



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Minutes

## Monday, 26 June 2017

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### Contact Us

#### Enquiries

Call: (08) 9526 1111  
Fax: (08) 9525 5441  
Email: [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au)

#### 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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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 26 June 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

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## **Minutes**

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

#### **In Attendance:**

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

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

**Leave of Absence:** Nil

**Apologies:** Nil

#### **Observers:**

Members of the Public – 14  
Members of the Press – 1  
Shire Officers - 2

### **2. Public question time:**

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

There were no questions taken on notice at the Ordinary Council Meeting held on 22 May 2017.

**2.2. Public questions:**

**Public question time commenced at 7.01pm**

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

Question 1

When is the Serpentine Jarrahdale Community Sports Centre in Linton Street Byford going to be officially named instead of it being referred to as the Byford District Country Club arena and sports stadium, which it is not?

*Response:*

*The lease of Portion of Reserve 10164: Lot 2857 South West Highway, Byford is between the Shire of Serpentine Jarrahdale and the Byford and Districts Country Club Inc. The Funding Agreement between the Shire and the Byford and Districts Country Club Inc. defined the project as the new Byford and Districts Country Club. The official opening date was at 2.30pm on the 18<sup>th</sup> November 2016. It was opened as the Byford Districts Country Club.*

Question 2

Why isn't the Serpentine Jarrahdale Community Sports centre in Linton Street Byford being used by all the sporting and community groups as stated to obtain Government and Shire funding for this building?

*Response:*

*The current site is being used in accordance with the present land use and is occupied by both the Club and sporting groups. The BDCC has several community groups that are of not for profit and incorporated that activates the boardroom free of charge. The Pool Club & Bowls club utilise the building. The Southern Support Association District will be activated and commence operation on the 1st July 2017. There has been many host events from several groups on the facility as such as the BMX. Southern District Rise Network has also used the site for free use of many senior activities within the building.*

*Funding for the Byford and Districts Club Project was as follows (all amounts are ex GST):*

<i>Byford and Districts Country Club</i>	<i>\$2,175,000</i>
<i>Shire of Serpentine Jarrahdale</i>	<i>\$280,000</i>
<i>LotteryWest</i>	<i>\$900,000</i>
<i>Southern Districts Support Association Inc</i>	<i>\$500,000</i>
<i>Community Sporting and Recreation Facilities Fund</i>	<i>\$261,468</i>
<i>Department of Infrastructure and Regional Development</i>	<i>\$245,000</i>

*The funding from Southern Districts Support Association and LotteryWest was conditioned on allocated areas of the facility being used for charitable and community purposes, noting provision for delivery of services, namely Southern District Support Association and Anchor Home Help Inc. The Byford and Districts Country Club Inc. has successfully negotiated an access and usage agreement with Southern District Support Association Inc., whilst the other proposed partner Anchor Home Help Inc. have dissolved and will be taken over by Rise Network Inc. All other grant conditions have been satisfied.*



Question 3

Has the Byford District Country Club seriously exceeded the amount of parking on the premises housing the Serpentine Jarrahdale community sports centre in Linton Street Byford, if so who is responsible for what could be serious safety violations?

*Response:*

*The Officers Report to the Council Meeting of 11 August 2014 states that the Town Planning Scheme requires the provision of 75 car parking bays for 'Club Premises', with one bay per 4 persons accommodated. A minimum of 61 bays were conditioned as part of the planning approval. The site currently has 78 parking bays within the current carpark. Council would be responsible for infringements or warnings should any person parked in front of any fire hydrant sites or block an exit or obstruct driveway access to any property.*

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

Question 1

In the interests of openness and transparency, does the Shire keep a Contact Register for contact between Property Developers and individual Councillors; similar to that introduced by the City of Vincent; and if not, why not?

*Response:*

*The Shire does not maintain a register of this type and there is no statutory requirement for a register of this type. The City of Vincent adopted a Council Policy to provide guidance on contact between Council Members and Developers and subsequently Elected Members for the City of Vincent must record the nature and type of any 'prescribed contact' with a developer.*

*The Shire encourages Elected Members to be familiar with the guideline produced by the Department of Local Government which outlines the risks associated with elected members' role as decision makers on development applications and provides guidance on those areas of risks.*

*Elected Members have a statutory duty under the State Records Act to ensure that records and correspondence associated with the conduct of Council business is recorded in the Shire's records management system. This is outlined in the Shire's policy G018 Record Keeping for Elected Members.*

Question 2

Does the Shire propose to introduce such a Policy and if so, will members of the public have access to the Register?

*Response:*

*The setting of policies is a matter for Council to determine.*

Question 3

Will Councillors review the terms for Officer Delegated Authority for applications for Discretionary Use on Rural Land prior to signing off on these orders this year so that all such applications are referred to Council?

*Response:*

*That is a matter for Council to determine. Council will review the Delegated Authority Register in the next couple of months.*

**Mr David Houseman, (address supplied)**



Question 1

The Shire has stated that funding for a seal of asphalt along Corbel Lane will be considered in the 2017/2018 works budget. On what date will this consideration be made?

*Response:*

*The budget is expected to be considered by Council at the July Ordinary Council Meeting. Officers are still in the process of preparing the budget. This project is currently a low priority.*

Question 2

Corbel Lane's sealed surface is worn down to its subsurface, which consists of 14mm blue metal gravel, causing this material to be lifted by vehicles and spread over the road's surface and an adjoining Council approved carpark. Does the Shire agree that this debris poses a foreseeable risk to users of the road, motorists and pedestrians alike? Please note that the Shire will not allow the debris to be cleared by its street sweeper as it states that doing so will cause more of the degraded sealed surface to be lifted by the machine's action. Using it will only worsen the condition. Something needs to be done to resolve this issue.

*Response:*

*In the context of the Shire's road network, small patches of failed seal, on Corbel Lane, are considered low risk.*

Question 3

From an engineering perspective, is it good practice to have a sealed road (i.e. Mary St Byford) intersect at a right angle with another road (i.e. Corbel Lane Byford) that has loose gravel on its surface, which leads to a sealed carpark? This situation leads to gravel from Corbel Lane being spread by vehicles over both Mary St and the carpark.

*Response:*

*Unsealed roads normally intersected sealed roads at 90 degrees. Mary Street and Corbel Lane are in a low speed urban environment, and not considered high priority at this time.*

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

Councillor Gossage was an apology for the May 2017 OCM. He was at a conference in Queensland on fire management.

Question 1

In what capacity as a Councillor as he has no official appointment, in this field was he attending this conference as we have a full time paid professional Fire control officer employed by the Shire to manage these matters?

