



Shire of  
Serpentine  
Jarrahdale

**Public**

**Ordinary Council Meeting**

**Confirmed  
Minutes**

**7.00pm**

**Monday 23 April 2018**

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**In Person**

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



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



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

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Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 23 April 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr Rich advised that changes had been made to the Council Chambers with regards to the seating layout of the Chambers and an improved sound system. Councillor Rich asked members of the gallery to be understanding during the process of change.

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

The Shire President, Cr Rich acknowledged and welcomed Deputy Mayor Terresa Lynes , City of Gosnells and Freeman Mr John Kirkpatrick.

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## Minutes

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

#### In Attendance:

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

**Officers:** Mr A Schonfeldt ..... Acting Chief Executive Officer  
Ms H Sarcich .....Deputy CEO / Director Community Services  
Mr F Sullivan .....Director Corporate Services  
Mr A Nair .....Acting Director Development Services  
Ms A Liersch .....Agendas and Minutes Officer (Minute Taker)

**Leave of Absence:** Nil

**Apologies:** Chief Executive Officer, Kenn Donohoe, Acting Director Infrastructure Services, Ray Davy.

#### Observers:

Members of the Public – 57

Members of the Press – 1

Shire Officers – Mrs K Bartley, Manager Corporate Services; Mrs A Sealy, PA to Director Corporate Services;



## 2. Public question time:

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

#### Ordinary Council Meeting 26 March 2018

Questions asked by **Mrs Lee Bond, Box 44, Armadale WA 6112** Ordinary Council Meeting 26 March 2018. A letter (OC18/7030) was sent to Mrs Bond on 9 April 2018 requesting further information.

#### Question 2.

When did Council change the ruling of no nurseries on the South Western side of the railway line to the coast, was it full Council or delegated authority?

#### *Response*

*It is unclear which 'rule' the question refers to. The Shire kindly requested further information to help Officers investigate the matter further prior to providing a response.*

### 2.2 Public questions:

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

**Mr John De Antoni & Ms Agnieszka Kapis, 107 Cardup Siding Road, Cardup, 6122 regarding Plastics Production Proposal** Mr De Antoni requested that the Shire President read the questions in his absence.

#### Question 1

What if any speed and or increase levels of traffic mitigation steps will the Shire be implementing given that we already have 100s of speeding trucks to deal with on Cardup Siding Road on a daily basis and the fact that these trucks need to negotiate a dangerous S-bend where they are forced onto the other side of the road (I have been hit twice by trucks)? I first raised this issue with the Shire back in January of 2016 where John Ahern emailed me:

*'Cardup Siding Rd has moderate traffic volumes and a low speed environment. Whilst it is recognised that trucks cross the road centreline when navigating the bends, these trucks must do so at low speeds due to the geometric nature of the bends. Shire staff have investigated the area in question and have confirmed that there is adequate sight distance across the reverse bends to allow drivers time to react and give way to an approaching truck that has crossed the road centreline. It should be noted that trucks longer than 8.5 metres in length are permitted to carry out this function legally. It is anticipated that the 30kph advisory speed signs at the bends should improve road safety and reduce the potential of a collision. The geometry of the reverse bends forces traffic to slow down in a well informed and safe manner, in much the same way as deliberately installed traffic calming devices. In this regard, the bends can be considered an asset in reducing traffic speed along Cardup Siding Road'.*

I can assure all in attendance that the S bend does not mitigate speeding drivers, it only encourages idiots to think they're driving around Mount Panorama.

#### *Response:*

*The proposed development will generate only 2 truck movements per day. These movements are expected via South Western Highway. The proposed development is considered to generate very minimal impact on road traffic.*

*In respect to the concern on unsafe truck movements around the S-bend along Cardup Siding Road, the Shire has already installed a number of advisory signs including a 30km/h*



*speed sign, S-bend sign and turning arrow signs in the vicinity. In the longer term the Shire is planning to down grade this road to remove the through traffic, and for the truck movements to be diverted through other road networks.*

Question 2

What measures are in place to mitigate the prevailing easterly wind blowing plastic fumes into our lungs?

*Response:*

*It is acknowledged that this area of the Shire is at the base of the scarp and is subject to down draft winds, however the application was referred to key agencies the Environmental Protection Authority, the Department of Water and Environmental Regulation and Department of Health toxicology department to assess the potential for pollution and gaseous emissions.*

*While these agencies didn't refer to any significant risks the Shire is proposing relevant conditions requiring the applicant and/or operator to undertake air quality monitoring and report to the Shire within 90 days. The results from air quality monitoring and the report will also be referred to the Department of Water and Environmental Regulation for peer review.*

**Ms Margaret Cala, 49 Phillips Road, Karrakup WA 6122 regarding OCM031/04/18**

Question 1

Has Wormal Pty Ltd met all the conditions that the Shire has placed on previous approvals at the Cardup Business Park and if not, then what assurance can the Shire give that outstanding conditions, and any relating to their application before tonight's OCM (should it be successful), will be met in an appropriate and timely manner.

*Response:*

*The Shire have previously undertaken compliance action against Wormal's who have previously contravened planning approval conditions. Through the Shire's compliance programme a number of these issues have been resolved. The Shire is continuously working towards ensuring the existing development onsite complies with the approvals at all times.*

*In relation to the proposed development, the Shire is proposing relevant conditions which requires the applicant and/or operator to undertake air quality monitoring, emissions and odour testing reports to be submitted to the Shire within 90 days of operation and periodically after that to ensure that there are no impacts to the amenity of the surrounding locality. Through this process if the Shire is unhappy with the results of the updated monitoring reports, the operations will be required to resolve the matters.*

Question 2

Is the Shire aware of exactly how many new jobs might be created if Wormal's application for Plastics Production is approved. Given the nature of employment & equality laws, how can the community expect that any local people might be employed in this plastics production enterprise.

*Response*

*This is not a consideration against the planning framework when assessing or determining a proposal which has been submitted for planning approval to the Shire.*



Question 3

Given the well known shortcomings of Government Agencies in the monitoring & management of another business within this Shire; has the Shire sought independent advice on possible detrimental effects the nearby Cardup community might experience from the proposed plastics moulding; or is the Shire relying on the proponent's consultant and these same Government Agencies for advice to make their recommendation to Council.

*Response:*

*The application was referred to key agencies, the Environmental Protection Authority, the Department of Water and Environmental Regulation and Department of Health toxicology department to assess the potential for pollution and gaseous emissions. As such, these agencies did not refer to any significant risks; however, the Shire is proposing relevant conditions requiring the applicant and/or operator to undertake air quality monitoring and report to the Shire within 90 days of operation and periodically after that.*

*Shire Officers consider that this referral process was sufficient in meeting the Shire's obligations under the Planning and Development (Local Planning Schemes) Regulations 2015. There is no requirement for the Shire to refer the application and its associated technical information to be independently reviewed by consultants prior to the application being determined.*

**Mr Alan and Ms Susan Dyer, 10 Daisy Road, Cardup WA 6123** Mr and Mrs Dyer requested that as neither can be in attendance, the Shire President read their questions in relation to OCM031/04/18)

Question 1

What submission, question and responses did the Shire provide to the DWER and EPA for its evaluation, and is a full copy of the submissions available for public viewing that would also partly redress our distrust in the Director of Development Services?

*Response*

*The Shire referred the application to the Department of Water and Environmental Regulation twice once on 8 November 2017 and the other on 6 February 2018. The full application including the technical documentation initially received by the Shire was sent to both the Environmental Protection Authority and the Department of Water and Environmental Regulation for their consideration. The State Department's comments have been included in the Schedule of Submissions attached to the Council report.*

Question 2

Does the Director Andre Schonfeldt, have a personal interest in any form, not just legal, with this industrial park and its development and does the Director believe in pursuing business at any cost over the 'local yokels'?

*Response:*

*No I do not have any personal interest in the matter. It is my responsibility to provide Council with professional advice with regards to planning applications and how they comply with the existing planning framework, without fear or favour. This may not always be popular but that is ultimately what I am appointed to do.*



Question 3

As I am only allowed 3 questions I will not raise a question regarding SPP4.1 and its implementation, instead the final question is to every Councillor, Officer and Employee of this council, for them to answer not by words but by their actions, what are your standards?

*Response:*

*Council and Officers have a semi-judicial responsibility when dealing with planning applications meaning that Council and Officers have to deal with the application based on the existing planning framework, not how they want it to be, but how it currently prescribes and regulates land use and development.*

*The standard is therefore in the current Town Planning Scheme 2 which is a 29 year old document. It should be noted that Local Planning Scheme 3 was adopted as a draft in December 2017 and we are awaiting WAPC sign off for it to be advertised and progressed. It is intended that this updated Scheme would provide more contemporary planning standards and processes. Community Members will have an opportunity to make submissions on Town Planning Scheme No. 3 once it is advertised.*

**Ms Helen Edwards, (address supplied but withheld by request)** Ms Edwards requested the Shire President read the questions as she is unable to attend the meeting

Question 1

Has the Shire questioned in the Odour Impact Risk Assessment by Talis where it states "Consideration was then given to the relocation of the activity to Cardup where it was found that the meteorological conditions of both sites do not vary significantly"?

Residents of both Cardup and Byford know that it is highly unlikely the velocity of the winds from the East and South experiences in Cardup and Byford would not be experienced in Kewdale. Advice from the Bureau of Meteorology advised that the General Principle of Meteorological Conditions could be considered to include both win speeds and direction.

*Response*

*It is acknowledged that this area of SJ at the base of The Scarp is subject to down draft winds; however, Shire Officers consider that the weather conditions of Kewdale and Cardup are generally comparable and are satisfied with the updated Odour impact Assessment received by Talis which utilises information gathered from the operations from the Kewdale Roto Moulding Facility.*

Question 2

Included in the Shire comments under Zone and Land Use Permissibility, it states that General Industry use is permitted within the "General Industry" zone under TPS2, and that the proposed development is consistent with the Draft LSP. The proposal is considered unlikely to impact the area intended for the Local Structure Plan as similar uses are expected to be approved.

Can you please explain what the Shire considers similar uses. Is it the intent of the Shire to further subject the Residents of Cardup and The Scarp to Industry similar or akin to a Plastic Manufacturing Factory.

*Response*

*The Cardup Business Park in accordance with the Structure Plan is to accommodate a range of heavy to light industrial developments in addition to facilitating large commercial warehouse businesses which require larger lots to facilitate their operations. The Shire consider similar uses to be those that are permitted within the Industry General zone of the Shire's Town Planning Scheme.*





Question 3

Items 6,7,8,and 20 of the Conditions make reference to "Within 90 days of Occupation".

Could you please advise the logic applied to these conditions when any of these reports should be carried out within 90 days of operation commencing so that a more accurate assessment is made. Also with the number of inspections and reports required to ensure the applicant maintains compliance with the conditions, will there be a requirement for the Shire to employ more personnel?

*Response*

*The proposed conditions have been recommended by Officers to ensure ground truthing occurs. This will assist the Shire in monitoring and reviewing the approved development and importantly ensure that the operator complies with the approved technical documents considered as part of this application.*

*The recommended conditions will not require additional personnel as the ground truthing documents are required to be submitted to the Shire for review which will alleviate the need for officers to constantly attend the site to undertake compliance audits of the operations. These reports may be referred onto relevant State government departments as requested.*

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

At an OCM prior to Christmas Councillor Coales moved that a record of the attendance of elected members to any meeting be recorded and made available to the public.

Question 1

Is this happening and where is it available?

*Response*

*At the Special Council Meeting held on 27 November 2017, a motion was passed that reads:*

*"That Council:*

*10. Requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council."*

*A register is maintained, however there is no direction from Council or a statutory requirement to make this available to the public.*

I notice that the Presiding Member has a list published of meetings she has attended and where. This is a new thing and very open. The two previous Shire Presidents claimed many thousands of dollars for attending and travel expenses with no explanation. I can find no such expenses for the current Presiding Member in the financial pages.

Question 2

Is this an anomaly in the finance sheets or is she not claiming these costs?

*Response:*

*Elected Members are entitled to claim for travel under the Salaries and Allowances Act 1975. To date no claim has been received from the Shire President for travel expenses.*



I notice the reticulated sewerage is being connected to the new toilet facilities in Percy's Park.

Question 3

How much is this connection costing as the previous President Mr John Erren declined the offer by LWP to provide it to the site free of cost when they were doing the adjacent sub- division?

*Response:*

*This question will be taken on notice and a response provided to Mr Kirkpatrick.*

**Public question time concluded at 7.21pm.**

**3. Public statement time:**

**Public statement time commenced at 7.21pm.**

**Mr Sean Harvey, Harvey Construction & CC Wormal Pty Ltd, PO Box 160, Kingsway WA 6065 regarding OCM031/04/18**

Final Statement Addressing Council Meeting 23rd April 2018 - In Support of Proposed Plastic Production Warehouse

To the Shire President, Deputy Shire President, fellow councillors and attending public, I would like to thank you for your sincere consideration in the support of an approval for the Plastics Production Warehouse as tendered in this meeting's agenda.

Firstly, let me offer the apologies to the committee and the public on behalf of my client Craig Wormal who was unable to attend this meeting due to a previous engagement and reiterates his voice in the comments below.

So, who am I... my name is Sean Harvey and while I am not a resident of this shire, I am a family man and a passionate man that believes in the basis of integrity which resides within one's community. I believe in ones right to a voice and for that voice to be given the benefit of the doubt in being fair and just.

As the prime representative tasked with the submission of this application for the owner, I have had to liaise with council's due diligence in quantifying any and every aspect of this process. A process that has been driven by the understandable concern of its community.

For myself and possibly a lot of you, plastic products to me was always something I thought of as an imported item with minimal concern for how or where it was produced and under what standards and with that it is easy to suggest that these dubious principles may find their way here. However, it is with the exception of two things that ensure these issues are meticulously addressed in this assessment and that is the likes of this council and its residing community.

With that, it is fair to say that this application has been given the attention it deserves, maybe more so of which a true testament can be found in the 400 plus pages of documentation that have resulted in this process. Is there reason for concern in this application? Of course there is. Have these concerns been sincerely addressed? ABSOLUTELY. There is a reason why there are effective controls for the manufacture process which are in accordance with product standards by a company that is qualified with an ISO9001 Quality Management Certification.

As a layman, I have had to inform myself with all and every aspect of this production process for the very possibility that I may one day have to look each and every one of you in the eye as I do here today and confidently say that this process is a safe one in any community. But consider not these words but rather the recommendation for approval by your own council's planning department who in their diligence have ensured the ongoing concerns of the community by placing



conditions in said approval for the future monitoring and assessment of this applications assertions. For only a process that is considered safe would be given such an approval.

In conclusion I look forward to a favourable review by the committee and more importantly hope a better understanding has been imparted on this shires community.

On behalf of my client Craig Wormald and myself, I offer my sincere thanks in your time and consideration of this declaration. Thank you

**Mr Alan and Ms Susan Dyer, 10 Daisy Road, Cardup WA 6123** Mr and Mrs Dyer requested that as neither can be in attendance, the Shire President read their statement in relation to OCM031/04/18)

The Shires own website states "The Cardup Business Park Local Structure Plan has been designed to accommodate various types of general industrial uses... it is expected that typical businesses in this area will include warehousing, transport and logistics businesses, and showroom type commercial facilities".

To paraphrase Chief of Army, Lieutenant General David Morrison, AO: Your actions and the actions you permit, is the standard you set, irrespective of what you say.

We would suggest the Shire take on notice the level of local community concern, and acknowledge the level of community distrust in the Council acting in the interest of all, not just a few.

Our question 2 submitted to Council on 5 February 2018 was "Has the Shire considered what this noise impact will mean not only on local residents that already exist here but also what types of new businesses that will be encouraged to build alongside this location and future subdivisions?"

We note that the official recorded response was different to our recollection that it was actually stated that the question would be referred to the DWER and EPA "as they are the experts".

As we felt I had been given an incomplete biased political answer to a foregone conclusion I rang and spoke to the EPA (part of DWER) who advised me that the EPA do not evaluate what types of new businesses that will be encouraged to build alongside this location and future subdivisions as that is not their function, they rely on documentation supplied to them, and that I should monitor their website (<https://consultation.epa.wa.gov.au/>) for the opportunity to submit.

This was never listed here or on the DWER website either concerning this issue.

We note at no point has the Director ever addressed the question of the impact of this factory on businesses that will build closer to them inside the park at elevated noise levels as well as the impact this factory at this location will have on future subdivisions.

This reinforces our personal vote of no confidence in the Director Development Services, his ability to be apolitical, unbiased and give a completely truthful response, not only to us but we feel all people at that meeting including the CEO, Councillors and the President.

As we felt we were witnessing a forgone conclusion (which seems to be eventuating), I personally attended Wormald's Smartstream factory on the 21 February to determine if we actually had a valid objection, and a Smartstream employee approached my vehicle and asked why I was there as he had noticed me taking a photo. He mentioned that they had only just had noise and VOC testing done that morning, and that the current noise was 'as bad as it gets'. When I asked if I could look at the bags of LOPE I could see next to the main office outside the main factory gate, I was informed that that would not be possible, even though I have photos showing they are stored openly outside the factory gates at Kewdale in plain view of the front road, next to the office and did not move for the duration I was there.

It is interesting to note the submissions LOPE bags shown (Picture 1) does NOT match the Wormald's original submissions supplied SDS (Picture 2), does NOT match the conflicting copy to the Shire (Picture 3), which I believe contravenes Australian Workplace Law and is illegal under



WHS Legislation, and does NOT match the bags I have pictures of in Wormall's yard on 21 February (Picture 5), which reinforces my question to council on 5 February.

"Question 3a: Is the Shire aware that if Wormall changes the stated product that is used in manufacture it may release much higher levels of VOC's without anyone being aware".

The correct SDS is for the photo supplied is Picture 4, which are NOT the bags in their yard. Workplace Health and Safety Law requires amongst other things having controls to eliminate, or if not possible, manage and reduce risks and has provisions for maintaining a correct product dossier of stored chemicals and their SDS.

This further demonstrates to me this report was prepared for Wormall's submission to be accepted using blinding belief in the weight of 'documented' evidence without perusal or evaluation of their accuracy and raises questions as to how complete and unbiased the supporting documents are.

I stayed on the factory front road verge for a period of about an hour and a half, during one time I have a recording of a plane taking off from the Perth Airport runway that fly's over the Kewdale industrial park flying almost overhead, and which the factory can be still heard, the door to the factory would have been about 45m to 55m from where I was parked and not opening toward me, which conflicts with the noise reports stated 'likely mask' other noise sources.

