial management duties of the CEO

25. Financial management duties of the CEO

Financial Implications

The Schedule of Fees and Charges will be incorporated into the 2017/18 Annual Budget, and the adopted fees will be used as a basis for income projections.

If Council were to consider waiving seasonal hire fees for the Shire's five junior sporting clubs, for the 2017/2018 financial year, this would result in a decrease in income of \$5,428.15.

Voting Requirements: Absolute Majority

Officer Recommendation:

That Council:

1. In accordance with sections 6.18 and 6.19 of the Local Government Act 1995, adopts the 2017/18 Schedule of Fees & Charges as included in *OCM067.1/05/17*.
2. Requests that the Chief Executive Officer give local public notice of the Schedule of Fees and Charges, pursuant to s6.19 of the Local Government Act 1995, with an implementation date of 1 July 2017.

OFFICER NOTE

Should Council foreshadow an amended motion relating to the waiving of Fees and Charges for all junior sporting clubs, the following wording is recommended:

Approves an amendment to the Schedule of Fees and Charges as presented in attachment *OCM067.1/05/17*, by removing seasonal hire fees applicable to the following junior sporting clubs:

Club	Venue	Seasonal Hire Fee
Byford Little Athletics Club	Kalimna Oval and Clubrooms	\$887.10
Byford Bushrangers (Teeball/Baseball)	Briggs Lower Oval and Canteen	\$1,256.55
Mundijong Centrals Junior Football Club	Mundijong Oval and Pavilion	\$887.10
	Briggs Upper Oval and Pavilion	\$887.10
Serpentine Jarrahdale Junior Cricket Club	Mundijong Oval and Pavilion	\$311.60
	Briggs Upper Oval and Pavilion	\$311.60
Serpentine Jarrahdale Netball Association	Mundijong Netball Courts	\$887.10
	TOTAL	<u>\$5,428.15</u>

OCM067/05/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Atwell, seconded Cr Piipponen

That Council:

- 1. In accordance with sections 6.18 and 6.19 of the Local Government Act 1995, adopts the 2017/18 Schedule of Fees & Charges as included in OCM067.1/05/17.**
- 2. Requests that the Chief Executive Officer give local public notice of the Schedule of Fees and Charges, pursuant to s6.19 of the Local Government Act 1995, with an implementation date of 1 July 2017.**
- 3. Approves an amendment to the Schedule of Fees and Charges as presented in attachment OCM067.1/05/17, by removing seasonal hire fees applicable to the following junior sporting clubs, for the 2017/18 financial year with a financial impact assessment being presented to Council prior to the consideration of fees and charges for the 2018/19 financial year.**

Club	Venue	Seasonal Hire Fee
Byford Little Athletics Club	Kalimna Oval and Clubrooms	\$887.10
Byford Bushrangers (Teeball/Baseball)	Briggs Lower Oval and Canteen	\$1,256.55
Mundijong Centrals Junior Football Club	Mundijong Oval and Pavilion	\$887.10
	Briggs Upper Oval and Pavilion	\$887.10
Serpentine Jarrahdale Junior Cricket Club	Mundijong Oval and Pavilion	\$311.60
	Briggs Upper Oval and Pavilion	\$311.60
Serpentine Jarrahdale Netball Association	Mundijong Netball Courts	\$887.10
	TOTAL	<u>\$5,428.15</u>

CARRIED BY ABSOLUTE MAJORITY 6/1

Council Note: Reasons for the change to the Officers Recommendation:

The Officers Recommendation was changed by adding condition 3 to remove seasonal hire fees for applicable junior sporting clubs for the 2017/18 financial year with a financial impact assessment to be undertaken prior to the consideration of fees and charges for the 2018/19 financial year.

Moved Cr Rich,

That Standing Orders be suspended to enable this matter to be discussed further.

There being no seconder the motion LAPSED

7.5 Chief Executive Officer Reports:

Nil

7.6 Confidential Reports:

Nil

8. Motions of which notice has been given:

Nil

9. Urgent Business:

Nil

10. Councillor questions of which notice has been given:

Nil

11. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.36pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 June 2017

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Presiding Member

.....
Date