*Response:*

*Cr Gossage is an appointed member to Karnet Community Liaison Group, Local Emergency Management Committee, Parks of the Darling Range Community Advisory committee, WALGA Peel Zone and Bushfire Advisory Committee. Council has a policy for training and conferences specific to Elected Members.*





Question 2

At which Council meeting was approval given for him to attend this conference and was approval given for the Council to pay airfares and expenses? If not, will he be requested and expected to repay the costs incurred remembering that it is not unknown for a Councillor to attend conferences that have an impact on their private business?

*Response:*

*In accordance with Council's Policy G003 the Chief Executive Officer authorised Cr Gossage's request for attendance at the conference on the following basis:*

- a. Councillors Policy G003(4.2)(c) refers to any training course or conference relevant to Councillors roles and responsibilities - as abovementioned, two of Council's appointed roles were specific to Disaster and Emergency Management.*
- b. As Cr Gossage was on two specific working groups that relate to fire and emergency services roles, the conference was in keeping with the intention of Council's policy.*
- c. Council's budget for Elected Member training for Cr Gossage has not been exceeded.*
- d. Council's policy is not restrictive in relation to any perceived conflict resulting from what a Councillors private business or other employment may be.*

Question 3

When is the Council going to take appropriate action to stop the following actions on Lot 829 South Western Highway.

Being that there is no approved crossover on to the lot from Pitman Way and no approval to use the site as a Car Park and when was a permit applied for and approved for the clearance of vegetation along the creek line on this lot?

*Response:*

*Approval was granted on 7 October 2016 for a restaurant on Lot 829 South Western Highway, Byford. The approval includes the removal of several trees from the site to facilitate the development. A condition of approval requires a landscaping plan to be submitted to provide for further landscaping.*

*The Shire is not intending to undertake any compliance action regarding the matter as there is an existing approval in place. Any clearing undertaken on the site should be in line with this approval and our compliance officers will be working with the developers to ensure this is the case.*

**Public question time concluded at 7.16pm**

**3. Public statement time:**

**Public statement time commenced at 7.16pm**

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

Having seriously thought about the direction this Shire is going in at this time I truly believe Councillors are expensive and no longer required. The cost is way too high for no result. Employers do not employ people to get no productivity from them except when they raise their hands for ever increasing payments that give the ratepayer no value for these outrageous payments.





Councillors are simply a duplication of office staff. An excellent CEO who has excellent staff along with the ratepayer can operate a Council more efficiently and less costly. Councillors make all the decisions before the OCM is even held so whatever the ratepayer has to say is mostly ignored. When Councillors show they are prepared to vote their way only, no matter what the ratepayer has to say, there is no democracy. Using ratepayers money to do courses that have no benefit to the ratepayer is an abuse of ratepayer monies. The ratepayer can be made a team member not the enemy, and this will also stop favouritism towards certain people. This should be the new direction in Councils. Let us hope someone has an inch of innovation within their controls over Councils.

There is a Council in Western Australia that has voluntary Councillors and they pay for their own excesses. What a fabulous bunch of people they are. I most definitely would be prepared to be a voluntary Councillor should councillors be stripped of payments because I don't believe I, or anyone else has the right to rip the ratepayer off and voluntary means you really care and you will give your best.

### **Mr David Houseman, (address supplied)**

On the 22/10/15 the Shire sent me the following offer "The Shire will however as an act of good faith, once you have removed the fence around lot 63, agree to widen the laneway up to the boundary of lot 62 at our cost". I formally accepted the offer and met the condition. In the November 17 2016 issue of The Examiner newspaper Mr Erren stated "Mr Houseman did not accept the Shire's offer" and in Council Chambers on 28th November 2016, as recorded in the minutes, he stated that I rejected the offer. I presented him with emails, which disprove these untrue assertions about myself and asked Mr Erren to retract the statement he made in The Examiner at the 23rd January 2017 Council meeting. He refused. This demonstrates that President Erren would not "make an offer of amends". I have lived in the Byford community for 23 years. Residents know me. They read the Examiner. I now come across as someone who is ignorant of the facts and foolish, amongst other things, for challenging the Shire. I have until November 2017 to decide whether to proceed with a claim for defamation.

Earlier this year Mr Donohoe, Chief Executive Officer and Mr Elkins, Head of Engineering met me in Corbel Lane to discuss works relating to the offer that I accepted. For the record, Mr Donohoe is the only CEO in over 8 years of my dealings with Council to offer to meet me, and show any interest with my concerns. The meeting culminated with Mr Donohoe verbally assuring me that works relating to the offer would be undertaken promptly. They were. During the meeting, it was noted that road base was exposed in large areas due to the sealed surface's degradation. This road base is now being continually dislodged by cars and is strewn over large areas of not only Corbel Lane but also the council approved bitumen carpark, which includes ACROD BAYS. The road has no footpath and it is the only surface that pedestrians can use. It has never been cleared by a street sweeper. It was sealed with tar and the Shire's patching truck with a spray bar approximately six years ago. During construction I stated that it would be cost effective in the long run if it were sealed with asphalt. This suggestion was ignored. At this meeting with Mr Donohoe and Mr Elkins, I asked if the road could be cleared of all the debris as it has never been cleaned once by a street-sweeper in 6 years. Mr Elkins informed me that it could not because sections of the surface was so worn that the machine would remove even more of it, thus dislodging even more of the subsurface over a wider area making the surface even more hazardous underfoot. Winter rain has accelerated the process causing more erosion.

It is a poor state of affairs when a Shire's well trafficked road is degraded to the point that it cannot be cleaned by a street-sweeper without its sealed surface being removed. The Shire received \$20,000 from me and \$20,000 from another property owner as a condition of subdivision approval for lots on Corbel Lane. This money was taken SOLELY for road construction and is independent from the developer contribution. This money is held in reserved funds for what the Shire states is for widening of Corbel Lane (a gazetted road) and construction to the ultimate design standard.



The Shire states that it will not commence works until every property along the road is subdivided. I have asked whether construction will commence within 30 years and the Shire will not answer this question. Construction is dependent on all landowners choosing to subdivide. Nearly all don't. The Shire has stated that it will not purchase land off the owners in order to commence construction before all are subdivided. These funds may never be released as this is dependent on the actions of third parties. What this means is that the surface is deemed to be temporary. Yet this so called temporary structure will be in this state indefinitely. In the meantime the road's surface is in an unacceptable condition. At the very least this short stretch of road should have a layer of asphalt to service the subdivided properties, dwellings, the café, and the church carpark. Corbel Lane is well used. The Shire is making money from these reserved funds and I'm paying rates for a property that's on a road that's in such poor condition it can't be cleaned. Is this ethical conduct?