Most of the time the noise source from this factory is a medium level drone but there are a number of other noises that can be heard during operation which is significantly louder than "as loud as it gets", one which I assume are rapid air/hydraulic releases and loud siren alerts. Before Council votes for this factory to be allowed at the sensitive edge of this industrial park, I urge all Councillors and unbiased Council Officers to take the time to invest an hour and a half as I did and turn up unannounced to determine if this factory at this location fulfils the Councils own stated Industrial park objectives and answer for themselves our original question 2 in its entirety: Has the Shire considered what this noise impact will mean not only on local residents that already exist here but also what types of new businesses that will be encouraged to build alongside this location and future subdivisions?"

We also notice that none of the recommendations for noise reduction in Wormalls own supporting documents have been made part of this Councils proposed acceptance of this factory.

The mention of toys in the most recent documentation is we assume an opportunity for Wormall to leverage its existing plant to expand into other areas and make parts of its business more resilient to civil works / construction cycles. Whilst we applaud their desire to diversify, the growth of this facet of their business would require operating for longer than the Shires proposed times, given Wormall already submitted the hours stated for normal operations with expectations to operate outside of those hours even for their existing requirements.

Wormall has a history of some excellent civil engineering projects, and have shown ingenuity in solving or mitigating some potential concerns of locals affected by their project civil works. They have hired cleaners to address sand and dust issues in developments, perform large civil works including landscaping on time and within budget in others and have demonstrated an ability to perform works in environmentally sensitive wetlands with minimal long term impact. As you drive through Byford there are a number of subdivisions occurring that are being performed by multiple civil works companies where landscaping has been a part of their works.

We suggest Council and Councillors take note that during the multiple years of allowing retrospective approvals, approvals under delegations and compliance variations, that Wormall have not significantly attempted to develop the required vegetative buffer or landscaping that was part of their original approval, even though they have the proven capacity to do so.

The Shire and Wormall are aware of existing concerns of locals, including impulse noise from using steel on steel impact to effect concrete mould release daily that irritates some residents that are around 100m of the moulding facility it had placed there, occurring from before it received retrospective approvals for this building, and at no point has it appeared to have attempted to



engineer out that noise by redesign, relying on the non-installed non-compliant vegetative buffer that the Shire have never enforced. There are multiple methods to reduce this, the simple use of a 'dead drop' hammer for example would massively reduce this irritation to some residents and simultaneously reduce the noise it exposes its own workers too.

Regretfully Wormald appear to have not even made token attempts to garner the goodwill of many of the local residents at its existing factory next to this proposed location. Had it made sincere efforts to do so, it would have gained the support of peoples trust that it would comply to its requirements and self regulate of its own free will.

As I left Kewdale, I drove down Leach Highway that separates residential from industrial, I noticed concrete noise walls on the residential side almost continually, and a lot of mixed style noise walls on the industrial park side, I noticed warehouses, logistics, transport depots, used vehicle yards, service industries, fleet stores. In about 3 km there I noticed not one manufacturing plant at the edge of the industrial park, even given the noise would 'likely be masked' by Leach Highway and noise walls.

As this is one of the first factories proposed here, it is inconceivable to believe support for this factory at the edge of this park by the SJ Shire will not set a precedent for the entire north end of this industrial park. As the Park diverges heading south, this business would be able to be accommodated within the buffer of other businesses, but not at the edge.

So again, what are the standards this Council sets?

*(The pictures referred to in the above statement were distributed to Councillors at the meeting for their reference)*

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

I have been attending Shire meetings in one form or another since about 1990 and I have learned to listen to what Councillor's say not just the words.

Attending the March 2018 OCM was of great interest as there were a substantial number of residents in the public Gallery.

The reply to my question on the number of WALGA Diploma courses attended by Councillor Piipponen was given as Nil. Considering that he is the longest term serving elected member and had been the Shire Deputy President and was paid for this position for about four years, I found this very disappointing, almost a dereliction of his holding this position.

This lack of knowledge was displayed when Item OCM021/03/18 came to be dealt with.

He clearly had no understanding of the Local Government Act 1995 or the regulations underpinning it.

He tried to move an alternative motion to the one recommended by the Officers but had no idea what to do and floundered about in spite of being guided by the CEO that he was contravening the Act and that the Presiding Member was advised that she could not accept the motions as put. Had he done the Diploma Course he would have known to consult with the CEO and the relevant Director to get the wording, content and intent of his alternative motion right to comply with the legislation. As any Motion must comply with the Act.

Eventually the Presiding Member took pity on him in his floundering and adjourned the meeting to encourage him to consult with the CEO and the relevant Director.

The result was a motion as expected when cobbled together on the run. Which when read had a number of faults in it. Including no date for the action to be completed by so it left it very open ended not the result that the gallery expected.

But this was not the end of the surprises for when item OCM28/03/18 the Chief Bushfire Control Officer recruitment scope came to be dealt with.



**Councillor Coales raised a Point of Order in accordance with *Local Laws Standing Orders 2002 (as amended)*, Part 15 – Preserving Order.**

**The Presiding Member, Councillor Rich and the Acting Chief Executive Officer conferred with regards to the Point of Order raised by Councillor Coales.**

**The Presiding Member, Councillor Rich advised Mr Kirkpatrick that he withdraw his comments and not to refer to individual Councillors any further.**

**Mr Kirkpatrick acknowledged the Presiding Member and advised he would withdraw the paragraph.**

**For the purpose of the Minutes, the words deemed inappropriate by the Presiding Member were removed from the Statement provided.**

It is no good having the equipment but no one to man it.

As a Shire, we spend about a million dollars a year on emergency management on top of the fire levy so we need to have a Fire Chief that all the brigades and volunteers have absolute faith in.

Do we employ someone that is a contractor and a consultant and has other interests or do we employ someone that is part of a team like we do at present?

I have an interest in the fire brigades as I was Councillor when we radically changed the brigades from nine to the current six. We brought in the regular changeover of the light tankers and the bigger units and the upgrade of the fire stations including the construction of the one at Keysbrook, We also upgraded Serpentine to accommodate the large unit which it did not previously have. Jarrahdale went from a small shed to the facility it is today.

**Councillor Piipponen raised a Point of Order in accordance with *Local Laws Standing Orders 2002 (as amended)*, Part 15 – Preserving Order.**

**The Presiding Member, Councillor Rich and the Acting Chief Executive Officer conferred with regards to the Point of Order raised by Councillor Piipponen. Councillor Piipponen provided information to the Shire President what he thought was offensive.**

**The Presiding Member, Councillor Rich rejected Councillor Piipponens Point of Order but requested that Mr Kirkpatrick remove the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> words from the paragraph.**

**For the purpose of the Minutes, the words deemed inappropriate by the Presiding Member were removed from the Statement provided.**

To hear that the volunteers are not relevant and their opinion does not matter after all the hard work they have put in over the years and remember, fire fighters have died fighting fires in this Shire. To get to the state were an Urban Councillor treats the rural brigades with utter disdain brings me to tears. To hear the opinion to tell to do as they are told and put up with it is unbelievable.

The Presiding Member must be congratulated on running a fair and unbiased meeting even to the point of giving an elected member time to explain their position and alter a motion when it sometimes may seem that the relevant councillor may not understand the ramifications of the Local Government Act and the restriction that places on an elected member.

I noticed that WALGA had a representative sitting in the public gallery at the March meeting. One can only hope that their input will be more constructive than the Local Government Department input during the last administration which can only be described as woeful.

It would be interesting to see her report and thoughts on how the meeting was run.

Whatever her report, it must be more honest than the reports by Officers of the Department of Local Government on the two previous administrations.



**Ms Ann Dyer, 254 Soldiers Road, Cardup WA 6123**

I am sick and tired of comments coming through Shire monthly meetings over the months regarding the Byford and Districts Country Club. I would like for everyone to hear my grievances.

Up to a year ago, I was the Secretary B.D.C.C. while we were transgressing to where the club stands today. During this process questions about miss appropriated funds were asked. I can assure you that the whole Committee was very careful with all monies because of the responsibilities we all had. All monies were well documented and accounted for.

The other concern I have, that people raised was about the Shire giving the B.D.C.C. money.

The Shire gave the Club \$280,000 and with the sale of the original club site on South Western Highway for \$2,300,000 making it \$2,580,000 plus \$2,725,000 from five other grants brought the total to \$5,305,000.

It may look like the Shire is giving the Club money, but I don't think people realize that grants are not just handed over to Clubs, the whole lot of our money was given to the S.J. Shire for interim safe keeping, because the new club was being built on Shire land. Therefore the Shire released money from the grants that they are holding for the club, it may look like the Shire is giving us ratepayers money.

Which is not the case. We are getting money back that they are holding for us.

The whole committee of the B.D.C.C, mainly three people with expertise who

1. raised the grants.
2. Accountant who looked after the books and money.
3. and John Erren who was the overseer that everything was being done correctly.

Without these three people, the new club would never have got off the ground, because nobody else on the committee had any idea how to get things going.

The whole committee are all local residents from Byford. Stop knocking our Club and Committee Members who has put their heart and soul into a dream we had and being lucky enough to have some people to help us achieve and finish what we started. It took over five years with a lot of hard work and long hours. If the Shire had to pay for our time, the money we received from the Shire probably would not have covered it.

If this Club becomes defunct at anytime in the future guess what :- Wow our lovely facility worth over five million dollar that the Shire has on their property, will be theirs for a \$280,000 investment.

Stop carrying on all the time and think of what you have got in the area, for goodness sake give it a rest and look for something you could achieve. Something like the Byford & Districts Country Club.

Thank you for your time .

**Mr Thomas Dyer, 254 Soldiers Road, Cardup WA 6123**

I have grave concerns which ever way this Shire votes on Wormalls application request for plastic manufacture storage in the Cardup Business Park.

Firstly, if Council rejects this, they will take it to S.A. T. and lose control on conditions if they agree with the applicant. If the Shire agrees with their application with strict compliance requirements, the past history of compliance with this firm is nothing more than a joke.

Conditions put onto Wormalls when they first came into the Business Park still has not been done.



1. The buffer zone for vegetation was dug up and replaced with an open drain, as well as a (temporary Building). When expressing concern to a Shire Officer he told me it was all being done according to plan hence no planted buffer zone.

The sump at the end of the drain is extremely deep and according to Craig Wormall is clay lined, with last years rain and the water coming off the large car parking area the sump overflowed into the surrounding area which would have contamination from the car park area. I expressed to Wormalls my concern that the sump had not been fenced off, and I was told that they didn't have to do it so it would not be done. In other words, they were not told it had to be done. My response to him was how would a child get out of there with the clay sloping sides and wet feet? Seeing that they make concrete piping why can they not lay piping to the sump and refill the drain area, and plant shrubbery as it was originally a condition of compliance? When is the (temporary building) on the buffer zone going to be removed? The verge planting is yet to come.

The other problem we have is that the corner of South Western Highway and Cardup Siding Road was another compliance from Main Roads that at Wormalls expense had to be up graded before they even commenced business because of the heavy vehicles entering into the intersection.

Many people have been forced off the road from heavy vehicles coming over the double lines when turning into Cardup Siding Road. If a car is pushed off the road down the embankment, it is a big concern to all of us. These conditions that was put on them before commencement of their business has not been carried out or in-forced by the Shire

2. When complaining to the Shire of a cloud of dust from a vehicle traveling next to the shed where cement moulding is carried out, I was told by the Health Officer that he could not enter their property at random, and we had to expect some dust from development works that they were doing on the east boundary of their property.

3. What guarantee can we expect from the Shire on any new conditions put on Wormalls when previous conditions has not been in-forced or done by either party?

4. Wormalls have not showed any empathy to the nearby residents with their daily hammering metal to metal banging like ringing a church bell, the sounds can be heard distinctly inside the houses with doors and windows closed, over at least 300 metres away. As pensioners, shift workers or people who are sick, dread to be woken up six days a week with this daily racket. I feel this could become a health issue to some vulnerable people. I have a recording of this unbearable noise that is getting people down.

Again I reiterate my belief that Wormalls should have been further south away from the houses, or should have considered moving to the new Mundijong industry area away from sensitive areas.

I feel that the Councillors and Shire Officers should do their own investigation of this application, for plastic manufacture, rather than relying on the Wormalls submission only.

I do not feel that Wormalls have any intention of complying to any conditions that may inconvenience them, and not helping them to make a profit.

In the local Crier Wormalls said to the affect we are here, learn to live with it.

*Mr Dyer referred to the pictures mentioned in Mr Alan Dyers statement. The Shire President, Councillor Rich advised Mr Dyer that Councillors had been provided with copies of the pictures.*

*Mr Dyer requested approval to play the banging noise from the site on his phone. The Shire President approved of the audio to be played. After the audio, the Shire President advised Mr Dyer to contact the Shires Compliance Department for any noise concerns, as this noise is from a previously approved application.*

**Public statement time concluded at 8.05pm.**





#### 4. Petitions and deputations:

4.1 **Deputation - Karina Baker, 11 Daisy Road, Cardup WA 6122 relating to Proposed Plastic Production Workshop and Warehouse, Lot 41, 17 Cardup Siding Road, Cardup (PA17/950)**

Deputation information was not provided.

4.2 **Deputation - Mr Rod Dixon, Harley Dykstra Pty Ltd, Planning & Survey Solutions, regarding OCM032/04/18.**

Good Evening Councillors, my name is Rod Dixon and I am from Harley Dykstra. I wish to speak in support of the recommendation relating to Proposed Amendment No.206 being the second item under 10.1 of the agenda.

The item relates to the proposed rezoning of Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from "Rural" to "Rural Living A". The item recommends your support to initiate the amendment.

Given the officer's report is both comprehensive and in support, I will keep my comments to a few brief points:

- The proposal is consistent with the Shire's adopted *Rural Strategy 2013 Review* and is identified for 'Rural Living A' as proposed;
- The proposal will facilitate subdivision of the land to a mix of lot sizes from 0.4ha to 1ha. Those lots below 1ha would be connected to reticulated sewer in accordance with the State Government's Sewer Policy;
- Detailed technical studies have been completed for the land, and there are no items that would prevent initiation of Amendment 206 as proposed.
- The amendment is consistent with both state and local planning frameworks and the application has been made after many months of dialogue with Council staff – which has assisted us greatly.

Councillors, I have spoken to Council previously in support of 'Rural Living A' for this land during your review of the Rural Strategy and I again seek your support now to initiate Amendment 206.

This rezoning represents essentially the final 'rounding off' of rural-residential development in this area.

I look forward to your support. Thank you.

4.3 **Mr Maxwell Stan-Bishop, 32 Macleod Close, Byford WA 6122 regarding OCM031/04/18, proposed plastics production workshop and warehouse.**

Good evening, and thank you for the opportunity to present this deputation to council regarding agenda item OCM031/04/18 Proposed Plastic Production Workshop and Warehouse – Lot 41, 17 Cardup Siding Road, Cardup.

My wife and I moved to Byford in the Shire of Serpentine Jarrahdale 9 years ago. Like many of our neighbouring residents, we moved here to take advantage of the semi-rural lifestyle, the clean air and peaceful quite surrounds, to get away from the constant background hum and traffic that's part of the inner suburbs.

We urge the council to resolve tonight to adopt option 2, in the development services report, and refuse the aforementioned application, due to the negative impacts on the amenity and environment of the area, so valued by the shire and its residents.



Our concerns relate primarily to noise and air emissions from the proposed facility and the impact they will have.

The Environmental Noise Assessment (ENA) has its predicted noise modelling based only on an average wind speed of 4 m/s. However, if you refer to the Jandakot aerodrome windrose data, as cited in the Odour Impact Risk Assessment, the wind speed was between 4 m/s and 6 m/s approximately 35% of the time and greater than 6 m/s a further 28% of the time. It is our view that the modelling used in the ENA submitted doesn't adequately reflect the likely noise impact from the proposal under varying conditions and that noise from the proposed facility will have a noticeable negative impact on the amenity of the area.

Although the Odour Impact Risk Assessment concludes the risk of odour from the proposed facility is low, the report found the levels of Acetaldehyde between 0.13 ppm and 0.19 ppm and Formaldehyde between 0.23 ppm and 0.55 ppm, in air samples taken from the existing facility.

Both these compounds are listed as carcinogens by the International Agency for Research on Cancer. Despite the low levels detected in the samples taken and the assertion that they're ubiquitous in the environment, we're concerned about the cumulative effect these, and other emissions from the proposed facility, could have and the risk this could pose both to our health and that of the local environment and fauna endemic to our area. Such as Carnaby's Black Cockatoo and Baudin's Cockatoo, for which nearby Cardup Nature reserve is listed as an important habitat site. Both these species are listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999.

The safe exposure levels for these and other VOC's vary for different countries and some have been lowered significantly in recent times as more studies into their effects are published. What is clear however, is that we don't yet know enough to be certain of the adverse health effects some of these compounds have and that we should be cautious when considering any potential exposure to them.

With Formaldehyde for instance an Australian body, the National Industrial Chemicals Notification and Assessment Scheme, published a report in 2006 recommending the occupational exposure standard for formaldehyde be lowered from 1 part per million (ppm) 8-hour time-weighted average (TWA) and 2 ppm short-term exposure limit (STEL), to 0.3 ppm 8-hour TWA and 0.6 ppm STEL.

In contrast a Formaldehyde update report prepared for the World Health Organisation's Children's Health Committee in 2012 lists numerous exposure and emissions standards from regulators and organisations around the world. In this report the National Institute for Occupational Safety and Health has established a ceiling limit (C) for formaldehyde of 100 ppb (0.1 ppm), which should not be exceeded for more than 15 minutes at any time during the day.

Given that we know there are other sources of this compound around us and the levels measured from the plastics roto moulding facility were between 0.23 – 0.55 ppm, the potential for a hazardous cumulative effect is of very real concern. Particularly in an area with important habitats for endangered sensitive fauna species.

In closing we urge you as our elected representatives to resolve to refuse the application and thereby ensure the continued tranquility, clear country air and healthy rural lifestyle that is part of the fabric of this community and regarded so highly by the shire and its residents.

Thank you for your time and consideration.



## 5. President's report:

Hello and welcome to the April Ordinary Council Meeting.

I would like to take a moment to acknowledge the passing of former Shire President and long-serving Councillor Frederic (Eric) Senior. A local councillor for 34 years, Deputy Shire President from 1964 to 1989 and Shire President from 1989 to 1992, Mr Senior was made an honorary Freeman of the Shire in 1986. His legacy will continue within the community, which he served with distinction in many different roles. Our sincerest condolences go to his family and friends.

The Shire's Support Services Expo on Thursday 19 April was a success, with a range of local services being on hand to talk to our residents about what's available to support them within the community. Representatives from Armadale Family Support Network, Headspace, Mundijong Public Library and many more provided a day full of information about how they can help.