On the 11/5/17 I sent an email to Mr Elkins asking if he considered dislodged road base on Corbel Lane poses a risk to people whilst using the road. I reminded Mr Elkins that the Shire deems the surface temporary despite it being left as is indefinitely. A start date for full widening is out of the hands of the Shire. I also attached a photo showing the road's condition. I sent a follow up email on the 22/5/17 as my reasonable questions were not answered. To date I still haven't received answers. What I did receive was an email stating, "The exposed road-base is part of the road pavement. If a sweeper attends, it will remove part of the surface of the pavement but remaining will be the same material". This is incorrect. They are not of the same material. The road base is 14mm blue metal. The surface is a fine grade material which was rolled atop tar forming the seal. I asked if he could meet me on site to see for himself. I have not received a reply. Mr Elkins did however, state that an asphalt overlay is being considered as part of the 2017/2018 budget. It is encouraging that the Shire sees the need for an asphalt overlay. I believe that the contents of this statement provide a very good case for works to be approved. Thank you.

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

In documents obtained under FOI application F0176 it would appear that, the Shire President was guiding a member of the staff in the reply to a development application.

Under the Local Government Act and the regulations, an elected member is not allowed to influence or guide the decision of a member of the Staff in any way or the advice they may give.

The elected member can only make a decision on the facts as presented to the Council. Those reports by staff should not be subject to discussion between elected members and staff other than to reply to questions that the elected member may have.

This raises the question if this was the matter, and I believe it is, that Mrs M Cala and Mr A Clarkson tried to raise at the annual electors meeting. The Presiding Member declared that it could not be discussed and if they persisted with the issue, he would take legal action over the matter.

Thus gagging the ratepayers from trying to obtain an explanation on a matter in question.

Further to this matter, a letter from the Department of Local Government REF 20170050E1721395 states that the Department is working closely with the Shire to improve governance. Does this mean that the department is still investigating the Shire? In which case it appears to be failing.

There have been a number of issues taken to the department over the last 15 months or so and not one of them has been resolved to the satisfaction of the complainants.

Where there is clear evidence of perceived possible misconduct by elected members then they need to be dealt with as per the Act.

To the average Ratepayer, there may be a perception of collusion between the elected member's leadership group at the Shire and the department not to rock the boat, and perhaps it will be resolved at the next Council election?



**Mr Geoff Lewis, Gray & Lewis Planning Consultants, Suite 5, 2 Hardy Street, South Perth WA 6151 representing Gary and Jacqueline Squire.**

Statement in relation to OCM071/06/17 Draft Structure Plan – Lot 791, 84 Walker Road, Serpentine.

My name is Geoff Lewis of Gray & Lewis Land Use Planners. I represent the owners (Mr and Mrs Squire) of Lot 791 Walker Road Serpentine.

The subject land was rezoned to 'Rural Living A' in mid-2014. A Subdivision Guide Plan (SGP) was included in the scheme amendment that proposed 40 lots all being approximately 4000m<sup>2</sup>. In adopting the scheme amendment for final approval Council resolved that the Subdivision Guide Plan be modified "to reflect diversity in lot sizes providing a transition from larger lot sizes in the west of the site to smaller lot sizes in the eastern portion of the site".

Following a review of submissions lodged during the public advertising of the scheme amendment and meetings on site with Shire officers, it was concluded the land to the west was the most capable for supporting smaller lots because of the higher elevation and deeper sandy soils. Furthermore the few objections at that time were from the existing Rural Living lot owners to the south. Consequently when the Local Structure Plan was prepared in December 2015, it was based upon a transition in lot sizes but with the larger lots being located along the southern (as opposed to the western boundary) of the lot. The lot yield was reduced from 40 in the original SGP to 35 on the advertised Local Structure Plan (LSP).

The LSP was advertised for public comments some 6 months after being submitted to the Shire. Advertising commenced on 13 July 2016 and closed on 11 August 2016. Twelve submissions were received from Government agencies and 10 submissions from residents (two of which were duplications). Of the government agency submissions there were NO objections except DFES who recommended modifications to the Bushfire Management Plan. Of the submissions from residents most were in support or non-objections and only a few objections. The primary objection relates to the construction of Windmill Avenue and potential increased traffic movements. In this regard it must be recognised that Windmill Avenue is a gazetted public road reserve right up to the southern boundary of Lot 791 even though the northern part is currently unconstructed. The construction of Windmill Avenue to provide a connection between Wattle Road and Walker Road will improve traffic permeability but more importantly create a through road to satisfy the access requirements in respect to the Western Australian Planning Commission's policy for Planning for Bushfire. Currently Windmill Avenue is a cul de sac with no secondary access.

In respect to the submission from DFES, the LSP was amended to satisfy DFES concerns and the BMP has now been supported by DFES. It should also be noted that the Department of Water has approved the Local Water Management Strategy for the LSP as advertised.

With regard to the officer's report, we note that the recommendation is to approve the LSP subject to a number of modifications. Most of the modifications can be readily addressed through the provision of additional information however modification '2a' is of concern. The net effect of amalgamating Lots 1-4 and lots 26-35 to create lots of 1.0ha minimum are would significantly reduce the lot yield to around 25 (compared to the original SGP with 40 lots and the LSP submitted with 35 lots). Such reduction in yield may seriously impact upon the viability of the project - especially with the need to extend reticulated water supply along Wattle Road and up Walker Road to service the subject land.

The original Council resolution was to provide a transition with the larger lot sizes to the west adjacent to Walker Road. In the LSP we proposed the along the southern boundary which to address concerns at the time from owners to the south. The officers have now effectively recommended the LSP provide a transition with larger lots both to the south AND the west resulting in a significant reduction in lot yield.



If the officer's intent is to provide larger lots in areas comprising some remnant trees, then we maintain that lots 1-4 do not need to be amalgamated nor do the lots along the southern boundary in the eastern area which is cleared of vegetation. Such modification would result in a reasonable compromise with a lot yield of around 30 lots (10 less than proposed under the original Subdivision Guide Plan).

We request that a decision be made at this Council Meeting and not deferred for further consideration as the LSP process has already taken more than 18 months.

**Public statement time concluded at 7.35pm**

#### **4. Petitions and deputations:**

##### **4.1 Ms Anne Hansson**

Hello; I was planning on making this a more informed deposition this evening but unfortunately due to a hard drive error I've had to be reliant on redoing my deputation at 5pm this evening on my mobile phone. So I will quickly do this deposition with a couple of questions.