The Shire has secured nearly three quarters of a million dollars to improve the condition of two local roads and enhance safety for all road users as part of the Federal Government's 2018-19 Black Spot Program. \$375,000 being for works along Karnup Road between Walker Road and Hopeland Road in Hopeland. A further \$361,000 will fund improvements to Kingsbury Drive between South Western Highway and Myara Road in Keysbrook. We're very pleased that these works will be carried out, making our roads safer for all.

I attended the farewell function for Mr Eric Lumsden, who has recently left his position with the WA Planning Commission. The Shire has worked with Mr Lumsden for many years, and wish him all the best in his future endeavours.

The Perth and Peel @ 3.5million land use planning and infrastructure frameworks to accommodate 3.5 million people by 2050 have been released by the State Government. These important documents will help guide the continued fast growth of Serpentine Jarrahdale, and look at limiting unsustainable urban sprawl and encouraging the use of a range of housing options. If you would like to know more, you can view the documents at [www.planning.wa.gov.au/10586.aspx](http://www.planning.wa.gov.au/10586.aspx).

It should be noted that these documents are State Government Policy documents.

The Urban Forest Strategy is still open for comment. You can have your say by taking the online survey available from our website at [www.sjshire.wa.gov.au/your-say/urban-forest/strategy](http://www.sjshire.wa.gov.au/your-say/urban-forest/strategy).

The initial community engagement phase for Shaping SJ has now concluded. Our Local Development Strategies are now being refined, and are due to go to Council shortly for approval to be advertised for public comment. We look forward to receiving continued feedback and ideas from the community in relation to these integral planning documents.

Together with the Serpentine Jarrahdale RSL, the Shire will be commemorating Anzac Day this year with a range of events across Byford and Jarrahdale. The Dawn Service will commence at 6am at the Anzac Memorial Park in Byford, followed by a free Community Gunfire Breakfast at the Byford and Districts Country Club. A free shuttle bus between the two will be in operation. The Processional March will then take place from 8.45am from Jarrahdale Tavern to the Jarrahdale War Memorial, where the Commemorative Service will be held followed by a free morning tea at Bruno Gianatti Hall. More details are available on the Shire's website.

We're also making our preparations to attend the SJ Food and Farm Alliance's annual SJ Food and Farm Fest, on May 5. We will have several stalls there, including Mundijong Public Library, and information about Shire activities and events. We look forward to seeing you all at this wonderful, event that supports local producers and farmers.

Below is the attendance calendar for the Shire President.



## Ordinary Council Meeting Minutes Monday 23 April 2018

Date	Meeting Title	Location
27 March	Lets Talk Tourism Trends Event	Byford and Districts Country Club
28 March	CY O'Connor, Murdoch and PDC Meeting re North Dandalup Research Facility	City of Mandurah
	TP SAC Special Meeting (PDC)	City of Mandurah
	Australian Citizenship Ceremony	Civic Centre Chambers
3 April	JDAP Meeting	City of Gosnells
4 April	Black Spot Funding Photo Opportunity with Hon Andrew Hastie	Jarrahdale
	Local Development Strategies Workshop	Civic Centre Chambers
5 April	Meeting with Michael Dagostino	Shire Offices
	Meeting with Jarrahdale Community Collective	Shire Offices
	Australia Day Discussion	Shire Offices
	CEO Performance Appraisal	Shire Offices
	Murdoch University's Distinguished Alumni Awards	Murdoch University South Street Campus
9 April	Perth and Peel @3.5 Million Update with Eric Lumsden	Mandurah
	Arts, Heritage and Culture Committee Meeting	Civic Centre Chambers
	Sundowner Event with Hon Anthony Albanese	Mandurah
11 April	East DEMC Meeting	City of Armadale
	SJ Urban Forest Strategy Community Workshop No2	Bill Hicks Reserve, Byford
12 April	Farewell to Eric Lumsden	Perth
	Policy Concept Forum	Civic Centre Chambers
13 April	Funeral for Freeman Eric Senior	Serpentine
16 April	Re Cap of Local Development Strategies Workshop	Civic Centre Chambers
	Q&A	Civic Centre Chambers
17 April	JDAP Meeting	Shire of Mundairing
	Byford BMX Lights Photo Opportunity	Byford
18 April	Weekly meeting with Acting CEO	Shire Offices



Date	Meeting Title	Location
	Photo Shoot – Australian Native Nursery	Oakford
19 April	Presiding Over Meetings Webinar	
20 April	Landcare SJ Management Committee Meeting	Landcare SJ Offices
21 April	Native Garden Expo	Bill Hick Reserve, Byford

**6. Declaration of Councillors and Officers interest:**

Nil

**7. Confirmation of minutes of previous Council meeting(s):****7.1 Ordinary Council Meeting – 26 March 2018****COUNCIL DECISION**

Moved Cr Coales, seconded Cr Byas

***Correction:******Minutes amended to reflect that Cr Atwell was in attendance at the Ordinary Council Meeting 26 March 2018.*****That the minutes of the Ordinary Council Meeting held on 26 March 2018 be confirmed (E18/3185).****CARRIED UNANIMOUSLY 9/0**



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

### 8.1 Arts, Culture and Heritage Advisory Committee Reports – 9 April 2018

<b>OCM030/04/18 – Arts, Culture and Heritage Advisory Committee (SJ2296)</b>	
<b>Author:</b>	Rebecca Steinki – Manager Community Development
<b>Senior Officer/s:</b>	Helen Sarcich – Deputy CEO/ Director Community Services
<b>Date of Report:</b>	10 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Introduction

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Arts, Culture and Heritage Advisory Committee meeting held on 9 April 2018. Officers recommend Council receive and endorse the minutes and consider the Committee's recommendations.

#### Relevant Previous Decisions of Council

OCM155/11/17 – appointed two (2) Councillors and one (1) Deputy to the Arts, Culture and Heritage Advisory Committee for period ending in October 2019.

Attachment OCM155.1/11/17 provides information on Council's current Standing Committees, including the Arts, Culture and Heritage Advisory Committee.

OCM026/03/18 – appointed six (6) Community Delegates from Expressions of Interest and endorsed meeting dates.

#### Background

At the November 2017 Ordinary Council Meeting, Council considered the establishment of an Arts, Culture and Heritage Advisory Committee. The intent for the committee is to support outcomes and objectives outlined in the Strategic Community Plan and Corporate Business Plan by:

- Working towards the development of a Shire Public Art Policy and Local Heritage Strategy;
- Development of a Style Guide for signage;
- Providing input and advice towards the Shire's annual budget process related to arts, culture and heritage activities; and
- Engagement with stakeholders.

A meeting of the Arts, Culture and Heritage Advisory Committee was held on 9 April 2018 and the minutes are contained in attachment OCM030.1/04/18.

#### Comment

##### Election of Chairperson and Deputy Chairperson

The Terms of Reference for the Committee required the election of a Chairperson and Deputy Chairperson at the meeting on 9 April 2018.



One written nomination was received from Councillor Michelle Rich for Chairperson resulting in election to that position unopposed.

Written nominations from Ms Jan Star and Councillor Keira McConkey were received for the position of Deputy Chairperson. Councillor Keira McConkey withdrew her nomination and Ms Jan Star was therefore elected unopposed as Deputy Chairperson.

#### Officer Comment

That Council notes the appointment of Chairperson and Deputy Chairperson to the Arts, Culture and Heritage Advisory Committee.

#### Public Art Strategy

The Committee considered and makes the following recommendation to Council.

ACH001/04/18      *ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE DECISION / Officer Recommendation:*

*Moved Cr McConkey, seconded Ms Brazier*

*That the Arts, Culture and Heritage Advisory Committee recommends:*

1. *That Council requests the Chief Executive Officer, to procure the services of a specialist to develop a Public Arts Strategy for the Shire of Serpentine Jarrahdale within the minimum Scope of Works as follows;*
  - a) *Articulate the vision for public art in the Shire of Serpentine Jarrahdale.*
  - b) *Identify the values, themes and principles relevant to each of the Shire's towns, for Public Art.*
  - c) *Identify current locations of Public Art and provide a Masterplan of locations (or recommended criteria for location selection) for future procurement of Public Art. This may include elements such as concentration, themes, visibility and interactive ability.*
  - d) *Supply a methodology for assessment when commissioning Public Art.*
  - e) *Provide Budget rationalisation - implications and assumptions.*
  - f) *Provide details on incorporating community consultation practices to Public Art initiatives.*
  - g) *Undertake relevant consultation for the development of the strategy, including consultation with the Arts, Culture and Heritage Committee, Council, and internal and external stakeholders.*
  - h) *Develop a suggested work plan and management procedure.*
  - i) *Create a Signage Style Guide that complements the Public Art Policy and Strategy.*

*CARRIED UNANIMOUSLY 7/0*

#### Officer Comment

The Shire does not have a policy or strategy to guide the development/selection of Public Art by the Shire or other organisations within the Shire of Serpentine Jarrahdale, nor a Style Guide to guide signage throughout the Shire.

Local Planning Policy No. 59: Public Art Policy for Major Developments requires a physical or financial contribution towards Public Art for all development applications for planning approval with a construction cost of \$1 million or greater with the exception of development applications relating to site preparation such as bulk earthworks or landscaping however there is no strategy to guide the development/selection of Public Art.

To date the Shire has received \$17,500 in contributions from developers for Public Art however without the Strategy the Shire lacks guidance on the use of these contributions.



There are a number of ways in which an overarching policy and strategy would assist or guide implementation of public art initiatives across the Shire. The overall intent being to help establish the context, essence and standing of Public Art within the local area. Artsource, a not-for-profit membership body for visual artists in Western Australia indicates that a Public Art Strategy should:

- Be seamlessly integrated with existing, emerging and future community culture and practice;
- Reflect the community's aspirations and identity;
- Foster models of procurement and implementation that build capacity and knowledge within the local community (particularly art);
- Enhance lifestyle, cultural and aesthetics in the local area;
- Provide opportunities for education and cultural tourism in a planned and cohesive way.

The development of a strategy for a 5 year period is recommended, and will require the consultant to review a range of existing Shire policies and strategic documentation. The following Scope of Works is suggested as the minimum requirement:

- Articulate the vision for public art in the Shire of Serpentine Jarrahdale.
- Identify the values, themes and principles relevant to each of the Shire's towns, for Public Art.
- Identify current locations of Public Art and provide a Masterplan of locations (or recommended criteria for location selection) for future procurement of Public Art. This may include elements such as concentration, themes, visibility and interactive ability.
- Supply a methodology for assessment when commissioning Public Art.
- Budget rationalisation - implications and assumptions.
- Provide details on incorporating community consultation practices to Public Art initiatives.
- Undertake relevant consultation for the development of the strategy, including consultation with the Arts Culture and Heritage Committee, Council, and internal and external stakeholders.
- Develop a suggested work plan and management procedure.
- Create a Signage Style Guide that complements Public Art Policy and Strategy.

In order to progress a comprehensive and well-articulated Policy and Strategy in a timely manner, that would allow these documents to underpin the direction and context of Public Art and signage across all localities within the Shire, Officers recommend that Council supports the Committee's recommendation and that this be developed as a priority item.

## Conclusion

The Arts, Culture and Heritage Advisory Committee minutes are presented to Council. The minutes give rise to the following matters for Council's consideration/noting:

1. Receipt of the minutes of the meeting;
2. The election of both Chairperson and Deputy Chairperson; and
3. Endorsement of the procurement of a Public Art Strategy as per the minimum scope of works.

## Attachments

- [OCM030.1/04/18](#) – Minutes of the Arts, Culture and Heritage Advisory Committee held 9<sup>th</sup> April 2018 (E18/3649)

## Alignment with our Strategic Community Plan





This item is relevant to the following objectives within the Strategic Community Plan:

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community.
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure.
<b>Outcome 1.2</b>	A recognised culture and heritage.
<b>Strategy 1.2.1</b>	Recognise local heritage.
<b>Strategy 1.2.2</b>	Encourage and support public art in public areas.

### Statutory Environment

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

### Financial Implications

For a good Public Art Policy and Strategy to be clear, practical, consistently enforced and well integrated with other strategic and planning documents, it should be produced by someone with the right expertise and relevant backgrounds. It is anticipated that the procurement of these skills will be in the vicinity of \$10,000 - \$30,000 and is budgeted for in the 2017/2018 financial year.

Given the time to procure services, it is anticipated that the development of the documents will start in the 2017/2018 financial year and continue on into 2018/19 financial year. As such, there is expected to be some carry over of funds for contractual purposes.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council recommends progressing an alternate matter	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Committee Recommendation  Clear reasons for a change in focus would be required. Timeframes for the development of a Public Art Strategy has led to the recommendation for priority consideration.
Council recommends changes to the scope of works.	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Committee Recommendation  Scope of works not well



					articulated can have a financial impact at a later time. Additional requirements may be suggested by the Committee which would likely increase quotes.
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**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM030/04/18 COUNCIL DECISION / Officer Recommendation:**

Moved Cr McConkey, seconded Cr Byas

That Council:

1. Receives the minutes of the Arts, Culture and Heritage Advisory Committee held 9 April 2018 as per attachment OCM030.1/04/18.
2. Notes the appointment of Chairperson and Deputy Chairperson to the Arts, Culture and Heritage Advisory Committee.
3. Requests the Chief Executive Officer, to procure the services of a specialist to develop a Public Arts Strategy for the Shire of Serpentine Jarrahdale within the minimum Scope of Works as follows;
  - a) Articulate the vision for public art in the Shire of Serpentine Jarrahdale.



- b) Identify the values, themes and principles relevant to each of the Shire's towns, for Public Art.**
- c) Identify current locations of Public Art and provide a Masterplan of locations (or recommended criteria for location selection) for future procurement of Public Art. This may include elements such as concentration, themes, visibility and interactive ability.**
- d) Supply a methodology for assessment when commissioning Public Art.**
- e) Provide Budget rationalisation - implications and assumptions.**
- f) Provide details on incorporating community consultation practices to Public Art initiatives.**
- g) Undertake relevant consultation for the development of the strategy, including consultation with the Arts, Culture and Heritage Committee, Council, and internal and external stakeholders.**
- h) Develop a suggested work plan and management procedure.**
- i) Create a Signage Style Guide that complements the Public Art Policy and Strategy.**

**CARRIED UNANIMOUSLY 9/0**



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

Nil

**10. Chief Executive Officer reports:**

**10.1 Development Services reports**

<b>OCM031/04/18 – Proposed Plastic Production Workshop and Warehouse – Lot 41, 17 Cardup Siding Road, Cardup (PA17/950)</b>	
<b>Author:</b>	Ashwin Nair – Acting Director Development Services
<b>Senior Officer/s:</b>	Andre Schonfeldt – Acting Chief Executive Officer
<b>Date of Report:</b>	28 March 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Sean Harvey  
 Owner: C.C Wormall Pty Ltd  
 Date of Receipt: 16 October 2017  
 Lot Area: 47,159m<sup>2</sup>  
 Town Planning Scheme No 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Industrial'

**Introduction**

This report is presented to Council to determine an application for a proposed Plastic Production Workshop and Warehouse at Lot 41, 17 Cardup Siding Road, Cardup.

The application complies with the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2); however, as there are a number of objections which have been received in accordance with Delegation 11.1.1 – Determination of Development Applications, the item is referred to Council for determination.

The Shire received a total of 85 submissions during the public consultation period. One submission supporting the proposal (in the form of a petition containing 31 signatures), 81 objecting the proposal. The application was referred to the Department of Water and Environmental Regulation (DWER) and the Department of Health (DoH) where no objections were received. The application was also referred to the Environmental Protection Authority (EPA), who advised the Shire that the application, "*if approved is unlikely to have significant effect on the environment and therefore does not represent a 'significant proposal' as defined under the section 37B of the Environment Protection Act 1986*". As such, no assessment was undertaken by the EPA.

Officers recommend the application be approved subject to conditions.

**Relevant Previous Decisions of Council**

Council at its Ordinary Council Meeting held on 26 February 2018, formally accepted a Petition of support for the proposed Plastic Production Workshop and Warehouse at Lot 41, 17 Cardup Siding Road, Cardup as follows:



1. Refers the (non conforming ) Petition in its existing form for consideration as submissions when reviewing PA17/950 Cardup Siding Road, Cardup, and
2. Requests the Chief Executive Officer include the (non conforming) Petition in the submissions process for PA17/950, when the development application is dealt with by Council at a subsequent meeting.

## Background

Lot 41, 17 Cardup Siding Road, Cardup is zoned 'Urban Development' under the Scheme and is approximately 4.7ha in size. The site falls within the draft Cardup Business Park Local Structure Plan area (draft LSP) and is located south of the Byford Town Centre. Residential development is located directly to the west of the site and to the east of South Western Highway.



Lot 141 (17) Cardup Siding Road, Cardup

## Development History

Three development applications were previously determined over the subject site. The first application was received on 22 January 2014 for retrospective approval for a workshop and office. The application was refused by Council as Council determined the draft LSP had not progressed significantly enough to determine if the proposal would prejudice the draft LSP. The applicant appealed the decision to the State Administrative Tribunal (SAT) where Council was invited to reconsider the application. During this time, the draft LSP was adopted by Council which resolved the concerns associated with the application. As such, Council reconsidered the application and approved the application.

The Shire received the second application on 23 September 2015 for a proposed storage shed, canopy and apprentice training centre. The application was approved under delegated authority on 2 December 2015.

The third application was received on 3 April 2017 for retrospective approval for a dome structure, concrete moulding and signage. The application was approved by Council at its Ordinary Meeting held on 28 August 2017, with the exception of the proposed signage.



Shire officers have also dealt with a number of compliance issues from the site which relate to dust, noise and non-compliance with previous conditions of planning approval.

### Proposed Development

The application and associated technical documents were received by the Shire on 16 October 2017 for a 1,200m<sup>2</sup> Plastic Production Workshop and Warehouse Facility. Updated plans including technical reports relating to noise, odour and emissions were submitted by the applicant on 15 December 2017, 25 January 2018 and on 8 and 16 March 2018.

The proposal seeks approval for a workshop comprising of a 22.8m side wall and a 54.5m rear wall, a wall height of 6.4m and ridge height of 8.9m. The application also proposes on-site car parking, drainage retention basin, laydown area, landscaping, onsite storage of 20 - 25kg Linear Density Polyethylene (LDPE) bags and associated chemicals ( Mould Release, Hazardous Liquid Material Mould Cleaner 501 and DP 8005 3M Glue) used in the plastic production process. The LDPE bags are packaged in either pellet or powder forms prior to being delivered to site. The full set of plans can be viewed within attachment OCM031.1/04/18. Images of LDPE bags can be viewed within OCM031.2/04/18

The production of plastic products (toys, and more specifically commercial plumbing products) are to occur within the proposed workshop on an order-by-order basis. No large quantities of products are proposed to be stored on-site. The development is proposed to produce between 1,200 - 1,500 plastic units a year, with a maximum of 300 units to be stored within the designated laydown area prior to being moved off-site. Fabrication of the finished plastic products are also proposed to occur within the workshop prior to being removed off-site. Images of products to be made are within attachment OCM031.3/04/18.

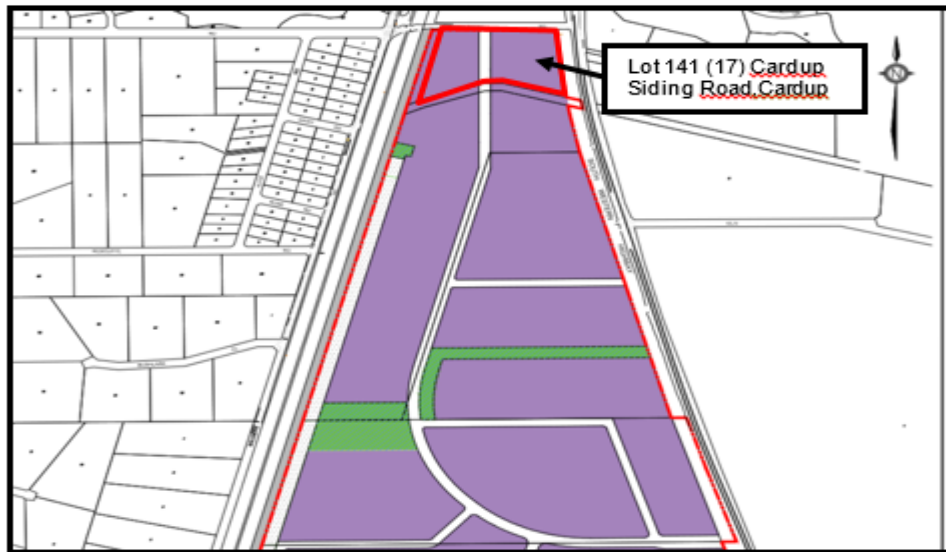
The hours of operation for the development are proposed to occur between 7:00am – 7:00pm Monday to Friday and 7:00am – 1:00pm on Saturdays with a total of eight employees. The operations will generate approximately 11 truck movements per week with an average of two pickup/deliveries a day to site. Subject to the size of the order, the applicant has also advised that a larger truck carrying a 40ft container will access the site for drop off and delivery. The plastic production process is detailed further in the report.

### Draft Local Structure Plan

In June 2014, the Shire received an application for a structure plan over the Cardup Business Park that proposes to designate the area as 'General Industry' (covering various properties). The draft LSP comprises of 194ha of 'Urban Development' zoned land, an internal road network which connects to surrounding local and regional roads, a linear drainage network and conservation buffer.

Following acceptance of the LSP application, it was referred to government agencies for initial comment in August 2014. The draft LSP was subsequently presented to Council on 22 September 2014, where Council resolved to advertise the LSP application, subject to a number of modifications.

The LSP was advertised, with modifications, from the 1 December 2014 to 5 January 2015, which included a community information session held at the Byford Hall on the 11 December 2014. At its meeting held on 9 February 2015, Council considered the submissions received and adopted the LSP subject to further modifications. At its meeting held on 25 July 2016, the final plan was endorsed by Council and subsequently referred to the Western Australian Planning Commission.



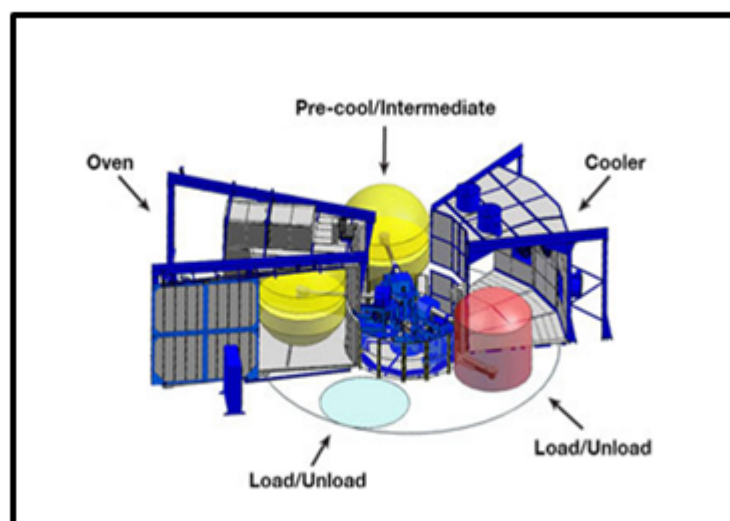
**Draft Cardup Business Park Structure Plan**

The draft LSP provides the planning framework for development within the Cardup Business Park and designates the subject site as an 'General Industry' zone. The designation is also consistent with the 'Industrial' zoning of the site in accordance with the Metropolitan Regional Scheme (MRS) which was effective from the 18 October 2012.

The draft LSP is currently awaiting adoption from the Western Australian Planning Commission, however as the site is zoned 'Urban Development' under the Scheme, and as Council have formally adopted the draft LSP, due regard must be given to the document when considering an application for development to ensure consistency with Clause 27 (2) of the Deemed Provisions.

### Plastic Production Process

The plastic production process occurs using a Roto Moulding Machine (RMM) which is a technology specifically used to produce hollow plastic products. The RMM involves five distinct stages of production, loading, oven press, pre-cool, cooling and unloading. A diagrammatic layout of the RMM to be used is shown below.



**Roto Motor Moulding Machine - Three Dimensional Diagrammatic Layout**



The process begins with 25kg bags of LDPE delivered on-site and stored within the workshop. The LDPE bags are transferred into individual moulds within the RMM. The moulds are heated evenly to produce the product. Once this stage is completed the moulds are left to cool naturally prior to undergoing the main cooling process which is facilitated by fans and light water spray. The final stage consists of the removal of the finished products from the RMM moulds, which are then fabricated within the workshop as required. The finished products are stored within the external laydown area ready for collection.

### Community / Stakeholder Consultation

The application was referred to surrounding landowners within a 500m radius of the subject site for 21 days between 8 – 29 November 2017. Upon a request from a member of the public, the consultation radius was increased to 1.5km. The community members within the extended radius were consulted for a period of 21 days between 22 November 2017 - 18 December 2017.

On 4 December 2017, Shire Officers received an additional request from the public to increase the consultation radius. Upon this request, the radius was increased to 1.8km. Community members within the extended radius were consulted for a period of 21 days between 6 - 27 December 2017.

Due to the multiple consultation letters and further requests from the public, Shire Officers extended the consultation period until the 15 January 2018 for all member of the public. A notification was placed in the local newspaper advising the community members of the extension.

The application was also referred to the Department of Water and Environmental Regulation (DoWER) the Department of Health (DoH) and the Environment Protection Authority (EPA) for comments. No objections were received from the State departments. EPA advised the Shire that the application, *“if approved is unlikely to have significant effect on the environment and therefore does not represent a ‘significant proposal’ as defined under the section 37B of the Environment Protection Act 1986”*.

At the conclusion of the consultation period, a total 87 submissions were received, 83 submissions objecting the proposal, one submission supporting the proposal (in the form of a petition). Three submissions were received from the State departments providing general comments. Key themes raised in the submissions are summarised and addressed by Shire Officers in the table below. A full schedule of submissions and Officers response has been included for Council as an attachment to this report OCM031.4/04/18.

Issue	
Nature of Concern	Officer Response
<b>Air Quality/Emissions</b>	<p>The original Emissions Testing Report prepared by Ektimo and submitted as part of the initial development application, omitted the Volatile Organic Compound (VOC) results. A revised Emissions Testing Report was requested by Shire Officers and was submitted on 8 March 2018 which included the VOC results.</p> <p>The VOC results within the Emissions Testing Report was taken from the RMM oven stack of the Wormalls Kewdale facility. Testing was conducted by Ektimo which is a National Association of Testing Authorities (NATA) accredited laboratory to assess the amount of combustion gases and speciated VOCs being emitted. The testing concluded that VOCs were below the detection limit of the NATA accredited laboratory, which is 0.2mg/m<sup>3</sup>. The VOCs were also found to be below the 25 tonnes per year reporting threshold established under the National Pollutant Inventory Scheme (NPIS). As such, the VOCs are considered to be below</p>





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	<p>the reporting requirements for the Australian Government Department of Environment and Energy.</p> <p>A condition will be recommended that the applicant submit a revised Emissions Testing Report within 90 days of operating to ensure that emissions of the operations comply with the approved technical documents for the application.</p> <p>A condition will also be recommended to restrict the amount of plastic products produced until the updated emissions testing report is submitted and approved by the Shire. This will ensure that the actual emissions of the operations can be assessed for compliance against the approved technical documents for the application.</p>
<b>Groundwater Contamination</b>	<p>It is acknowledged that some industries can produce wastewater from their processes which is known as trade liquid waste. The RMM as part of the cooling process uses a fine water mist to cool the plastic moulds. The water mist does not come into contact with the LDPE through this process. The fine mist once applied to the moulds evaporate. Residual water is caught within a shallow tray to evaporate. A condition will be recommended to ensure that wastewater captured within the shallow tray does not overflow and that no liquid waste of any sort will be disposed of on or off-site.</p> <p>To further alleviate the concerns of groundwater contamination, the applicant proposes to construct the workshop on a concrete floor pad which removes the risk of contaminants leeching into the ground.</p> <p>A Stormwater Management Plan will also be recommended as a condition of approval to address stormwater management and prevention of groundwater contamination. The Stormwater Management Plan will be required to be prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010).</p> <p>An additional condition will also be recommended that the applicant within 90 days of operation, submit a Ground Water Testing Report to the satisfaction of the Shire. The applicant must attain an agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report which must demonstrate that the groundwater quality has not been impacted upon by the approved development</p>
<b>Landscape Buffering</b>	<p>A Landscape Management Plan has been submitted as part of the application. The applicant proposes a 7m landscaping strip along the South Western Highway and Cardup Siding Road boundary to ensure the development is appropriately screened. Landscaping is also proposed to the boundary to the south to protect the amenity of the adjoining lots and also further screen views from South Western Highway.</p>



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	<p>A condition to update the submitted Landscape Management Plan will be recommended to ensure the applicant outlines the maintenance methods proposed for the landscaping. The applicant will also be required to maintain the landscaping at all times.</p>
<b>Previous Approvals</b>	Refer to Development History and draft LSP section of report.
<b>Stormwater Management</b>	<p>The application proposes a Bio-Retention Basin to the south-east of the site to cater for stormwater run-off from the proposed development. A 'V Drain' is also proposed to the north of the site directing untreated stormwater away from the Cardup Brook towards the proposed Bio-Retention Basin. Stormwater will then be treated by a number of physical and biological processes prior to infiltrating into the soils.</p> <p>A condition will be recommended requiring the applicant to submit a Stormwater Management Plan prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010) to the satisfaction of the Shire and DWER.</p>
<b>Noise</b>	<p>The Environmental Noise Assessment (ENA) submitted by the applicant, predicted noise modelling for a number of noise sources and activities associated with plant noise from the RMM and general assembly noise in the day and night. The ENA identified four key areas where noise sensitive premises were located and concluded that the predicted noise levels during the day at these locations, both with the roller doors opened and closed comply with the 47dB assigned noise level prescribed within the <i>Environment Protection (Noise) Regulations 1997</i>.</p> <p>A condition will be recommended to ensure the operations (including commercial vehicle movements and the idling of vehicles ) only occur between 7am - 7pm Monday to Friday and 7am -1pm Saturday.</p> <p>Officers will also recommend a condition for the applicant to submit an updated Environmental Noise Assessment (ENA) within 90 days of operating. This will ensure that the actual noise emissions of the operations can be assessed for compliance against the approved technical documents as part of this application.</p>
<b>Odour</b>	<p>The applicant submitted an Odour Impact Risk Assessment (OIRA) prepared by Talis Consulting. The OIRA included field odour measurements of the existing facility in Kewdale and determined that the odour impact was low. Consideration was then given to the relocation of the activity to Cardup where it was found that that the meteorological conditions of both sites do not vary significantly. As such, given the distance to sensitive receptors and similar meteorological conditions the ground level odour nuisance risk remained low.</p> <p>The OIRA also made reference that the VOCs measured by Ektimo were below the NATA accredited laboratory detection limits (0.2mg/m<sup>3</sup>) including VOC's capable of odour nuisance.</p>



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	<p>Further air samples were taken for the speciation of Aldehydes and Ketones, which are decomposition compounds from heating the LDPE. Both of these compounds were detected by Talis, however, were at low concentrations that do not pose a risk to amenity.</p> <p>A condition will be recommended that the applicant submit an updated OIRA within 90 days of operating. This will ensure that the actual odour emissions of the operations can be assessed for compliance against the approved technical documents as part of the application.</p>
<b>Chemical Storage</b>	<p>A range of chemicals including LDPE bags are proposed to be stored on-site within the workshop. The storage of chemicals including the location and contingency plans will be approved as part of the Operational Management Plan required to be approved by the Shire prior to occupation of the development.</p> <p>The maximum amount of chemicals to be stored onsite at any given time will be conditioned as follows: 8 litres of Hazardous Liquid Material, 30 litres of Mould Release, 10 litres of DP 8005 3M Glue and 20 pallets of the LDPE bags.</p>
<b>Vehicle Movements</b>	<p>The application proposes to increase the amount of vehicles on an average of 17 vehicles per day. 15 from staff and 2 from commercial vehicles. A larger commercial vehicle carrying a 40ft trailer is proposed to be used intermittently for loading and unloading purposes for larger scale production requirements. No traffic impact assessment was requested from the applicant as the vehicle movements were considered acceptable by Shire officers.</p> <p>A condition to limit the amount of service vehicles accessing the site will be recommended. As such, additional movements will require an amendment to the planning approval and the requirement of a Traffic Impact Assessment.</p>
<b>Bushfire Attack Level</b>	<p>No BAL is required as part of this development as a Bush Fire Management Plan (BFMP) has been previously prepared and approved as part of the draft LSP. As such, the development complies with the BFMP.</p>
<b>Operating Times</b>	<p>The operations of the proposed development are to occur between 7am - 7pm Monday to Friday and 7am - 1pm on Saturday.</p> <p>A condition will be recommended to ensure that all activities occur during this time, including the loading and unloading of vehicles.</p>
<b>Wastewater</b>	<p>It is acknowledged that some industries can produce wastewater from their processes which is known as trade liquid waste. The RMM as part of the cooling process uses a fine water mist to cool the plastic moulds. The water mist does not come into contact with the LDPE through this process. The fine mist once applied to the moulds evaporate. Residual water is caught within a shallow tray to also evaporate.</p> <p>A condition will be recommended to for a Wastewater Management Plan be prepared and submitted to the Shire which</p>



	demonstrates how wastewater from the RMM will be managed to ensure there are no on or off-site impacts.
<b>Draft LSP</b>	The draft LSP for the site was adopted by Council in July 2016. and is given due regard when assessing development applications within the structure plan area. As such, the proposed development if approved will not prejudice the adoption of the draft LSP by the WAPC as the proposal aligns with the intent of the structure plan.

## Statutory Environment

### Legislation

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

### State Planning Framework

- Metropolitan Region Scheme
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel @ 3.5 Million
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Draft Cardup Business Park Local Structure Plan
- Local Planning Policy 58 – Bicycle Parking (LPP58)
- Local Planning Policy 67 – Landscape and Vegetation

## Planning Assessment

Shire Officers have undertaken a full assessment against Schedule 2 Deemed Provisions, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and relevant Local Planning Scheme provisions and consider that the application is generally compliant with TPS2. The assessment can be viewed as attachment OCM031.5/04/18 and attachment OCM031.6/04/18 to this report.

However, to acknowledge the number of submissions received against the application, significant aspects of the proposal will be discussed and addressed by Shire Officers.

### **Environmental Protection Authority (EPA) “Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses (2005)”**

Local Governments use the Environmental Protection Authority (EPA) document “Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses (2005)” to protect sensitive land uses from unacceptable impacts on amenity that may result from industrial activities, emissions and infrastructure. The EPA also has a draft Environmental Assessment Guide for Separation Distances between industrial and sensitive land uses (2015). Both of these documents do not list plastic manufacturing as an industrial land use that typically has unacceptable emissions or amenity impacts.

In relation to the application, the nearest sensitive land uses are located 150m-300m from the subject site which are associated with residential and rural uses. The 2015 document as mentioned above, states that



where an industry is not listed, a case-by-case approach is recommended, planning agencies should seek the advice of the EPA. To this end, Shire Officers sought advice from the EPA who responded as follows:

*“It is the view of the EPA that the proposal is unlikely, if implemented, to have a significant effect on the environment. Therefore, the proposal does not represent a ‘significant proposal’ as defined under Section 37B of the EP Act and therefore does not warrant referral to the EPA”.*

Despite the EPA's comments, the Shire has undertaken a precautionary approach in assessing the proposal and determined that as a generic separation distance has not been defined in the aforementioned documents, scientific studies based on site and industry specific information must be presented to demonstrate that the proposal will not result in unacceptable environmental, health and amenity impacts. The scientific studies presented and assessed were:

- Environmental Noise Assessment: Proposed workshop Lot 41 (317) Cardup Siding Road, prepared by Lloyd George Acoustics;
- Emissions Testing Report Wormall Kewdale, Western Australia, prepared by Ektimo; and
- Odour Impact Risk Assessment of Proposed Roto-Moulding Facility, Cardup, WA, prepared by Talis.

After careful consideration of the documents and referral to the relevant State departments, Shire Officers consider that potential impacts from the proposed development can be appropriately managed and is not considered to adversely impact the amenity of the surrounding locality. The reports and associated impacts/emissions are discussed in turn below.

### Noise

The Shire received an updated Environmental Noise Assessment (ENA) by the applicant on 25 January 2018. The ENA predicted noise for a number of activities associated with the RMM and general internal assembly noise of the operations during the day (7am - 7pm) and night (7pm - 7am). The ENA was modelled on two scenarios where noise emissions were assessed against operations occurring with the proposed roller doors opened and closed. The updated Acoustic Assessment Report can be viewed as attachment OCM031.7/04/18.



**Noise Sensitive Premises**



The ENA identified a number of noise sensitive premises in close proximity to the site where noise receivers were located as depicted above. The assessment concluded that the predicted noise levels during the day based on the open garage scenario, ranged between 35dB to 49dB which comply with the 47dB to 60dB assigned noise levels prescribed within the *Environment Protection (Noise) Regulations 1997* for the proposed activities.