The first question being the development application consultation and referral lot 41 Cardup Siding Road Cardup. The application is incomplete and has incorrect information. I would like to know why this was submitted to residents to make comment on, without the proper and updated information? Not having correct, current or full information means an informed decision can't be made. I would also like to ascertain when residents would be notified that they had an extension or was it only the residents that actually made the enquiry who were notified of the extension?

Myself and others have spent the past two to three weeks gathering information to make an informed submission and now that the time is expiring we still do not have a correct submission in our hands. It is disturbing when the owner of the company informs us, in writing, that he was advised to move, not cease concrete production. It is annoying when attempts to approach the Ratepayers Association, to gather support or advice, has been met with no response.

Secondly I would like to know why Wormal Civil was allowed to carry on an unapproved activity namely concrete production whilst it was known, full well, it was an unapproved activity? Instead of asking the proponent to cease concrete production, why did the Planning Department of the Shire inform the proponent to simply move the production and manufacturing into an opened wall canopy, 170 m from sensitive land use? Could it not have been a simple request to ask them to pack the moulds away and to cease having concrete delivered, as the company is not a concrete production manufacturing company, it is a transport depot and workshop. The concrete production does not conform to the use originally applied for.

It was disappointing to find on the consultation and referral application that the 37-page document with all relevant information was not supplied with the submission form. There was merely a one line web link address saying additional attachments can be found on the Shires website. The most interesting aspects of this was the letter from Emerge Associates to Marcel Bridge, saying they were waiting for clarification from the DER, (which wasn't included with the documents sent to residents. The DER has clarified "it is concrete production manufacturing under the Act, and *does and should* adhere to regulation 77 which includes a 300m to 500m buffer.").



We are not happy that all submissions including names and addresses received in respect to the proposed will be made publicly available. It states on the submission that: "All submissions, including names and addresses received in respect to the proposal will be made available and will form part of the report when the item is presented council for determination. Names and addresses will be accessible via the internet and may be put on public record. Would it not be possible for all personal or sensitive information such as name, postal address, email address, and phone numbers to be excluded from information supplied or available or to just be the location i.e. suburb and the actual submission content only available to the public?"

We would like to thank the Councillor that assisted us with further discussion in relation to this matter and I wish that I had had printed his deputation prior to this evening as I had many questions that need answers, going back over a four year period, dealing with such matters as there has been no response to correspondence to the Shire.

There has not even been an acknowledgement of emails received by the Shire, nor have the recipients at the Shire had the decency to reply to, or acknowledge the receipt of certain emails.

Is this to be a consistent problem within the shire? It may not mean a lot to others in this room this evening, nor may they understand what this application means to myself and other residents in the area. It is our fear as it has been many times that this application may just roll along with little regard to residents' concerns. The information that is held by certain residents is enormous and to make clarification this evening is a task I wish to neither partake in, or have time to do. We would find it beneficial if we could meet with Hayden from Planning, the current CEO Ken Donohoe, Andre Schonfeldt, the Head of Compliance or the Senior Compliance Officer and the Shire President to discuss this matter further, as there is no stakeholders group that we are aware of. We also understand that two members of the group left and we invite anybody to come and speak with us to discuss the situation. We request that if the determination is to go before Council we would like to see the support of our ward Councillors and they be available to meet with us to discuss this matter further.

Concrete production and manufacturing is not an industry that was ever envisaged for the Cardup Business Park. Once again I apologize for the content and wording of this deputation as I have had to resort to Google Docs on my phone but I did not wish to miss the opportunity to speak tonight thank you.

#### **4.2 Henry Dykstra, on behalf of Harley Dykstra Pty Ltd in relation to OCM069/06/17.**

Councillors, I am here this evening to make a few brief comments regarding the proposal for marginal floor space expansion and the numerous technology upgrades proposed for the existing poultry farm located adjacent to the pet meat abattoir between South West Hwy and Butcher Rd near the Shire's northern boundary.

This poultry farm has been operating since it was approved in 1978 and with the exception of one relatively new shed, all the other sheds still use the old technology of natural ventilation. Up until several years ago, the farm was still licensed for 185,000 birds, however due to changes in the RSPCA guidelines all poultry farms were required to modify their operating practices which also included a marginal reduction in bird density and installing thicker sawdust litter at the beginning of each cycle.

This application is really about getting the bird numbers back to the 185,000 by marginally increasing the floor space. However, the most significant element of this





proposal is the substantial air quality mitigation measures that are proposed to be installed on all of the sheds within the farm. Tunnel ventilation, climate control technology is pretty much standard for all poultry farms nowadays and this farm will be brought into line with current practice. In addition, this farm is proposing to install structures at the tunnel venting end of each shed where these structures can incorporate further air quality control technologies such as electro-static dust particle collection, and vertical exhaust stacks. Extensive air quality odour and noise reporting has been undertaken of the existing farm situation and modelling of the improvements. These studies provide confidence that the proposed farm upgrades and improved air quality technologies will result in improvements to air quality surrounding the farm. The proponent has also agreed to undertake post development monitoring of air quality and acoustic levels to measure and ensure that the expected air quality and noise improvements and levels are achieved.

Councillors, I commend this proposal to you this evening for your approval so that the poultry farm can marginally expand its floor space to achieve its previously licensed bird numbers and at the same time provide the community with significant upgrades and air quality technologies that will be of benefit to the surrounding amenity.

## **5. President's report:**

Hello and welcome to this June Ordinary Council Meeting.

The Byford Skate Park is starting to take shape with site works for stage one starting soon. Located in the Briggs Park recreation precinct, the skate park was partly designed by local youths and will provide a new facility for them to enjoy socialising and exercising.

School holidays start next week and the Mundijong Public Library has a number of events to keep your children entertained. Visit the Shire's website for more information and details on how to book.

Tell us what concerns you have about community safety and crime prevention in Serpentine Jarrahdale by completing the 2017 Community Safety Survey, which is open. Your information, together with the crime data provided by the WA Police, will be used to develop Community Safety and Crime Prevention initiatives. The survey is available on the Shire's website and will be open until Monday 14 August.

There continues to be roadworks undertaken on Abernethy Road in Byford, Doley Road in Byford and Gossage Road in Oldbury. Please be patient as we make our roads safer.