The ENA also considered the proposed internal ventilation and extraction system as part of its modelling. As such, Officers advise that the proposed internal ventilation and extraction system comply with the prescribed noise levels. The report however, indicates that future extraction systems have not been included in the application and could therefore not be assessed. It is therefore recommended that a condition that a Noise Impact Assessment be prepared for future proposed extraction systems prior to them being installed.

In considering the submitted ENA, Shire Officers deem the noise emissions acceptable as the emissions are below the assigned levels prescribed within the *Environment Protection (Noise) Regulations 1997*. As such, to ensure the predicted noise levels occur within the assessed timeframe, a condition to limit the operations between Monday to Friday 7am - 7pm and Saturday 7am - 1pm is recommended (including commercial vehicle movements). Shire Officers also recommend a condition for the applicant to submit an updated Environmental Noise Assessment within 90 days of operation to ensure the development is operating within the approved permissible limits.

#### Air Quality/Gas Emissions

The original Emissions Testing Report prepared by Ektimo omitted the Volatile Organic Compound (VOC) results. A revised Emissions Testing Report was requested and was submitted on 8 March 2018 which included the VOC results. The updated Emissions Testing Report can be viewed as attachment OCM031.8/04/18.

The VOC results within the Emissions Testing Report was taken from the RMM oven stack of the Wormalls Kewdale facility. Testing was conducted by Ektimo which is a National Association of Testing Authorities (NATA) accredited laboratory to assess the amount of combustion gases and speciated VOCs being emitted. The testing concluded that VOCs were below the detection limit of the NATA accredited laboratory, which is 0.2mg/m<sup>3</sup>. The VOCs were also found to be below the 25 tonnes per year reporting threshold established under the National Pollutant Inventory Scheme (NPIS). As such, the VOCs are considered to be below the reporting requirements for the Australian Government Department of Environment and Energy.

The Emissions Testing Report was also referred to the Department of Health's Toxicologist for comments who did not specify requirements relating to air quality or request a condition to be applied to any subsequent approval.

Shire Officers also undertook a literary review of the roto-moulding process to investigate potential pollutants from handling, storing and processing low-density polyethylene in particular the potential for VOC emissions. The primary references were material safety data sheets for a range of processing materials and VOC emission studies as attachment OCM031.9/04/18. The safety data sheets referred to workers handling both pellets and powders, and stated that they may cause slip hazards, molten plastic may cause burns, and an accumulation of dust may create a potential risk of explosion. These safety sheets recommended good cleaning, hygiene practices, and adequate ventilation for the dust, however, no personal protection equipment was required for workers.

Furthermore, the VOC emission studies and reference journals referred to melting experiments of recycled and virgin plastics. As such, it was concluded from the review that when higher temperatures (boiling point) are applied to melt plastics for recycling, the boiling point temperatures cause the degradation of the



polymers in the plastics, which results in the emission of VOCs. Shire officers also reviewed the Rotational Moulding Technical Guide provided with the proponents planning application and advise that the process applies temperatures that affect a targeted Melt Low Index (MFI), which enables the moulding process but does not achieve boiling point and the degradation of the polymers or VOC emissions.

In considering the submitted updated Emissions Testing Report, Shire Officers consider the operations acceptable as the development is proposed to operate below the emissions detection limits and mandatory State reporting requirements. As such, to ensure the low emission levels are maintained, a condition that the applicant submit an Emissions Testing Report within 90 days of operating will be recommended to ensure the development is operating within the permissible limits. A condition to restrict the amount of plastic produced will also be recommended as a condition until the Emissions, Odour and Noise Testing Reports are submitted and approved by the Shire.

In considering the submitted updated Emissions Testing Report, Shire Officers consider the operations acceptable as the development is proposed to operate below the emissions detection limits and mandatory State reporting requirements. As such, to ensure the low emission levels are maintained, a condition that the applicant submit an Emissions Testing Report within 90 days of operating will be recommended to ensure the development is operating within the permissible limits. A condition to restrict the amount of plastic produced will also be recommended as a condition. Any items above the permitted amount will require an additional planning approval.

#### Odour

The applicant submitted an Odour Impact Risk Assessment (OIRA) prepared by Talis Consulting as per attachment OCM031.10/04/18. The OIRA included field odour measurements of the existing facility in Kewdale and determined that the odour impact was low. Consideration was then given to the relocation of the activity to Cardup where it was found that the meteorological conditions of both sites do not vary significantly. As such, given the distance to sensitive receptors, and similar meteorological conditions the ground level odour nuisance risk remains low.

The OIRA also made reference that the VOCs measured by Ektimo were below the NATA accredited laboratory detection limits (0.2mg/m<sup>3</sup>) including VOC's capable of odour nuisance. Further air samples were taken for the speciation of Aldehydes and Ketones, which are decomposition compounds from heating the LDPE. Both of these compounds were detected by Talis, however, were at low concentrations that do not pose a risk to amenity.

Based on the assessment of the OIRA, Shire Officers consider that there is a low risk of odour impacting the amenity of the locality as part of the plastic production process. However to ensure that the low level emission levels are maintained a condition will be recommended that the applicant submit an updated OIRA within 90 days of operating. This will ensure that the actual odour emissions of the operations can be assessed for compliance against the approved technical documents as part of the application.

#### Wastewater

It is acknowledged that some industries can produce wastewater from their processes which is known as trade liquid waste. In this instance, the amount of liquid waste produced is considered minimal as a fine water mist is used to cool the plastic moulds within the RMM. The light mist once applied to the moulds evaporate and any residual water is captured within a shallow tray to also evaporate. The water mist does not come into contact with the LDPE. Shire Officers will recommend a condition to ensure that wastewater captured within the shallow tray does not overflow and that no liquid waste of any sort is disposed of on or off-site.

To further alleviate the concerns of trade waste liquid waste and on-site impacts, Council should note that the workshop is proposed to be constructed on a concrete floor pad which removes the risk of contaminants leeching into the ground.



Also, as previously mentioned, the applicant is required to prepare a Stormwater Management Plan in accordance with Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010) which will address all potential on-site impacts from the proposed operations to ensure wastewater and stormwater do not adversely impact the groundwater resource. The Stormwater Management Plan will be required to be approved by DWER and the Shire.

### Dust

Dust impacts from truck movements entering and leaving the site is considered low as the site will be sealed with reconstituted bitumen. Shire Officers advise that the main dust risk for the proposal is associated with damaging the 20 - 25kg LDPE bags during the off-loading of the products from the service trucks and during the transfer of the product to the RMM via forklift internally.

Through the referral process, DoH and DWER recommended strict hygiene practices are implemented and maintained at all times for staff when unloading and stacking the LDPE bags. Officers will recommend a condition for a Dust Management Plan (DMP) be submitted and prepared in accordance with Water Quality Protection Note 65 – Toxic and hazardous substances (DWER, 2015) to address dust from the site and also dust in the instance an LDPE bag is damaged. The DMP must also outline the handling procedures for staff for the unloading and stacking of the LDPE bags.

### **Zone & Land Use Permissibility**

The proposed workshop and associated storage and operations are considered to be consistent with the 'Industry-General' and Warehouse land uses, which are defined in TPS2 as follows:

#### Industry General

*"An industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry"; and*

#### Warehouse

*'means land and buildings wherein goods are stored and may be offered for sale by wholesale.*

The above uses are both permitted uses within the 'General Industry' zone under the zoning table of TPS2

In accordance with clause 5.17 of TPS2 the 'Urban Development' zone facilitates the planning of the Shire's future residential, commercial and industrial areas. The zone allows for the provision of retail commercial, industrial and mixed-use facilities to provide greater functional urban/industrial areas. Clause 5.18.1.1 of TPS2 requires that a Structure Plan be prepared for a development area.

Clause 27 (2) of the Deemed Provision states that Council may consider any form of development in the 'Urban Development' zone subject to being satisfied that the proposal will not have an adverse impact on the preparation of a Local Structure Plan, orderly proper planning and the health, amenity, safety or convenience of future occupants of the area intended for the Local Structure Plan.

Shire Officers advise that as the General Industry use is a permitted use within the 'General Industry' zone under TPS2, and that the proposed development is consistent with the draft LSP. The proposal is considered unlikely to impact the area intended for the Local Structure Plan as similar uses are expected to be approved.

### **Stormwater**

The application proposes a Bio-Retention Basin to the south-east of the site to cater for stormwater runoff from the proposed development. A 'V Drain' is also proposed to the north of the site directing untreated





stormwater away from the Cardup Brook towards the proposed Bio-Retention Basin. Stormwater will then be treated by a number of physical and biological processes prior to infiltrating into the soils.

The applicant also proposes to discharge stormwater overflow to the north towards Cardup Siding Road. The applicant, prior to disposing of the stormwater is required to treat the stormwater to eliminate the risk of contaminating the Cardup Brook.

The applicant will be required to submit a Stormwater Management Plan to the satisfaction of the Shire and DWER as a condition of approval. The Stormwater Management Plan will be required to be prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010) and referred to the DWER for approval.

### **Landscaping**

The applicant has proposed to provide a 7m landscaping strip along the boundary adjoining South Western Highway and Cardup Siding Road to ensure the development is screened from the road network. Landscaping is also proposed to the boundary to the south to protect the amenity of the adjoining lot and also further screen views from South Western Highway.

A Landscape Management Plan has been submitted as part of the application to depict the above and the vegetation proposed to be used. In accordance with Local Planning Policy 67 – Landscape and Vegetation, Shire Officers require the Landscape Management Plan be modified to address the ongoing maintenance of the landscape, a condition will be recommended accordingly.

### **Options and Implications**

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

Approval of the application subject to appropriate conditions would be consistent with the planning policy framework and mitigate against the potential impacts of the proposed development.

Option 2: Council may resolve to refuse the application as follows:

- Inadequate information submitted to determine if the separation distance from existing land uses is sufficient to mitigate against any offsite impacts from the proposed development;
- Health and environment risks not considered to be properly addressed; and
- Development is not considered to be undertaken in a proper and orderly manner.

Refusal of the application may result in an appeal to the State Administrative Tribunal (SAT).

Option 1 is recommended.

### **Conclusion**

The application seeks approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup. The application complies with the statutory requirements of TPS2, and can be conditioned to ensure development does not adversely impact the surrounding locality. No objections were received from the Department of Health, Department of Water and Environment and Environment Protection Authority (EPAs comments can be viewed OCM031.11/04/18. As such, Officers recommend the application be approved subject to conditions.



### Attachments

- [OCM031.1/04/18](#) - Development Plans and Smart Stream Operation Report (IN18/8574)
- [OCM031.2/04/18](#) - Images of Plastic Products (E18/3484)
- [OCM031.3/04/18](#) - Stacking of LDPE Bags (E18/3485)
- [OCM031.4/04/18](#) - Schedule of Submissions (E18/3543)
- [OCM031.5/04/18](#) - Detailed Assessment (E18/3004)
- [OCM031.6/04/18](#) - Clause 67 Deemed Provision Checklist (E18/2977)
- [OCM031.7/04/18](#) - Acoustic Assessment (E18/3048)
- [OCM031.8/04/18](#) - Emissions Testing Reports (IN18/8048)
- [OCM031.9/04/18](#) – Material Safety Data Sheets (IN18/8575)
- [OCM031.10/04/18](#) - Odour Impact Risk Assessment (IN18/6602)
- [OCM031.11/04/18](#) – Environment Protection Authority Comments (IN18/3859)

### Alignment with our Strategic Community Plan

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

### Financial Implications

There are no financial implications resulting from this report.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Refusal may result in a SAT appeal</b>	Almost Certain (5)	Moderate (3)	High (10-16)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Manage by appointing independent consultants to undertake SAT process.
<b>Approval may not be agreed to by residents</b>	Almost Certain (5)	Moderate (3)	High (10-16)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Manage by ensuring the assessment as detailed in this report address relevant legislation. Accept Risk

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 15 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

OCM031/04/18 Officer Recommendation:

That Council approves the application submitted by Harvey Construction WA on behalf of C.C. Wormall Pty Ltd for Development Approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup, subject to the following conditions:

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

Plans and Specifications	Plans P1-P3 received at the Shire on 13 March 2018; Environmental Noise Assessment received at the Shire on 25 January 2018; Emissions Testing Report received at the Shire on 8 March 2018; Odour Impact Risk Assessment received at the Shire on 16 March 2018; and Smart Stream Technology Report submitted 10 April 2018
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- Prior to occupation, an updated Landscaping Management Plan must be submitted to the Shire of Serpentine Jarrahdale to include the maintenance methods to be implemented for the proposed landscape areas to the satisfaction of the Shire of Serpentine Jarrahdale. Landscaping is to be implemented within 3 months of operation and thereafter maintained in accordance with the updated Landscape Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.
- Prior to occupation, A Dust Management Plan (DMP) shall be submitted to the satisfaction of the Shire of Serpentine Jarrahdale prior to the use commencing. The DMP shall include management arrangements for the unloading and stacking of the LDPE bags and contingencies if bags are damaged and/or ruptured on-site.
- Prior to the lodgement of a Building Permit, a Stormwater Management Plan shall be submitted and approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Stormwater Management Plan shall include spill management and be prepared in accordance with



Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010).

5. Prior to occupation, an Operational Management Plan must be submitted, approved and thereafter implemented for the duration of the development, to the satisfaction of the Shire Serpentine Jarrahdale. The Operation Management Plans must outline (but not limited to):
  - a. Methods of stacking and unstacking of the Linear Low Density Polyethylene;
  - b. Activities to occur during the hours of operation;
  - c. Emergency response (fire, chemical spill);
  - d. Delivery of LDPE bags;
  - e. Vehicle movements; and
  - f. Storage of chemicals.
6. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale for approval.
7. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale for approval.
8. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment . The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale for approval.
9. The development is restricted to the production of a maximum of 1500 plastic units a year.
10. Operating hours are restricted to 7am to 7pm Monday to Friday and 7am to 1pm Saturdays.
11. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7am and 7pm within the approved days of operation.
12. Development to be in accordance with the approved Fire Management Plans for the Cardup Business Park.
13. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.



14. Floodlighting shall not be illuminated after 10:00pm or before 7:00am, all light sources shall be hooded with no light spill outside of the property in accordance with Australian Standard AS 4282-1997.
15. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Waste Water Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.
16. A maximum of 2 commercial vehicles a day are permitted to access the site for loading and unloading purposes.
17. A maximum of 8 litres of Hazardous Liquid Material; 30 litres of Mould Release and 10 litres of DP 8005 3M Glue are permitted to be stored on-site at any given time.
18. The disposal of wastewater onsite associated with the Roto Moulding Machine is not permitted.
19. The hardstand area comprising of the car parking, manoeuvring areas, accessways and loading and unloading areas must:
  - a. Be designed in accordance with Australian/New Zealand AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
  - b. Include 8 car parking bays for the purpose of this development;
  - c. Include one (1) car parking space dedicated to people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1:General Requirements for access-New Building Work; and
  - d. Parking, driveways and manoeuvring areas to be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.
20. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale for approval.

Advice Notes:

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.
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.
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.
4. Any proposed signage may require the approval of the Shire.



5. All toxic and hazardous substances shall be stored, handled and used as per Water Quality Protection Note 65 – Toxic and hazardous substances (DWER, 2015);
6. Prior to the installation of any ventilation system on site, an Environmental Noise Assessment is to be submitted to the satisfaction of the local government, demonstrating that the ventilation system does not exceed acceptable noise limits.

**The Shire President, Councillor Rich advised that an amended Officer Recommendation had been distributed to Councillors.**

**Voting Requirements:** Simple Majority

OCM031/04/18 Amended Officer Recommendation:

That Council approves the application submitted by Harvey Construction WA on behalf of C.C. Wormall Pty Ltd for Development Approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup, subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans P1-P3 received at the Shire on 13 March 2018; Environmental Noise Assessment received at the Shire on 25 January 2018; Emissions Testing Report received at the Shire on 8 March 2018; Odour Impact Risk Assessment received at the Shire on 16 March 2018; and Smart Stream Technology Report submitted 10 April 2018
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2. Prior to occupation, an updated Landscaping Management Plan must be submitted to the Shire of Serpentine Jarrahdale to include the maintenance methods to be implemented for the proposed landscape areas to the satisfaction of the Shire of Serpentine Jarrahdale. Landscaping is to be implemented within 3 months of operation and thereafter maintained in accordance with the updated Landscape Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to occupation, A Dust Management Plan (DMP) shall be submitted to the satisfaction of the Shire of Serpentine Jarrahdale prior to the use commencing. The DMP shall include management arrangements for the unloading and stacking of the LDPE bags and contingencies if bags are damaged and/or ruptured on-site.
4. Prior to the lodgement of a Building Permit, a Stormwater Management Plan shall be submitted and approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Stormwater Management Plan shall include spill management and be prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010).
5. Prior to occupation, an Operational Management Plan must be submitted, approved and thereafter implemented for the duration of the development, to the satisfaction of the Shire Serpentine Jarrahdale. The Operation Management Plans must outline (but not limited to):
  - a. Methods of stacking and unstacking of the Linear Low Density Polyethylene;
  - b. Activities to occur during the hours of operation;
  - c. Emergency response (fire, chemical spill);
  - d. Delivery of LDPE bags;
  - e. Vehicle movements; and



f. Storage of chemicals.

6. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale..
7. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale..
8. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment . The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale.
9. The development is restricted to the production of a maximum of 1500 plastic units a year.
10. Operating hours are restricted to 7am to 7pm Monday to Friday and 7am to 1pm Saturdays.
11. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7am and 7pm within the approved days of operation.
12. Development to be in accordance with the approved-Fire Management Plans for Lot 41, Cardup Siding Road, Cardup.
13. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.
14. Floodlighting shall not be illuminated after 10:00pm or before 7:00am, all light sources shall be hooded with no light spill outside of the property in accordance with Australian Standard AS 4282-1997.
15. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Waste Water Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.
16. A maximum of 2 commercial vehicles a day are permitted to access the site for loading and unloading purposes.
17. A maximum of 8 litres of Hazardous Liquid Material; 30 litres of Mould Release and 10 litres of DP 8005 3M Glue are permitted to be stored on-site and must be within the approved workshop at any given time.
18. The disposal of wastewater onsite associated with the Roto Moulding Machine is not permitted.
19. The hardstand area comprising of the car parking, manoeuvring areas, accessways and loading and unloading areas must:
  - a. Be designed in accordance with Australian/New Zealand AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
  - b. Include 8 car parking bays for the purpose of this development;



- c. Include one (1) car parking space dedicated to people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1:General Requirements for access-New Building Work; and
  - d. Parking, driveways and manoeuvring areas to be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.
20. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date annual reports will be required to be submitted to the Shire of Serpentine Jarrahdale.