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

Nil

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

### **7.1. Ordinary Council Meeting – 22 May 2017**

#### **COUNCIL DECISION**

**Moved Cr Hawkins, seconded Cr Ellis**

**That the minutes of the Ordinary Council Meeting held on 22 May 2017 be confirmed (E17/4031).**

**CARRIED UNANIMOUSLY**



**7.2. Special Council Meeting – 15 June 2017**

**COUNCIL DECISION**

**Moved Cr Ellis, seconded Cr Piipponen**

**That the minutes of the Special Council meeting held on 15 June 2017 be confirmed (E17/4740).**

**CARRIED UNANIMOUSLY**

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





8.1. Planning reports:

<b>OCM068/06/17 - Proposed Local Development Plan – Lot 9022 Clondyke Drive, Byford (Byford on the Scarp Stage 8) (PA17/163)</b>	
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	20 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

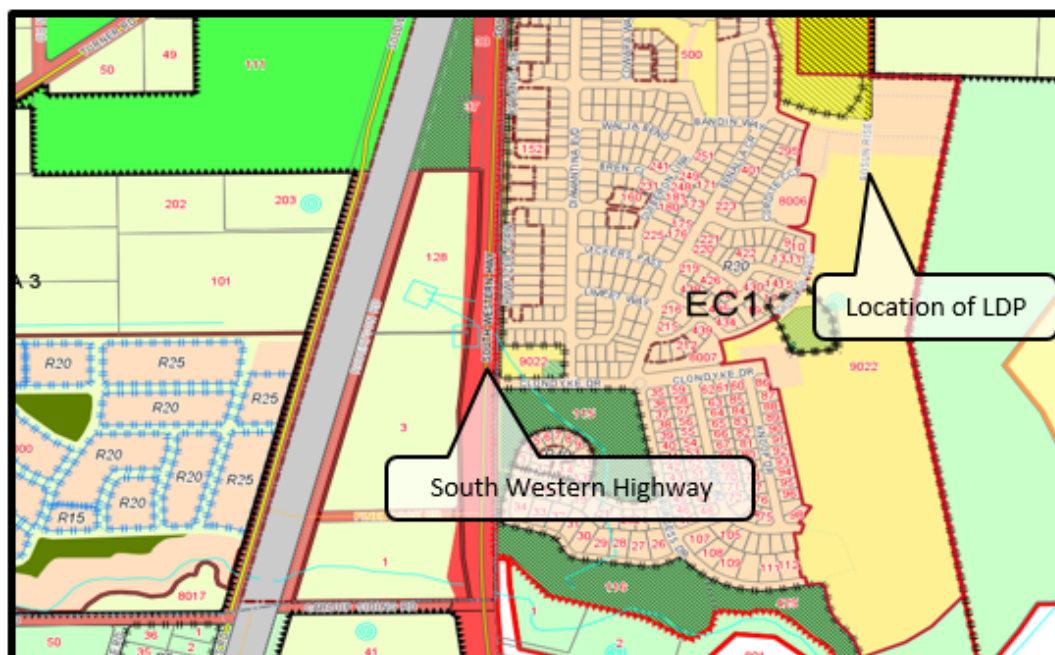
Owners: Yonder Property Pty Ltd  
 Date of Receipt: 15 March 2017  
 Lot Area: Portion of 25.15ha  
 Local Planning Scheme Zoning : 'Residential'  
 Metropolitan Region Scheme Zoning: 'Urban'

**Introduction**

The purpose of this report is for Council to consider a Local Development Plan (LDP) for Lot 9022 Clondyke Drive, Byford forming part of Stage 8 of the Byford on the Scarp subdivision. Shire Officers do not have delegation to determine LDP's in accordance with delegations P033D and P033S – Local Development Plans, therefore the report is presented to Council for consideration.

The LDP seeks to vary vehicular access requirements and enhance the street surveillance and street wall and fencing requirements of State Planning Policy 3.1 – Residential Design Codes (R-Codes). To facilitate these variations the applicant proposes vehicle access points, mandatory visually permeable fencing and at least one major opening to habitable rooms overlooking public open space areas (POS) and the right of way (ROW).

Shire Officers recommend that Council approves the LDP as submitted.



**Location Plan**



## Background

### Existing Development

The subject site is within the Byford on the Scarp estate located south of the Byford Town Centre on the eastern side of South Western Highway. Initial earthworks relating to the approved subdivision are currently being undertaken onsite.



Aerial Plan



#### Proposed Development

The LDP covers 46 residential lots encompassing a density code of Residential 'R20'. The applicant proposes variations to vehicle access requirements and additional requirements for street surveillance and street walls and fence requirements of the R-Codes as follows:

R-code Element	Deemed-to-comply Requirement	Proposed LDP Provisions
5.3.5 Vehicular Access (Variation)	Vehicles are required to access corner lots from the Secondary Street.	<p>3.4: <i>Access to on-site car parking for corner lots 3,4,6,12,15,20,26,27,32,40 and 46 may be provided from the primary or secondary street frontage.</i></p> <p>3.6: <i>Lots for which a Vehicle Access Point is shown on the primary street (Lots 3,4,6,12,15,20,26,27,32,40 and 46) may alternatively gain access from the secondary street or ROW, under which circumstances access locations will be as per the R-Codes.</i></p>
	Driveways shall be: No closer than 6m to a street corner or the point at which a carriageway begins to deviate.	3.5: <i>Where access to on-site car parking is provided from the secondary street frontage, it shall be located as per the "Vehicle Access Point" shown on this plan, and may in these instances be located closer than 6 metres to a street corner or the point at which a carriageway begins to deviate. This represents an acceptable variation to R-codes clause 5.3.5.</i>
5.2.3 Street surveillance (Additional provision)	At least one major opening from a habitable room of the dwelling faces the street and the pedestrian or vehicular approach to the dwelling.	<p>3.1: <i>For all dwellings adjacent to the Right of Way (ROW) (Lots 26, 27 &amp; 40), at least one major opening to a habitable room shall be provided with a clear view to the ROW, to ensure passive surveillance of the ROW.</i></p> <p>3.3: <i>For all corner lots with dual frontage to Public Open Space (POS) (Lot 10), all dwellings are required to suitably address all frontages to POS, providing at least one major opening to a habitable room with a clear view to the POS and not obscured by visually impermeable fencing.</i></p>
5.2.4 Street walls and fences (Additional provision)	Front fences within the primary street setback area must be visually permeable above 1.2m of natural ground level, measured from the primary street side of the fence.	<i>Fencing on all boundaries adjacent the ROW for lots 26, 27 and 40 shall be designed and constructed in accordance with 5.2.4 of the Residential Design Codes (visually permeable fencing) for at least half the length of the boundary adjacent to the ROW.</i>

#### Relevant previous decisions

Nil



### Community / Stakeholder Consultation

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

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

Shire Officers consider that the proposed variations are more likely to have an impact on the future residents of the dwellings on the lots. However, it is noted that similar open space variations have been applied in other areas of the Glades' subdivision. Due to the consistency of the LDP with recently approved LDP's, Shire Officers consider owners and occupiers in the adjoining area will not be adversely affected.

### Agency Referrals

Clause 7.3.2 of the R-Codes requires variations not listed in clause 7.3.1 of the R-Codes to be approved by the Western Australian Planning Commission (WAPC) before they are considered by Council. The LDP was referred to the WAPC for approval and the WAPC advised that vehicular access does not require WAPC review.

In addition to this, the WAPC confirmed BAL requirements do not need to be illustrated on the LDP given that BAL requirements can be addressed through the preparation of a BAL assessment and any associated construction in accordance with AS 3959: Australian Standards 3959 Construction of Buildings in Bushfire-Prone Areas, at the Building Permit stage.

Officers have therefore continued to assess the LDP in accordance with the statutory policies listed below and as detailed in the planning assessment section of this report.

### Attachments

- [OCM068.1/06/17](#) – Revised Local Development Plan (IN17/10866)
- [OCM068.2/06/17](#) – Western Australian Planning Commission Comment (IN17/10934)

### Alignment with the Strategic Community Plan

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

### Statutory Environment

#### Planning and Development (Local Planning Schemes) Regulations 2015

Clause 47 of the deemed provisions of the *Regulations* applies to LDPs and is required to be satisfied. Clause 47 states:

*“47. When local development plan may be prepared*

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





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

Clause 47(a) and clause 47(d) apply to this LDP. Clause 47(a) has been satisfied as the LDP has been prepared in accordance with condition 13 of the conditional subdivision approval (153181) issued by the WAPC on 13 July 2016. The subdivision included the following condition:

*“13. Local Development Plan(s) being prepared and approved for lots 26, 27 and 40 and lots subject to BAL assessments shown that address the following:*

- a) Surveillance of Public Access Ways;*
- b) Building Orientation; and*
- c) BAL requirements”*

Clause 47(d) applies to this LDP because condition 13 relates to Lots 26, 27 and 40 only. The applicant is requesting that additional lots be included within the LDP, which are not included within condition 13. It is a requirement that the WAPC and local government consider the LDP to be required for the purposes of orderly and proper planning.

Officers consider including additional lots on the LDP will achieve greater consistency of the built form and streetscape of the subdivision stage in line with the subdivision works approval. As such, Officers consider the lots included on the LDP in addition to those required by condition 13 are for the purpose of orderly and proper planning.

#### Western Australian Planning Commission Framework for the preparation of Local Development Plans

The LDP has been considered against the WAPC Framework for Local Development Plans 2015. Shire Officers consider the proposed LDP format and provisions are consistent with the WAPC framework.

The LDP proposes to include additional requirements for:

- Street surveillance, and
- Street walls and fences.

#### **Financial implications**

There are no direct financial implications regarding this matter.

#### **Planning Assessment**

##### Site planning and design:

##### *Vehicular Access*

The LDP proposes three provisions for vehicular access.

The first provision is to allow access to on-site car parking for corner lots 3,4,6,12,15,20,26,27,32,40 and 46 to be provided from the primary or secondary street frontage. The R-Codes state that access to on-site car parking spaces *shall be from the primary street frontage where no secondary street or where a ROW*



*exists and driveways shall be no closer than six metres to a street corner or the point at which a carriageway begins to deviate. In addition, corner lots are required to have vehicle access from the secondary street.* The vehicle access locations illustrated on the LDP differ from the R-Codes as they are proposed from the primary street rather than the secondary street. The applicant has justified this variation due to access restrictions imposed by retaining walls that are required for the development of the lots. Officers acknowledge that sites within the subdivision area are subject to significant retaining walls due to the contour slope of the scarp. Shire Officers consider the access restrictions to be genuine and warrant a site specific R-Code variation with regards to secondary street vehicle access.

The second provision of the LDP requires access to on-site car parking be provided as per the 'Vehicle Access Point' identified within the legend of the LDP. The application has justified this variation because it will address clause 5.3.5 C5.3 of the R-Codes which usually *requires vehicle access points be located no closer than 6 metres to a street corner or the point at which a carriageway begins to deviate.* If this clause was not varied in the LDP, landowners would be required to submit a planning application to vary the R-Codes, even if there was the obvious restriction of a retaining wall. Shire Officers have considered the impacts of this provision and believe it has planning merit as a planning application in this instance would be a technical requirement and would be unlikely to add any value to the development.

The third provision is for lots which a Vehicle Access Point is shown on the primary street (Lots 3, 4, 6, 12, 15, 20, 26, 27, 32, 40 and 46). The provision provides flexibility as vehicles are able to take access from the secondary street or ROW if the design of the house reflects a corner lot. Shire Officers consider this provision to be appropriate as it offers the landowner design flexibility and reflects the topographical constraints of the area.

Shire Officers have considered each lot and their associated constraints and consider the option for vehicle access is appropriate, and are safe locations in accordance with the Australian Standard 2890.1. Therefore, the variations to vehicle access requirements are supported as part of this LDP.

#### Streetscape:

##### *Street surveillance*

The R-Codes prescribe that at least one major opening from a habitable room of the dwelling face the primary street and the pedestrian or vehicular approach to the dwelling is required. In addition to this standard requirement the applicant proposes that all dwellings adjacent to the ROW are required to have at least one major opening to a habitable room with a clear view to the POS adjacent to the estate.

This additional requirement enhances the existing R-Code deemed-to-comply requirement to ensure that the dwelling has a clear view to the POS and the ROW, facilitating passive surveillance. Shire Officers are supportive of this variation as it reflects the unique location of the lots and reflects the application of sound planning principles related to community safety.

##### *Street walls and fences*

The R-Codes require that front fences within the primary street setback area are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

The applicant proposes that all fencing on all boundaries facing the ROW for Lots 26, 27 and 40 shall be designed and constructed with visually permeable fencing for at least half the length of the boundary fronting the ROW. This requirement is proposed to ensure the dwellings abutting the ROW actively overlook the ROW and POS.

Shire Officers are supportive of this variation. While it is a higher standard than the R-Codes, it reflects the unique location of the lots and represents a site specific solution to possible surveillance issues.



## **Other Considerations**

### BAL Requirement

Condition 13(c) of the conditional subdivision approval states that the LDP must address BAL requirements. Shire Officers have determined that inclusion of a BAL on the LDP is not preferred in this instance. As the area is developed over time it is likely that BAL levels will increase and decrease as vegetation is removed and re-planted vegetation grows to maturity.

Officers consider that condition 11 of the conditional subdivision approval more appropriately addresses BAL requirements. Condition 11 requires notification on titles for bushfire management requirements.