Advice Notes:

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.
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.
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.
4. Any proposed signage may require the approval of the Shire.
5. All toxic and hazardous substances shall be stored, handled and used as per Water Quality Protection Note 65 – Toxic and hazardous substances (DWER, 2015);
6. Prior to the installation of any ventilation system on site, an Environmental Noise Assessment is to be submitted to the satisfaction of the local government, demonstrating that the ventilation system does not exceed acceptable noise limits.

Reason for amended Officer Recommendation: The amendment to condition 12 is required due to the recent approval of a site specific Fire Management Plan. Condition 17 was amended to ensure the LDP bags were to be stored within the approved workshop, which was the original intent of the condition and the amendment clarifies this. The reports required is for compliance reasons to inform the Shire about relevant compliance levels and therefore does not require approval.

**Voting Requirements:** Simple Majority

**OCM031/04/18 COUNCIL DECISION / Alternative Councillor Motion**  
**Moved Cr Rich, seconded Cr Atwell**

**That Council approves the application submitted by Harvey Construction WA on behalf of C.C. Wormall Pty Ltd for Development Approval for a Plastic Production Workshop and Storage at Lot 41, 17 Cardup Siding Road, Cardup, subject to the following conditions:**

1. **The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.**

<b>Plans and Specifications</b>	<b>Plans P1-P3 received at the Shire on 13 March 2018; Environmental Noise Assessment received at the Shire on 25 January</b>
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	<b>2018;</b> <b>Emissions Testing Report received at the Shire on 8 March 2018;</b> <b>Odour Impact Risk Assessment received at the Shire on 16 March 2018;</b> <b>and</b> <b>Smart Stream Technology Report submitted 10 April 2018</b>
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2. Prior to occupation, an updated Landscaping Management Plan must be submitted to the Shire of Serpentine Jarrahdale to include the maintenance methods and schedule of plants species for the proposed landscape areas to the satisfaction of the Shire of Serpentine Jarrahdale. Landscaping is to be implemented prior to occupation and thereafter maintained in accordance with the updated Landscape Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to occupation, a Dust Management Plan (DMP) shall be submitted to the satisfaction of the Shire of Serpentine Jarrahdale prior to the use commencing. The DMP shall include management arrangements for the unloading and stacking of the LDPE bags and contingencies if bags are damaged and/or ruptured on-site.
4. Prior to the lodgement of a Building Permit, a Stormwater Management Plan shall be submitted and approved and thereafter implemented to the satisfaction of the Shire of Serpentine Jarrahdale. The Stormwater Management Plan shall include spill management and be prepared in accordance with Stormwater Management Manual for Western Australia (DWER, 2004) and Water Quality Protection Note 52 – Stormwater management at industrial sites (DWER, 2010).
5. Prior to occupation, an Operational Management Plan must be submitted, approved and thereafter implemented for the duration of the development, to the satisfaction of the Shire of Serpentine Jarrahdale. The Operational Management Plans must outline (but not limited to):
  - a. Methods of stacking and unstacking of the Linear Low Density Polyethylene;
  - b. Activities to occur during the hours of operation;
  - c. Emergency response (fire, chemical spill);
  - d. Delivery of LDPE bags;
  - e. Vehicle movements; and
  - f. Storage of chemicals.
6. Prior to occupation, an Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake ambient air quality testing. The testing shall include levels of the current air quality.
7. Within 90 days of occupation, an updated Emissions Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake air quality testing. The testing shall include ambient air testing, all potential sources of emissions and the efficiency of pollution controls. The results of the testing and analysis is to be reported to the Shire and referred to the toxicologist at the Department of Health for assessment within 90 days of the roto-moulder being commissioned. After this date, quarterly reports for the following 2 years will be required to be



- submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.
8. Within 90 days of occupation, an updated Environment Noise Report assessing the activities from the site is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Environment Noise Report. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.
  9. Within 90 days of occupation, an updated Odour Impact Risk Assessment is required to be submitted to the satisfaction of the Shire. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the Odour Impact Risk Assessment. The testing shall include air testing, all potential sources of odour and the efficiency of odour controls. After this date, quarterly reports for the following 2 years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.
  10. The development is restricted to the production of a total of 1500 plastic units a year.
  11. Operating hours are restricted to 7:00 am to 5:30pm Monday to Friday and 7:00am to 1:00pm Saturdays.
  12. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Unloading and loading of goods may only be undertaken between 7:00am and 5.30pm within the approved days of operation.
  13. Development to be in accordance with the approved Fire Management Plan for Lot 41 Cardup Siding Road, Cardup.
  14. All stockpiling of plastic products shall not exceed 1.8m in height and shall only occur within the proposed hardstand laydown area.
  15. Floodlighting shall not be illuminated after 7:00pm or before 7:00am, all light sources shall be hooded with no light spill outside of the property in accordance with Australian Standard AS 4282-1997.
  16. Prior to occupation a Wastewater Management Plan is required to be submitted to the Shire of Serpentine Jarrahdale for approval. The Waste Water Management Plan must demonstrate how residual water from the fine mist tray will be captured and details of the mechanism used to capture the wastewater.
  17. A maximum of 2 commercial vehicles a day are permitted to access the site for loading and unloading purposes.
  18. A maximum of 8 litres of Hazardous Liquid Material; 30 litres of Mould Release and 10 litres of DP 8005 3M Glue are permitted to be stored on-site within the approved workshop at any given time. The LDPE bags are to be stored onsite within the approved workshop at all times. Storage of all materials are to be in accordance with relevant Australian/ New Zealand AS/NZS or International ISO standards.
  19. The disposal of wastewater onsite associated with the Roto Moulding Machine is not permitted.
  20. The hardstand area comprising of the car parking, manoeuvring areas, accessways and loading and unloading areas must:



- a. Be designed in accordance with Australian/New Zealand AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
  - b. Include 8 car parking bays for the purpose of this development;
  - c. Include one (1) car parking space dedicated to people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New Building Work; and
  - d. Parking, driveways and manoeuvring areas to be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.
21. Prior to occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the groundwater testing.
  22. Within 90 days of occupation, a Ground Water Testing Report is required to be submitted to the satisfaction of the Shire of Serpentine Jarrahdale. The applicant or operator is to attain agreement from the Director of Development Services for the appointment of a suitably qualified consultant to undertake the report and must demonstrate that groundwater quality has not been impacted upon by the approved development. After this date quarterly reports for the following two years will be required to be submitted to the Shire of Serpentine Jarrahdale after which annual reports will be required.
  23. No amendments to the approved development are to occur without prior approval from the Shire of Serpentine Jarrahdale Council.

**Advice Notes:**

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.
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.
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.
4. Any proposed signage may require the approval of the Shire.
5. All toxic and hazardous substances shall be stored, handled and used as per Water Quality Protection Note 65 – Toxic and hazardous substances (DWER, 2015); and
6. Prior to the installation of any ventilation system on site, an Environmental Noise Assessment is to be submitted to the satisfaction of the local government, demonstrating that the ventilation system does not exceed acceptable noise limits.



**Reason for alternative Councillor Motion:**

In the Officers recommendation a few items had been overlooked. This alternative Councillor Motion with changed conditions set some baseline assessments to enable Officers to monitor any issues. There is no point in doing water testing or air quality testing, to check for contamination if we do not have the baseline reports.

**CARRIED 6/3**

**Councillor McConkey, in accordance with Section 5.21(4)(b),  
*Local Government Act 1995* requested the votes be recorded.  
Councillors Rich, Atwell, Coales, Gossage, Piipponen and See voted FOR the motion.  
Councillors Byas, Denholm and McConkey voted AGAINST the motion.**

**OCM032/04/18 – Proposed Scheme Amendment No.206 – Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford – Rezoning from ‘Rural’ to ‘Rural Living A’ – Initiation (PA17/1096)**

<b>Author:</b>	Robert Casella – Senior Strategic Planner
<b>Senior Officer/s:</b>	Deon van der Linde – Manager Strategic Planning Andre Schonfeldt – Acting Chief Executive Officer
<b>Date of Report:</b>	22 February 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

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

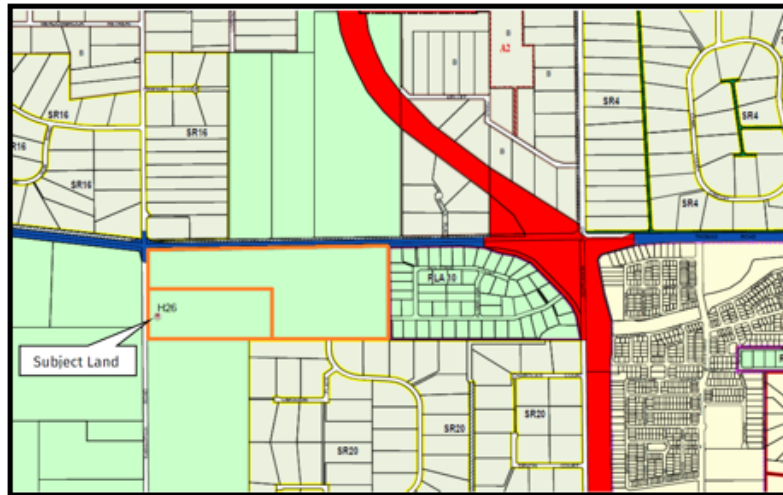
**Introduction**

The purpose of this report is for Council to consider whether to adopt proposed Scheme Amendment No.206 (the amendment), in terms of s35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015. Council also needs to consider whether the amendment is a “Basic”, “Standard” or “Complex” amendment pursuant s35(2) and determine whether or not to advertise the amendment with or without modifications.

The proposed amendment seeks to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from ‘Rural’ to ‘Rural Living A’ under the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2).

Officers do not have delegation to determine scheme amendment proposals as per s35 and therefore it is referred to Council to determine the Scheme Amendment.

Officers recommend that Council support the proposed Scheme Amendment No.206 in accordance with a ‘standard’ amendment, subject to modifications.

**Figure 1 – Locality Plan****Relevant Previous Decisions of Council**

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

**Background****Existing Development**

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

The subject site is serviced by Thomas Road to the north, Kargotich Road to the west, Byford Meadows Drive to the South and to the east is Jersey Road. According to Main Roads WA (MRWA), Kargotich Road is a regional distributor road with a posted speed limit of 90kmh. The western portion of Thomas Road (west of Tonkin Highway) is under the administration of MRWA. The posted speed for Thomas Road varies from 90 – 70km/h, which carries above 14,000 vehicles per day.

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

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

The dwelling accommodated on Lot 4 Kargotich Road is registered as a place of local heritage, having historic and social significance as one of the earlier homesteads built in the Byford district. The homestead was built by the well-known Bateman family. Bateman was a keen racehorse enthusiast, whom constructed a racecourse on the property and held picnic races there. The site has a management category of '2', which means conservation is highly recommended under the Shire's Municipal Inventory. The subject site is mostly cleared of vegetation, with rows and scattered trees predominantly located in the western portion of the subject site.

**Proposed Development**

The scheme amendment application seeks to amend the Shire's TPS2 by rezoning the subject site from 'Rural' to 'Rural Living A'. The amendment also includes a number of special land uses and development provisions appropriate in addressing specific site considerations and permissibility. A full copy of the scheme amendment report is contained in attachment OCM032.1/04/18.



The amendment is considered to be a 'standard' amendment in accordance with Regulation 34, Part 5, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LSP Regs)* as:

- The amendment is consistent with a local planning strategy (Rural Strategy 2013 Review) for the scheme, which has been endorsed by the Western Australian Planning Commission (WAPC or the Commission);
- the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- the amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.

A subdivision concept plan accompanying the subject application, proposes to establish lots ranging from 0.4ha to 1.77ha in area, with a total of 57 lots being created over the subject site.

### **Community / Stakeholder Consultation**

Under Part 5, Division 3 of the *LSP Regs*, a 'Standard' scheme amendment is required to be advertised for a minimum of 42 days. Therefore community consultation will be undertaken following Council's resolution to proceed to advertise Scheme Amendment No. 201. Consultation will be undertaken via the following methods:

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

### **Statutory Environment**

#### Legislation

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

#### State Government Policies

- Draft Perth and Peel @ 3.5 Million
- Draft Government Sewerage Policy 2016
- State Planning Policy 1 – State Planning Framework Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

#### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy 2013 Review
- Draft Local Planning Strategy
- Draft Local Planning Scheme No.3



## **Planning Assessment**

Shire Officers have undertaken a preliminary assessment of the proposal to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from 'Rural' to 'Rural Living A'.

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

The Act in clause 69 states that the general objects of a scheme is to make suitable provision for the improvement, development and use of land in the local planning scheme area. The scheme amendment provides for a zoning of 'Rural Living A' over 48.673ha to the west of Byford. The subdivision concept plan accompanying the subject application proposes to establish lots ranging from 0.4ha to 1.77ha in area, with a total of 57 lots being created over the subject site.

The Regulations state that the purpose of the scheme is to set out the Local Government's planning aims and intentions for the scheme area, set aside land for local reserves, zone land and control and guide development.

To ensure consistency with the requirements of the Act and accompanying Regulations the whole site was considered in terms of the State and Local Planning Framework.

### *State and Local Planning Framework*

The subject site is currently identified in *the Draft Perth and Peel @ 3.5 Million* (the framework) as 'Urban Expansion'. Clarification from the Department has confirmed that the document will be finalized to reflect the subject site as 'Rural-Residential'. This will ensure the framework is consistent with the adopted *Rural Strategy 2013 Review*, which identifies the site as 'Rural Living A', making the proposed rezoning, consistent with the Shire's strategic framework.

An assessment against the *draft Local Planning Strategy*, as adopted by Council in December 2017, identified that the subject site is classified as 'Special Residential'. The 'Special Residential' zone is defined as being appropriate for lots ranging from 0.4ha to 1ha in area, which achieve a high level of amenity and rural character.

The subject application intends to connect those lots under 1ha to reticulated sewer, in accordance with the *draft Government Sewerage Policy 2016*. There is expected to be 42 lots of the 57 indicated, connected to reticulated sewer, subject to a structure plan application.

Officers have also assessed the proposal against the relevant State Planning Policies. Generally, the proposed scheme amendment is considered to satisfy the provisions of the relevant statutory environment, including Planning in Bushfire Prone Areas, Planning in Rural Areas, Peel Harvey Coastal Plain Catchment and the overall planning framework.

### *TPS2 Scheme Objectives*

The general objectives and purposes of the Scheme are:

- to secure the amenity, health, safety and convenience of the inhabitants of the District;
- to zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;
- to reserve land for future and present public use;
- to make provisions for the conservation and preservation of places of natural beauty, historic buildings and objects of historic or scientific interest.
- to create a pedestrian and vehicular circulation system together with landscape environment which





complements the wide range of activities carried on and proposed to be carried in the District.

- to encourage coordinated development of the District in accordance with the guidelines set out in the planning studies adopted by the Council for particular areas or the District as a whole.
- to make provision for other matters incidental to town planning and land use management.

The amendment addresses the matters in the following manner:

*1. Consideration of Amenity, Health Safety and Convenience*

The proposal will not have a significant impact on the general amenity of the area due to its location as it is surrounded by similar Rural Living style lots. The proposal will not affect the health, safety or convenience of the community or the new residents. Where necessary conditions will be placed on the development at the local structure planning and subdivision stage.

*2. Zoning of Land*

The proposed amendment seeks to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road, Oakford from 'Rural' to 'Rural Living A' under the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS2). The specific conditions to be imposed on the land are:

- a. Rezoning Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford from 'Rural' to 'Rural Living A' in accordance with the Scheme Amendment Map.
- b. Amending the Scheme Map by delineating Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford as 'RLA32'
- c. Listing Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford as 'RLA32' in 'Appendix 4A – RURAL LIVING A ZONE' with the following land use controls and special provisions:
  - i. Subdivision to be generally in accordance with a Structure Plan approved by the Western Australian Planning Commission.
  - ii. If reticulated sewer is available to a lot the dwelling on that lot must be connected to it and cannot dispose of effluent onsite.
  - iii. A Structure Plan shall be prepared over the land addressing the following:
    - o A future road connection to the Lot directly abutting the southern boundary, currently Lot 207 Kargotich Road, Oakford;
    - o A notification being placed on subdivided lots advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal units to ensure adequate separation distance to groundwater is maintained;
    - o No direct vehicular access is to be provided to or from Kargotich Road;
    - o A transport noise assessment being prepared to address existing and future traffic noise originating from Thomas Road.
  - iv. The subdivider is to notify prospective purchasers that the land may be subject to seasonal inundation, flooding.
  - v. A 10% contribution (cash or otherwise) is to be provided towards district open space.

*3. Reservations of land*

No specific reservation of land is envisaged at this stage.



#### 4. *Environmental considerations*

The proponent engaged Ecoscape Australia to prepare an Environmental Investigation Report, in accordance with Environmental Protection Authority (EPA) guidelines and standards. The report confirms that there are no vegetation communities or protected flora on the subject site. There are six trees identified on site which are considered as having potential to be utilized by black cockatoo species as breeding, foraging or roosting habitat. The report acknowledges that the subject site is subject to seasonal flooding, subsequently recommending that 50% of the land area being established to deep rooted perennial plants, of indigenous species, including high water using species.

The application is supported by a Local Water Management Strategy (LWMS) for the conceptual structure plan layout, which was prepared by Hyd2o, 2018. The LWMS indicates that groundwater is greater than 1.6m below surface level. As part of the development, there is minimal disturbance to the landform, however it will be required that appropriate stormwater treatment and detention will be required to ensure post development flows do not exceed pre development volumes, as well as appropriate mitigation measures are applied to improve the water quality through nutrient stripping techniques.

As a result of soil analysis of the site from the geotechnical investigation prepared by Douglas Partners, it is concluded that the site is considered to be suitable to accommodate the disposal of domestic effluent, subject to a range of recommendations, which will later be addressed as part of a structure plan application. However, the report does confirm the two sites have limited infiltration capacity which will be subject to seasonal inundation.

#### 5. *Traffic considerations*

The Traffic Impact Statement, prepared by Flyt (December 2017) confirms that the proposed subject site is considered to be suitably serviced via the existing and proposed road network. Lot 207 seeks to incorporate a connection to Lot 4 Kargotich Road, providing the subject lots with access to Kargotich Road via an internal road network, as well as Jersey Road and Byford Meadows Drive for access to the east and south, respectively.

#### 6. *Coordinated Development*

The proposal, as supported in a Servicing Report prepared by Porter Engineering, February 2018, confirms that the site can be serviced by power, water, telecommunications and sewer. It is proposed that those lots identified as having a lot area less than 1ha will be serviced by sewer. Whereas those lots equal to or greater than 1ha will be serviced via traditional on site disposal.

The proposal complies with the strategic planning framework. The technical supporting documents accommodating the scheme amendment proposal, show that the site is capable of being developed for the intended rural residential development. Further detailed designs will be provided for assessment as part of a structure plan application, following Western Australian Planning Commissions favourable consideration of this scheme amendment.

### **Options and Implications**

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

Option 1: Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

It is considered that the report as contained in the attachments, meets the minimum requirements for advertising purposes. By imposing modification to the report on the proponent, it will inevitably impose further costs, which may warrant further change once presented to the Western Australian Planning Commission.



Option 2: Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

Council determine that additional information is required to be clarified in the report to consider the report suitable for advertising. Council will have to be clear with its recommended modification(s) to ensure the proponent can make the modification(s) without delay. By imposing modification will just result in delays and unnecessary additional costs.

Option 3: Council may resolve to not proceed to advertise the amendment to the local planning scheme.

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

Option 1 is recommended.

### Conclusion

The Shire of Serpentine Jarrahdale is in receipt of an application to rezone Lot 2 Thomas Road and Lot 4 Kargotich Road Oakford, from 'Rural' to 'Rural Living A'. The subject site is classified as Rural Living A under the WAPC approved Rural Strategy 2013 Review. The proposal is also in accordance with the Shire's draft Local Planning Scheme.

Officers have assessed the application against the State and local planning frameworks. It is considered the proposal complies with the strategic framework.

Technical supporting documents accommodating the scheme amendment proposal, determines that the site is considered capable of being developed for the intended rural residential development. Further detailed designs will be provided for assessment as part of a structure plan application, following Western Australian Planning Commissions favourable determination of this scheme amendment.

### Attachments

- [OCM032.1/04/18](#) – Proposed Scheme Amendment No.206 Report (IN18/4548)

### Alignment with our Strategic Community Plan

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

### Financial Implications

Council in the future will be required to include in its budget, annual maintenance costs for the Public Open Space reserve and road reservations, once ceded to the Shire as part of a future subdivision application.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)



## Ordinary Council Meeting Minutes Monday 23 April 2018

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

### Risk Matrix

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

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



**Voting Requirements:** Simple Majority

**OCM032/04/18 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Coales, seconded Cr Byas**

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) and regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to proceed to advertise amendment No.206 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 by:

1. Acknowledging that the amendment is 'standard' as the scheme amendment is generally in accordance with the 'standard' classification as detailed within Part 5 Division 1 regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - a. the amendment is consistent with a local planning strategy for the scheme that has been endorsed by the commission;
  - b. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
  - c. the amendment does not result in any significant environmental, social, economic or governance impacts in the Scheme area.
2. Amending the Scheme as follows:
  - a. Rezoning Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford from 'Rural' to 'Rural Living A' in accordance with the Scheme Amendment Map.
  - b. Amending the Scheme Map by delineating Lot 4 (No.331) Kargotich Road and Lot 2 (No.1842) Thomas Road, Oakford as 'RLA32'



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

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

3. Forwarding two (2) copies of Amendment No. 206 of Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Authorising the Chief Executive Officer to refer a copy of Amendment No. 206 of Town Planning Scheme No.2 to the Environmental Protection Authority for consent to advertise, in accordance with Section 81 and 82 of the *Planning and Development Act 2005*.

**CARRIED UNANIMOUSLY 9/0**



<b>OCM033/04/18 – Proposed Amendment 1 – Local Development Plan 1 – Lots 127-130 and 202 Doley Road, Lots 2 and 3 Lawrence Way and Lot 1 Orton Road, Byford (PA18/84)</b>	
<b>Author:</b>	Lauren Dujmovic – Strategic Planner
<b>Senior Officer/s:</b>	Andre Schonfeldt – Acting Chief Executive Officer
<b>Date of Report:</b>	26 March 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: CLE Town Planning and Design  
Owner: Housing Authority  
Date of Receipt: 5 February 2018  
Lot Area: 21.7ha  
Town Planning Scheme No 2 Zoning: 'Urban Development'  
Metropolitan Region Scheme Zoning: 'Urban'

### **Introduction**

This report is presented to Council to consider a proposed Amendment 1 to the approved Local Development Plan 1 (LDP) for the Doley Road Precinct. The applicant is seeking to further vary the deemed-to-comply provisions of the Residential Design Codes (R-Codes) within the LDP area by amending the lot boundary setback requirements for lots designated a coding of R40.

Shire Officers recommend that Council approve the proposed Amendment 1 to the LDP.

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

OCM163/12/17– LDP was approved subject to conditions.

### **Background**

#### Existing Development

The existing LDP relates to a portion of the Doley Road Precinct Local Structure Plan (LSP), situated to the south of the Byford urban cell. The LDP is bound by Orton Road to the south, Lawrence Road to the east and Doley Road to the west, covering an area of approximately 21.7 hectares. The subject site is currently vacant, with initial earthworks relating to approved subdivisions currently being undertaken at the site.



Site Context

Proposed Development

Amendment 1 to the LDP proposes to modify the boundary setback requirements for lots designated a coding of R40. The existing LDP varied the deemed-to-comply provisions of the R-Codes to allow buildings to be built up to the second side lot boundary. This proposed LDP amendment is to further vary the deemed-to-comply requirements of the R-Codes to extend the wall lengths permitted to be built up to the lot boundary on both side boundaries behind the street setback. A summary of the lot boundary setback provisions contained in the R-Codes, the existing LDP and proposed Amendment 1 to the LDP are provided in the below table. The proposed amendment is discussed in greater detail within the Planning Assessment section of this report.

Residential Density	R-Codes deemed-to-comply provision	Existing LDP provisions	Proposed Amendment to LDP provisions
R40	Walls not higher than 3.5m with an average of 3m or less, for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only.	Buildings built up to one side boundary are permitted for a total maximum 2/3 length of the boundary.  Buildings built up to the second side boundary are permitted for a maximum length of 9.0m.  Walls not higher than 3.5m, with an average height of 3.0m or less.	Buildings built up to both side boundaries for wall heights 3.5 metres or less, with no maximum to one side boundary and, to the second side boundary, a maximum length of two-thirds the length of that boundary.





## **Community / Stakeholder Consultation**

Pursuant to Clause 59 (4), Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*), the local government may decide not to advertise a local development plan amendment if in the opinion of the local government, the amendment is of a minor nature. The same landowner owns all of the land within the LDP area and the adjoining land is comprised of large undeveloped land parcels. Officers consider the proposed amendment to the LDP is of a minor nature and that the landowners and prospective purchasers within or adjoining the LDP area would not be adversely affected by the amendment. As such, the LDP was not advertised, pursuant to Clause 59 (4), Part 6, Schedule 2 of the *Regulations*.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- State Planning Policy 3.1 – Residential Design Codes

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Local Planning Policies

### *Local Development Plan Procedures*

Clause 59, Part 6, Schedule 2 of the *Regulations* contains provisions for amendments to local development plans. Sub Clause 59 (3) states that the procedure for making a local development plan are to be followed in relation to an amendment to a local development plan. Clause 52, Part 6, Schedule 2 of the *Regulations* contains the provisions for a local government to make a decision on a local development plan. Sub Clause 52 (1) states the following:

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —*
- (a) approve the local development plan; or*
  - (b) require the person who prepared the local development plan to —*
    - (i) modify the plan in the manner specified by the local government; and*
    - (ii) resubmit the modified plan to the local government for approval;*
- or*
- (c) refuse to approve the plan.'*

Sub Clause 52 (2) contains provisions in regards to the timeframes a local government has to determine a local development plan:

- (2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —*
- (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or*



*(b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.'*

## **Planning Assessment**

### Lot Boundary Setbacks

The proposed amendment to the LDP relates to lot boundary setbacks for land coded R40 within the LDP area. Deemed-to-comply requirement C3.2 the under Clause 5.1.3 of the R-Codes specifies requirements for walls to be built up to a lot boundary behind the street setback. In areas coded R30 and higher, deemed-to-comply requirement C3.2 (iii) states the following requirement for walls to be built up to a lot boundary:

*'Walls not higher than 3.5m with an average of 3m or less, for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only.'*

The existing LDP varies the deemed-to-comply requirements specified by the R-Codes for R40 lots with the addition of a requirement that permits buildings to be built up to the second side boundary for a length of 9.0 metres. This additional requirement to the R-Codes was included in the existing LDP that was approved by Council in December 2017. The proposed amendment to the LDP seeks to increase the flexibility of the boundary wall provisions for R40 lots within the LDP area, amending the provisions to be consistent with the Western Australian Planning Commission's (WAPC) 'Planning Bulletin 112 – Medium-density single house development standards – Development Zones' (R-MD Codes). The R-MD Codes specify variations to the deemed-to-comply provisions of the R-Codes for medium density single houses in development areas that are considered acceptable by the WAPC. The amended boundary setback provision for R40 lots proposed by the LDP amendment, which is consistent with the R-MD Codes, is as follows:

*'Buildings built up to both side boundaries for wall heights 3.5 metres or less, with no maximum to one side boundary and, to the second side boundary, a maximum length of two-thirds the length of that boundary.'*

This provision extends the wall length permitted to be built up to the lot boundary on both side lot boundaries. This amendment to the LDP is proposed as dwelling designs for R40 lots with 7.5 metre frontages generally exceed the 9 metre second side boundary wall length permitted under the existing LDP. The applicant has stated that dwelling designs for R40 lots are generally undertaken in accordance with the R-MD Codes, leading to difficulties for builders in ensuring that floorplans will comply.

### Residential Design Codes Variations

The proposed LDP amendment seeks to amend the deemed-to-comply requirement C3.2 under Clause 5.1.3 of the R-Codes. Clause 7.3.1 of the R-Codes states that local development plans may contain provisions that amend or replace deemed-to-comply provisions relating to lot boundary setbacks addressed under Clause 5.1.3 C3.2-33. It is further stated that amendments to these deemed-to-comply provisions are to be consistent with the relevant design principles contained within the R-Codes. The design principles relating to lot boundary setbacks are as follows:

*'P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

*P3.2 Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*



- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.'*

Officers consider the proposed LDP amendment to be consistent with the design principles for building up to boundaries (P3.2) outlined above. The proposed amendment would facilitate a more efficient use of space, allowing the consolidation of open space at the rear of dwellings. The amendment would remove the requirement for narrow and underutilised outdoor spaces to the sides of dwellings, which would increase the amount of useable outdoor space. Open space requirements would remain unchanged, so there would be no decrease in the amount of open space provided for each lot. The amendment would have the effect of facilitating outdoor spaces to be provided in a configuration that would enhance functionality. Furthermore, modifying this provision would allow larger indoor spaces and use of the lot width in a more efficient manner. This is particularly important for the lots with 7.5 metre frontages to ensure that the limited space is used efficiently to maximise the use and functionality of both outdoor and indoor spaces.

The proposed amendment is not considered to have an adverse impact on adjoining properties, as the neighbouring R40 properties would also be likely to have abutting boundary walls of a similar length, as allowed under the modified provision. In the instances where R40 lots abut R25 lots, the R25 lots may also have abutting boundary walls on both sides under the LDP, for 2/3 the length of one side boundary and a length of 9 metres on the second side boundary. The greater lot widths of the R25 lots would also allow for greater flexibility in managing the lot boundary interface.

Consolidated outdoor spaces would enable increased solar access to both indoor and outdoor spaces. The spaces between dwellings that may result from the implementation of side boundary setbacks would be too narrow, especially for the 7.5 metre frontage lots, to allow sufficient access to sunlight. The proposed amendment would result in any impact to the streetscape as there are no changes proposed to street setbacks.

#### Draft Local Planning Policy 2.2 Local Development Plans (LPP2.2)

Policy provision 1 (a) (ii) of draft LPP2.2 states that the Shire may consider variations to the R-Codes in regards to setbacks to lot boundaries (including buildings built up to the boundary for lots with an R40 coding or greater) within a LDP. The proposed LDP amendment seeks to vary the setbacks to lot boundaries for R40 lots. The proposed amendment can be considered under draft LPP2.2.

#### **Options and Implications**

Option 1: Approve the LDP amendment.

This option would enable flexibility in dwelling designs for R40 lots. Officers do not consider the proposed LDP amendment will adversely affect built form outcomes, amenity or character.

Option 2: Require modifications to the LDP amendment.

This option would allow the Shire to request changes to the proposed LDP amendment. This would result in the Shire liaising with the applicant to submit a modified LDP amendment for consideration of approval.

Option 3: Refuse the LDP amendment.

This option may result in the applicant applying to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision to refuse the LDP amendment.



Option 1 is recommended.

### Conclusion

The proposed LDP amendment seeks to amend the lot boundary setbacks for R40 lots within the LDP area. The amendment proposes to increase the flexibility of the boundary wall provisions to extend the wall length permitted to be built up to the boundary on both side lot boundaries for R40 lots. The proposed provision would amend the LDP to be consistent with the WAPC's R-MD Codes. Officers consider the proposed LDP amendment to be consistent with the design principles for building up to boundaries outlined under the R-Codes. The proposed amendment would facilitate a more efficient use of space, increasing the functionality of indoor and outdoor spaces, without reducing the open space requirements. Officers do not consider the proposed amendment would have an adverse impact on adjoining properties and the proposed amendment does not affect the streetscape. Officers recommend that the proposed LDP amendment be approved.

### Attachments

- [OCM033.1/04/18](#) – Proposed LDP (IN18/2630)
- [OCM033.2/04/18](#) – Existing LDP (E17/12685)
- [OCM033.3/04/18](#) – Doley Road Precinct Local Structure Plan (IN17/25064)

### Alignment with our Strategic Community Plan

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

### Financial Implications

There are no direct financial implications relating to this application.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Council support officer recommendation</b>	Likely (4)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
<b>Council do not support officer recommendation</b>	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

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

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

**Voting Requirements:** Simple Majority

**OCM033/04/18 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr McConkey, seconded Cr Byas**

**That Council**

1. Pursuant to Clause 52 (1) of Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approve the proposed Amendment 1 to Local Development Plan 1 – Lots 127-130 and 202 Doley Road, Lots 2 and 3 Lawrence Way and Lot 1 Orton Road, Byford, as contained within Attachment OCM033.1/04/18.
2. Pursuant to Clause 52 (5) of Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provide written notice of the decision to the applicant.
3. Pursuant to Clause 55 of Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish the approved local development plan on the Shire of Serpentine Jarrahdale website.

**CARRIED UNANIMOUSLY 9/0**

**10.2 Infrastructure Services reports**

<b>OCM034/04/18 – Permanent Road Closure – Road Reserve adjacent to 394 (Lot 137) Hopeland Road, Hopeland (SJ141)</b>	
<b>Author:</b>	Carl Done – Subdivision Coordinator
<b>Senior Officer/s:</b>	Alan Rajah – Subdivision Manager
<b>Date of Report:</b>	3 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The purpose of this report is for Council to consider closing an unnamed road reserve adjacent to Hopeland Road reserve. The road reserve provides access to 394 (Lot 137) Hopeland Road, Hopeland. A declared Water Corporation controlled drain, the Serpentine River is on the northern reserve boundary and 446 (Lot 1) Hopeland Road fronts the southern boundary. The road reserve is currently treated as a private driveway and is gated at the intersection with Hopeland Road.

If Council support closure of the road reserve the owners of 394 (Lot 137) Hopeland Road, Hopeland propose amalgamation into their landholding creating a private driveway for access to Hopeland Road.

The closure has been flagged as a part of another Council decision for an extractive industry. The closure of the road reserve and adoption as a private driveway will allow the primary resource operator to maintain the road pavement in a fit for purpose state, avoiding the need to upgrade and maintain the pavement to a public road standard.

Officers support closing the road reserve and recommend Council request the Minister for Lands to close the road and create unallocated Crown Land.

**Relevant Previous Decisions of Council**

At the ordinary meeting of Council on 28 August 2017, Council unanimously supported an amended proposal for the extractive industry (Sand Mining) at 394 (Lot 137) Hopeland Road, Hopeland. The proposed road closure has some bearing on condition 18 of the decision dated 28 August 2017.

OCM115/08/17 – Development Application & Extractive Industry Licence - approved subject to conditions

**Background**

The owner of 394 (Lot 137) Hopeland Road, hereafter referred to as the Proponent, has requested the road closure for a few reasons:

- To secure their private access - the road reserve is currently treated as a private driveway.
- To remove the requirements of condition 18 of Council decision OCM115/08/17
- To have more control over the access to the licensed quarry and ability to manage the road access as necessary for the works.

The road requested to be closed is an unnamed reserve connecting 394 (Lot 137) Hopeland Road, Hopeland with Hopeland Road Reserve. Punrak Road reserve is located on the opposite side of the Water



Corporation controlled Serpentine River. The portion of reserve requested to be closed is 302m long and 40m wide.

The reserve contains an unsealed pavement approximately 4m wide. The North Western portion of the proposed closure area also contains a non-gazetted water treatment basin on the southern bank of the Serpentine River that was subject to State and Local Government development funding in 2001. The basin is currently in an overgrown state. Department of Water Environment Regulation (DWER) have informed they have long term groundwater monitoring bores in the reserve. DWER have no objection to closing the road reserve. DWER have requested arrangements to provide asset protection and future access for the bores. This can be addressed via imposition of an easement on the future land holding. Western Power transmission lines run across the north eastern corner of the reserve. Western power & Water Corporation have no objection to the closure.

The drainage basin appears to have been constructed in a partnership between State and Local Government with the Natural Heritage Trust providing the majority of funding (circa \$400,000). The drainage basin is intended to improve the quality of water entering the Serpentine River, a declared Water Corporation drain. The basin inflow is a natural creek line that receives flows from agricultural land holdings.

By virtue of its location and size, the treatment basin cannot perform an adequate treatment function for the connected catchment and is considered nonfunctional. The basin fails the 2% connected catchment area guideline for water quality treatment being only 0.003% the size of the connected catchment. Based on treatment volume the basin treats approximately the first 0.02mm of rainfall (current State direction is first 15mm).

### **Community / Stakeholder Consultation**

Advertising has been undertaken in accordance with Clause 58(3) of the *Land Administration Act 1997* (LAA). A notice was circulated in the Serpentine Examiner & Comment News on 1 August 2017. A period of 35 days was given for comment. Relevant State utilities and service providers were contacted and a period of 14 days provided for comment. To date no public comments have been received. No service authorities have raised objection to the proposal.