Shire Officers support this being excluded from the LDP. Further to this the WAPC have provided support for this exclusion stating that

*“given the urban nature of the development, it is considered acceptable that building permit process would be able to ascertain BAL requirements of Australian Standards 3959 – construction of buildings in bushfire prone areas”.*

A BAL will therefore be required for each individual house at Building Permit Stage.

### “Urban Forest” and Tree Retention

Council considers tree retention as being important to the creation of an “urban forest” environment and as such steps should be taken to retain as many trees as possible. The approval of the LDP should therefore not result in removal of any mature or native trees. Where a conflict arises between the approval and the removal of a tree there should be a presumption against removal of any tree. The applicant should negotiate alternative ways to implement the required outcomes.

## **Options and Implications**

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

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

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

Option 2: Council may resolve to refuse the Local Development Plan.

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

Option 1 is recommended.

## **Conclusion**

The proposed LDP has been assessed with regards to the Planning and Development (Local Planning Schemes) Regulations 2015, WAPC Framework for Local Development Plans 2015 and the R-codes.

The proposed LDP provides additional requirements for street surveillance and street walls and fences. The LDP also sets out vehicle access locations for dwellings that have had their access locations restricted





and set by retaining wall designs approved as part of previous subdivision stages. The LDP provisions are considered by Shire Officers to have low impact on the streetscape.

Shire Officers recommend the proposed LDP be supported.

**Voting Requirements:** Simple Majority

**OCM068/06/17 COUNCIL DECISION / Officers Recommendation:**

**Moved Cr Hawkins, seconded Cr Gossage**

**That Council approves the application for the Local Development Plan submitted by Taylor Burrell Barnett Town Planning and Design on Lot 9022 Clondyke Drive, Byford as contained in attachment OCM068.1/06/17 in accordance with clause 52(1) Schedule 2 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED UNANIMOUSLY**

**OCM069/06/17 - Lot 6, 568 South Western Highway, Darling Downs – Proposed Expansion to Existing Meat Bird Poultry Farm (P00177/07)**

Author:	TPG+Place Match
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	25 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Harley Dykstra Planning & Survey Solutions  
Owner: Chrian Enterprises Pty Ltd  
Date of Receipt: 8 June 2015  
Lot Area: 6.3409ha  
Town Planning Scheme No. 2 Zoning: Rural  
Metropolitan Region Scheme Zoning: Rural

**Introduction**

The purpose of the report is for Council to consider a Development Application which proposes an expansion to an existing poultry farm on Lot 6, 568 South Western Highway, Darling Downs (the subject site) pursuant to section 31 of the *State Administrative Tribunal Act 2004*.

The application requires dual approval from the Shire and Western Australian Planning Commission (WAPC) pursuant to Clause 32 of the Metropolitan Region Scheme (MRS), as the proposed development seeks to expand a poultry farm in excess of 100m<sup>2</sup>.

The item is presented to Council for consideration pursuant to 'Council Policy P035S – Determination of Development Applications' as Shire Officers do not have delegation to determine applications where the application was advertised in accordance with Clause 64 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and concerns raised through consultation are relevant planning considerations.

The report recommends that the application to extend the existing poultry farm be approved subject to appropriate conditions.

**Figure 1 - Locality Plan**



## Background

### Existing Development

The site is currently used as a poultry farm and has been in operation since 1978.

Existing improvements are predominantly located on the eastern half of the site, and include seven sheds and related infrastructure for the production of poultry. An existing residence is also located in the south-eastern corner of the site.

The existing meat bird poultry farm facility accommodates approximately 139,000 birds across the seven existing sheds.



**Figure 2 - Existing Site Plan**

### Initial Proposal

A Development Application was lodged with the Shire in June 2015 seeking approval for an expansion of the existing poultry farm on the subject site, comprising the following:

- Construction of a new, tunnel ventilated shed (1,810m<sup>2</sup>) between existing sheds 6 and 7;
- Extension of existing sheds two to five (1,295m<sup>2</sup> in total);
- Conversion to tunnel ventilation of existing sheds one to five;
- Re-roofing of existing sheds two and five;
- Construction of a new four metre concrete wall adjacent to the northern boundary of the subject site for noise, dust and odour mitigation purposes;
- Expansion of the existing hardstand area for truck manoeuvring purposes; and
- Modification and/or removal of some existing structures onsite to facilitate the proposed expansion.

The initial proposal sought to increase the capacity of the farm by approximately 72,000 birds, resulting in a total proposed capacity of approximately 211,000 birds.



### Deemed Refusal/SAT Proceedings

The applicant appealed to the State Administrative Tribunal (SAT) for non-determination of the application within 90 days under Town Planning Scheme No. 2 (TPS2). The Shire after significant discussions with the applicant in this regard were not in a position to determine the application within the statutory timeframe. The Shire and applicant could not agree on elements of the proposal and Shire officers were of the opinion that insufficient information was being provided by the applicant, with specific reference to odour modelling. The application for review was lodged on the basis of the following: *"The Shire to date has not issued a conditional approval for the proposed development and hence this application is considered to be deemed refused (as advised to the Shire by email on 25.10.16). The proposed expansion complies with the requirements of SPP 4.3 and extensive odour modelling has been undertaken to demonstrate that the relevant DER odour criteria can be achieved for all nearby sensitive receptors following implementation of the proposed poultry farm expansion."*

### Revised Proposal

Following SAT proceedings which included a number of mediation sessions, the applicant submitted a revised proposal which sought to address concerns held by Shire Officers. The modifications to the proposal are as follows:

- Removal of the proposed tunnel ventilated shed (1,810m<sup>2</sup>) between existing sheds six and seven and the retention of the existing machinery shed, thereby reducing the scale of the expansion by 36,000 birds;
- Removal of the proposed four metre concrete wall near the northern boundary of the subject site;
- The retention of the proposed extensions to the existing naturally ventilated sheds;
- Installation of dust/odour containment structures to all sheds and the incorporation of electrostatic mitigation technologies and ventilation stacks;
- Undertaking of odour sampling on site, both before and after the upgrades to the existing sheds, in order to obtain real data to quantify improvements in air quality (i.e. comparing the existing natural and tunnel ventilated sheds with those fitted with odour/dust reduction technologies); and
- A commitment to only revisit the proposal for the new large shed if the results of onsite odour sampling support that proposition.