### **Statutory Environment**

The request to close a road reserve is made under the *Land Administration Act 1997* Part 5 Division 1 section 58. The Shire has been approached by private landowners with a request to take over a portion of public road reserve.

Council is requested to consider if it wishes to relinquish control of a public road reserve. If it does, the legal process is to request the Minister for Lands to close the road. If the Minister for Lands supports the closure request then the land becomes Unallocated Crown Land. Once unallocated, all or a portion of the land may be amalgamated into neighbouring reserves including the Proponent's land. For reference the relevant section of the Act is reproduced below:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*



- 
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
- (a) *by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
- (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
- (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

### **Comment**

The closure of the road reserve will facilitate future amalgamation of all or a portion of the reserve into neighbouring land holdings including 394 (Lot 137) Hopeland Road, Hopeland. As a private access way the Shire will no longer have an obligation to fund the repair and maintenance of the road.

The privatisation of the road reserve will allow the proponent to control access to the section of road. This will both enhance private security and aid in security of the extractive industry via control of the access.

Closing the road reserve will change the ownership of the non-functional water treatment basin and provides an opportunity for the Shire to dispose of the asset by private gazettal.

Western Power, Water Corporation or DWER have stated no objection to the road closure, but as with the above basins if the Unallocated Crown Land is then amalgamated to private ownership they could experience issues with access to their assets. However the creation of easements for access would mitigate this risk. Further state authorities such as Western Power and Water Corporation has adequate ability under various legislative instruments to access assets on private land.

### **Initial Proposal**

The proponent has requested that Council consider closing the portion of road reserve as shown in the attached sketch, OCM034.1/04/18 - Hopeland Road, 394 (Lot 137) – Initial Proposal – Sketch.

Option One: Request the Minister for Lands to close the road reserve as shown in the original proposal.

Option Two: Ask the Minister for Lands to close a portion of the road reserve over the access way and retain approximately a 24m public reserve adjacent to the Serpentine River, as proposed in OCM034.2/04/18.

Option Three: Refuse the application and do not request the Minister for Lands to close the road reserve.

### **Options and Implications**

The merits of the three principal options are considered as follows:

#### **Option One**

Request the Minister for Lands to close the road reserve as shown in the original proposal. This will create an unallocated Crown reserve allowing amalgamation of all or part of the road reserve to the Proponent's





land holding. This will result in the Serpentine River treatment basin being transferred to private land. Once amalgamated the road pavement would become a private asset removing the Shire's obligation for maintenance. Removing the road pavement as a shire asset will also lessen the requirements of condition 18 of the extractive industry approval.

### Option Two

Ask the Minister for Lands to close a portion of the road reserve over the access way and retain approximately a 25m public reserve adjacent to the Serpentine River. This course of action will maintain public ownership of the Serpentine River drainage basin and land hosting the DWER monitoring bores as well as the Western Power transmission line pole. To ensure access for maintenance an easement will be necessary covering the electricity transmission lines on the eastern edge of the existing reserve. The portion of road reserve closed will become Unallocated Crown Land. The closed section can then be amalgamated to the Proponent's land. As with Option One, the road pavement would become a private asset removing the Shire's maintenance obligations. The requirements of the extractive industry approval condition 18 will also be reduced. By preserving approximately a 24m public reserve adjacent to the river the states assets are protected and maintenance access for assets maintained.

### Option Three

Refuse the application and do not request the Minister for Lands to close the road reserve. The road reserve will remain as Crown land and gazetted to the Shire of Serpentine Jarrahdale. The Proponent will continue to have access to Hopeland Road via the unnamed road reserve. The drainage basin and Western Power infrastructure will remain in public land with road access. The Shire will be responsible for care and maintenance of the road pavement and reserve as well as the drainage basin. The extractive industry operator will need to comply with condition 18 of Council's approval and license to operate and maintain the road as fit for access by the public. The Shire will continue to be responsible for the cost of maintaining the road pavement.

The preferred course of action is Option Two - to request the Minister for Lands to close only a portion of the road reserve as denoted in the amended closure proposal plan. While transfer of all or part of the land to private ownership could potentially affect overland flow to the drain, that is not normally a matter regulated by the Shire and any interruption to overland flow paths are more likely to occur on land currently in private ownership and therefore beyond the Shire's control. In any case, logic suggests that the private owners would want to facilitate free drainage of water across the land rather than create conditions that would result in ponding on or adjacent to their access.

### **Conclusion**

A road closure has been requested to afford a landowner the capability to secure a private driveway and lessen the requirements for maintenance and construction on an approved extractive industry. Given that the road offers little public benefit to the community Shire officers support closing the road reserve as per the amended proposal (Option Two). This allows the proponent to achieve their outcome whilst protecting the states assets.

Option Two allows Council to consider requesting the state takeover the 24m public reserve by amalgamating into the adjacent unallocated Crown reserve. This would be logical as the primary function of the retained public reserve is asset protection and maintenance of access for state assets.

### **Attachments**

- [OCM034.1/04/18](#) - Hopeland Road, 394 (Lot 137) – Initial Proposal – Sketch (E17/9342)
- [OCM034.2/04/18](#) – Hopeland Road, 394 (Lot 137) – Revised Plan (E18/3564)



### Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

### Financial Implications

The road closure would remove 302m of road reserve from requiring maintenance by the Shire. The maintenance cost of the road would become the responsibility of the landowners if the land is amalgamated into the adjoining lots.

There is also an opportunity to pursue transfer of the management of the remnant 24m public reserve to the state in the near future reducing the Shires liabilities further.

All costs associated with the process would be met by the landowners.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Closing the road and losing the serpentine river basin is publicised	Possible (3)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Control through information release concerning the none functionality of the basin if necessary.
That Council reject the closure application	Unlikely (2)	Minor (2)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**OCM034/04/18 COUNCIL DECISION / Officer Recommendation**

**Moved Cr Byas, seconded Cr McConkey**

**That Council requests the Minister for Lands to:**

- 1. Close the unnamed road reserve adjacent to Hopeland Road, Hopeland and used as Access to 394 (Lot 137) Hopeland Road, Hopeland as identified in attachment OCM034.2/4/18, in accordance with Clause 58(1) of the *Land Administration Act 1997*.**
- 2. Only make available to the proponent the area of closed road reserve as identified in attachment OCM034.2/04/18 with the remnant portion of the closed road reserve becoming unallocated crown reserve; and**
- 3. create an easement over the portion of land made available to the proponent that protects Western Power infrastructure over the eastern portion of the land and provides access for Western Power over this section for maintenance of relevant infrastructure.**

**CARRIED UNANIMOUSLY 9/0**

**10.3 Corporate Services reports**

<b>OCM035/04/18 - Confirmation of Payment of Creditors (SJ801)</b>	
<b>Author:</b>	Vicki Woods – Finance Officer
<b>Senior Officer/s:</b>	Frazer Sullivan – Director Corporate Services
<b>Date of Report:</b>	1 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

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

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this issue.

**Community / Stakeholder Consultation**

No community consultation was required.

**Statutory Environment**

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.18 - Payments from Municipal and Trust Fund.

Section 6.10 of the *Local Government Act 1995* states the Financial management regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*

**Comment**

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

It is recommended that Council records the payments under delegated authority.



A detailed list of invoices for the period 1 March 2018 to 31 March 2018 is provided per attachment OCM035.1/04/18. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 February 2018 to 5 March 2018 as per attachment OCM035.2/04/18.

### Attachments

- [OCM035.1/04/18](#) - Creditors List of Accounts 1 March 2018 to 31 March 2018. (E18/3298)
- [OCM035.2/04/18](#) – Purchasing Card Report 6 February 2018 to 5 March 2018. (E18/3299)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

### Financial Implications

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>That Council does not accept the payments.</b>	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

### Risk Matrix

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



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item.

**Voting Requirements:** Simple Majority

**OCM035/04/18 COUNCIL DECISION / Officer Recommendation**

**Moved Cr Byas, seconded Cr McConkey**

**That Council records the accounts as paid under delegated authority for March 2018, totalling \$3,477,558.51 as attached, covering:**

- 1. EFT Vouchers EFT50398 to EFT50846 including Purchasing Card Payment totalling \$3,362,936.65.**
- 2. Municipal Cheque Vouchers CHQ45905 to CHQ45908 totalling \$1,054.35.**
- 3. Municipal Direct Debits DD45947.1 to DD46006.32 totalling \$113,567.51.**

**CARRIED UNANIMOUSLY 9/0**



<b>OCM036/04/18 – Monthly Financial Report – March 2018 (SJ801)</b>	
<b>Author:</b>	Megan Hodgson – Strategic Financial Planner
<b>Senior Officer/s:</b>	Les Mainwaring – Manager Finance
<b>Date of Report:</b>	5 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

### **Introduction**

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

This report is about the financial position of the Shire as at 31 March 2018.

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

The original budget for 2017/18 was adopted on 24 July 2017 at an Ordinary Council Meeting (OCM090/07/17). As a part of this decision, and in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2017/2018 for reporting material variances, as resolved by Council, shall be:

- a) 10% of the amended budget; or
- b) \$10,000 of the amended budget, whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

### **Background**

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

### **Community / Stakeholder Consultation**

No community consultation was undertaken / required.

### **Statutory Environment**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.



Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

### Comment

#### Monthly Financial Report

The attached report shows our month end position as at the end of March 2018. The municipal surplus for the month ending 31 March 2018 is \$12,151,971, which is favourable, compared to a budgeted surplus for the same period of \$2,972,735. This variance is attributable to the timing of capital and operating expenditure, most of which relates to the timing of the Abernethy Road project.

Description	YTD Budget	31 March 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	449,000	31,000	(418,000)
Changes to net transfers to and from Reserves	4,138,202	4,138,202	0
Changes to net transfers to and from Restricted Cash	-	(230)	(230)
Loan principal Drawdown (New loans)	2,761,924	-	(2,761,924)
Loan principal repayments	(201,459)	(201,459)	-
Capital expenditure	(19,864,396)	(7,665,733)	12,198,663
Capital revenue (cash items)	5,820,384	3,469,222	(2,351,162)
Operating revenue (cash items)	30,574,959	30,331,915	(243,044)
Operating expenditure (cash items)	(23,811,414)	(21,056,482)	2,754,933
	<b>2,972,735</b>	<b>12,151,971</b>	<b>9,179,236</b>

A more detailed explanation of these variances can be found in the attached report. The main variances contributing to the current decreased surplus position are timing issues relating to expenditure.

### Attachments

- [OCM036.1/04/18](#) – Monthly Financial Report March 2018 (E18/3348)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.





### Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

### Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>That Council not accept the Officer's recommendation.</b>	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

### Risk Matrix

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

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

**Voting Requirements:** Simple Majority

**OCM036/04/18 COUNCIL DECISION / Officer Recommendation**

**Moved Cr Byas, seconded Cr McConkey**

**That Council receives the Monthly Financial Report for March 2018, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM036.1/04/18.**

**CARRIED UNANIMOUSLY 9/0**



<b>OCM037/04/18 – Review of Council Policy – Investment Policy (SJ514-08)</b>	
<b>Author:</b>	Kellie Bartley – Manager Corporate Services
<b>Senior Officer/s:</b>	Frazer Sullivan – Director Corporate Services
<b>Date of Report:</b>	4 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Introduction**

A review of Council Policy – 3.2.3 Investments has been undertaken and is recommended for Council endorsement.

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

OCM179/12/17 – Review of Council Policies 2017

### **Background**

The Investments Policy has been reviewed to ensure that the Shire satisfies its legislative requirements for the management of Council's cash and investment portfolio. This review provides for the correction of inconsistency in wording and allows for greater diversification in investment choices.

The revised Investments Policy as contained in attachment (OCM037.2/04/18) identifies the changes including the additional information with the requirements for the management of Council's cash and investment portfolio. This policy reinforces Council's ongoing commitment to maintaining a conservative risk and return portfolio, an important component of its prudent financial management practices.

The Policy underpins the organisation's ability to:

- safeguard the Shire's cash and investments portfolio;
- achieve appropriate earnings; and
- manage Council's cash resources to ensure sufficient liquidity to meet Council's business objectives over the long, medium and short terms.

### **Community / Stakeholder Consultation**

PCF - Budget Workshop

<b>Meeting Date</b>	12 April 2018
<b>Councillors in Attendance</b>	Councillors Rich, Atwell, Denholm, Byas, Coales

The Executive Management Group (EMG) discussed the review of the Investments Policy through Budget discussions and consideration.

### **Statutory Environment**

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of Council to determine the Local Government policies.



All investments are to be made in accordance with and are to comply with the following:

- *Local Government Act 1995* – Section 6.14 (and in relation to property Section 3.59(1))
- *Local Government (Financial Management) Regulation 1996* – Regulation 19, Regulation 19C, Regulation 28 and Regulation 49
- Australian Accounting Standards
- *Trustees Act 1962* – Part III Investments and Section 18

### Comment

The key changes to the reviewed Investments Policy are:

- The purpose was amended to add in for allowing prudent investment of the Shire's surplus funds in authorised investments.
- Minor amendment to wording with regards to liquidity under sections 1.0(b) and (c).
- Major changes to 3.1 (Risk Management criteria) going from four to eight key risk management criteria: adding in criteria of term to maturity framework, liquidity, rollover and income, market value.
- Appendix 1 and 2 added with regards to credit and short term obligations ratings and descriptions of approved investment instruments.
- Additional ratings and percentage changes within both Overall Portfolio limit and Counterparty Credit Framework.
- Term to Maturity Framework added.
- Major amendments to 6.0 Authorised Approved Investments with regards to land and development, subject to the requirements of Section 3.59(1) of the *Local Government Act 1995*. Reference to Appendix 2 added with regards to Investment Instrument Descriptions.
- Prohibited Investments – minor wording changes.
- Legislative Requirements added for a reference for the policy.
- Credit Rating Descriptions added with regards to: Appendix 1 (Standard and Poor's Ratings Descriptions) and a list of Approved Investment instruments as detailed in Appendix 2 (Investment Instrument Description).

### Attachments

- [OCM037.1/04/18](#) – Current Council Policy 3.2.3 – Investments – (E17/11193)
- [OCM037.2/04/18](#) – Track Changes version Council Policy 3.2.3 - Investments (E18/3340)
- [OCM037.3/04/18](#) – Proposed final version Council Policy 3.2.3 – Investments (E18/3527)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within associated resources.
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

### Financial Implications



Nil.

### Risk Implications

The policy stipulates that when placing investments, consideration will be given to the relationship between credit risk rating and interest rates.

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>The Council does not adopt the Investment Policy</b>	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

### Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**OCM037/04/18 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Coales, seconded Cr McConkey**

**That Council adopts the amended Council Policy – 3.2.3 Investments as contained in attachment OCM037.3/04/18.**

**CARRIED UNANIMOUSLY 9/0**



#### 10.4 Community Services reports

Nil

#### 10.5 Office of the CEO reports

Nil

#### 10.6 Confidential reports

##### COUNCIL DECISION

##### Moved Cr Byas, seconded Cr McConkey

**That the meeting be closed to members of the public at 9.04pm whilst item OCM038/04/18 is discussed pursuant to section 5.23(2)(e) of the *Local Government Act 1995* and item OCM039/04/18 is discussed pursuant to 5.23(2)(c) of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY 9/0**

*Local Government Act 1995*

*5.23 Meetings generally open to the public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,*  
*where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) *endanger the security of the local government's property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*  
*and*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



<b>OCM038/04/18 - CONFIDENTIAL – Department of Communities – Memorandum of Understanding (SJ686)</b>	
<b>Author:</b>	Helen Sarcich - Deputy CEO/Director Community Services
<b>Senior Officer/s:</b>	Kenn Donohoe - Chief Executive Officer
<b>Date of Report:</b>	3 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Voting Requirements: Absolute Majority**

**OCM038/04/18 COUNCIL DECISION / Officer Recommendation**

**Moved Cr Gossage, seconded Cr McConkey**

**That Council:**

- 1. Endorses the terms of the proposed Memorandum of Understanding with the Department of Communities, as contained in Confidential attachment OCM038.1/04/18.**
- 2. Authorises the Chief Executive Officer to execute the Memorandum of Understanding with the Department of Communities.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**OCM039/04/18 – CONFIDENTIAL - Rivers Regional Council – Request to endorse various documents related to proposed Waste to Energy project (SJ514-08)**

<b>Author:</b>	Ray Davy – Acting Director Infrastructure Services
<b>Senior Officer/s:</b>	Andre Schonfeldt – Acting Chief Executive Officer
<b>Date of Report:</b>	6 April 2018
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Voting Requirements:** Simple Majority

**OCM039/04/18 COUNCIL DECISION / Officer Recommendation**

Moved Cr McConkey, seconded Cr Byas

That Council:

1. Approves in principle the further amendments to the project documentation as contained in the documents attached in CONFIDENTIAL Attachment OCM039.1/04/18 and CONFIDENTIAL Attachment OCM039.2/04/18.
2. Authorises the Shire President and the Chief Executive Officer to engross the execution version of the project documents subject to there being no further variation to those approved in principle by Council under Item 1 and under OCM029/03/18.
3. Authorises the Chief Executive Officer to advise Rivers Regional Council that the Shire's willingness to execute the final documents is conditional on securing a commitment to modify the Shire's obligations to deliver all collected waste to the project.

**CARRIED UNANIMOUSLY 9/0**

**COUNCIL DECISION**

Moved Cr Denholm, seconded Cr Coales

That the meeting be reopened to the public at 9.08pm.

**CARRIED UNANIMOUSLY 9/0**

The Shire President informed Members of the public that the Officer Recommendations for OCM038/04/18 was carried by absolute majority 9/0 and OCM039/04/18 was carried unanimously 9/0.

**11. Urgent business:**

Nil



**12. Councillor questions of which notice has been given:**

**12.1 Councillor Coales**

At the Ordinary Council Meeting 26 March 2018, Councillor Coales asked the Chief Executive Officer as per part 3.11A of *Council's Standing Orders Local Law 2002 (as amended)*:

1. Why wasn't the question by Mr Erskine answered in relation to the dates that the traffic was monitored on Old Brickworks Road?

*The Acting Director Infrastructure responded that Mr Erskine did not ask the dates that the traffic was monitored.*

2. What were the dates that the traffic was monitored on Old Brick Works Road? eg the 16 day period that was mentioned by the Acting Director Infrastructure during Public Question time.

*Traffic Counters were placed along Old Brickworks Road on two separate occasions totalling 17 days, being 23-30 June 2016 (8 days) and 11-19 November 2016 (9 days). The results of the modelling undertaken is included in attachment [OCM12.1.1/04/18](#) and attachment [OCM12.1.2/04/18](#).*

**13. Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.15pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 28 May 2018.

.....  
Presiding Member

.....  
Date