In accordance with the modifications noted above, a summary of the extent of the revised development proposal is as follows:

- Extension of existing sheds two to five (1,295m<sup>2</sup> in total);
- Conversion to tunnel ventilation of existing sheds one to five;
- Re-roofing of existing sheds two and five;
- Installation of dust/odour containment structures to all sheds and incorporation of electrostatic mitigation technologies and ventilation stacks;
- Expansion of the existing hardstand area for truck manoeuvring purposes; and
- Modification and/or removal of some existing structures onsite to facilitate the proposed expansion.

The revised proposal would result in an increase in the capacity of the farm by approximately 36,000 birds, resulting in a total capacity of approximately 175,000 birds. It is noted that this is half the increase that was proposed as part of the original application.



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

Initial approval was granted for the poultry farm at the subject site on 17 October 1978.

SD018/08/07 – An application proposing the construction of one additional large shed between existing sheds No. 6 and 7 was submitted to the Shire in 2006. The application was refused by the Shire, but was approved by the WAPC on 16 January 2009 (Ref 29-840-4).

### **Community / Stakeholder Consultation**

The initial application was referred to the following government agencies:

- Western Power.
- State Heritage Office.
- Department of Water.
- Main Roads WA.
- Department of Environment Regulation.
- Department of Agriculture and Food.
- Department of Planning.
- Department of Aboriginal Affairs.
- City of Armadale.
- Water Corporation.
- Department of Health.

In addition, the application was advertised for public comment from 9 July 2015 to 6 August 2015, to landowners within a 1km radius of the subject site. A total of 34 responses were received from landowners, with issues raised primarily being concerns relating to amenity impacts in terms of odour and noise emissions. These issues are addressed in the planning assessment section of this report.

A summary of submissions with responses from the applicant is attached to this report.

### **Statutory Environment**

#### Legislation

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

#### State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million.
- State Planning Policy 2.5 – Rural Planning.
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses.

#### Local Planning Framework

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





## **Planning Assessment**

### **1) Orderly and Proper Planning**

#### Land Use

The use and development of the site most closely aligns with the definition of 'Poultry Farm (Housed)' under TPS2, which is defined to mean the following:

*'means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act 1911.'*

A 'Poultry Farm (Housed)' is an 'AA' use within the 'Rural' zone under TPS2, meaning that the Council may, at its discretion, permit the use.

Notwithstanding the above, the subject site is already lawfully used for the purpose of a poultry farm, having initially obtained planning approval in 1978. The proposal does not contemplate a change from this approved use and therefore meets TPS2 requirements in terms of land use.

#### Strategic Framework

The subject site is identified as being located within the 'Farmlot Policy Area (4ha to 40ha)' in the Shire's Rural Strategy Review 2013 (RSR). Section 4.4 of the RSR notes that the 'Farmlot Policy Area' is essentially another form of rural living opportunity in the Shire, but with larger land parcels that may be suited to some limited form of agricultural production. Section 4.4 of the RSR further states that it is anticipated that the 'Farmlot Policy Area' will remain largely rural in nature and will help to retain rural character and aesthetics, however, it also outlines that a range of land uses can be incorporated into the Policy Area. The poultry farm, which was approved in 1978, predates the 1994 Rural Strategy.

### **2) Form of Development**

#### Access

The proposed development seeks to utilise the subject site's historical vehicle access via the established crossover with South Western Highway, which is shared with the Pet Meat Knackery to the north.

Following referral of the initial application, safety concerns were raised by Main Roads WA and Shire Officers in relation to this direct access arrangement from South Western Highway. Concerns related to sight lines, road geometry and the prescribed speed limit of 90km/hr on this section of the highway. It was therefore suggested that site access be restricted Butcher Road, which abuts the western (rear) boundary of the site.

MainRoads WA have now reconsidered this position. They have since advised that, whilst not ideal, access to South-Western Highway is the only viable access option for the site. Future road planning indicates that Butcher Road is not planned to ever connect directly with South Western Highway and therefore commercial or other traffic would be redirected through areas with sensitive (residential) type land uses to the south while connecting to Thomas Road.

In order to mitigate safety concerns with this access arrangement they have proposed some additional conditions. These conditions should be imposed requiring the South Western Highway access to be left-in/left-out only, with a double barrier line across the access point, and that the driveway/shoulder/crossover is to be sealed to improve vehicle traction and prevent soil being deposited on the road surface.

A deed of agreement and register of a right of carriageway easement over the crossover which traverses a Council Reserve is also proposed to be required as a condition of approval so that a more formalised form of tenure exists for the site access arrangements.



An alternative to the left-in/left-out restriction has also been proposed by the applicant through the preparation of a Traffic Management Plan that addresses access arrangements and line marking changes, to the satisfaction of the Shire and Main Roads WA. This position has been supported by Shire Officers, noting that approval from Main Roads WA for such access may be problematic.

### Setbacks

No setback requirements for a Poultry Farm (Housed) are provided through TPS2 or Local Planning Policies for land within the 'Rural' zone. As such, setbacks have been assessed based on the potential impacts for neighbouring properties.

Existing sheds two, three and four are proposed to be expanded northwards by 15m and will consequently be setback 14m from the common boundary with Lot 5. Existing sheds five, six and seven which are not proposed to undergo a northward expansion are situated eight metres from this boundary. As such, none of the proposed shed expansions is located closer to the northern boundary than the alignment of existing sheds. It is also noted that a pet meat knackery operates from the site to the north, and therefore amenity impacts on this site arising from the setback of buildings on Lot 6 are not considered to be a significant issue given the nature of the two uses.

All sheds are proposed to be setback approximately 60m from the southern boundary, which is the minimum existing setback of sheds on site. It is also noted that sensitive land uses do not exist on the property to the south. On this basis, the setbacks as proposed are considered sufficient.

### Landscaping

Landscaping is proposed to be provided to the north of the expansion to sheds one to four. This vegetation is proposed to screen the expansion and to soften its visual impact when viewed from the north. It is noted that there is already a number of mature and semi-mature trees in this location, which the applicant has advised will be retained to further enhance the intended visual screening effect.

A detailed Landscaping Plan is proposed to be required as a condition of approval so that mature tree retention can be ensured and species utilised are satisfactory to the Shire.

## **3) Amenity**

### Buffer Distances

State Planning Policy 2.5 – Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. SPP2.5 does not set out a specific separation buffer for poultry farms, however, is complemented by the Environmental Protection Authority's 'Draft Environmental Assessment Guideline for Separation Distances between Industrial and Sensitive Land Uses' (the Guidance Statement). The Guidance Statement recommends a separation distance of between 300m to 1,000m for poultry farms from sensitive land uses, such as residential areas.

Whilst it is noted that sensitive land uses exist within the prescribed buffer area, this is as a result of residential encroachment following initial approval of the poultry farm operation in 1978. It is further noted that the primary potential amenity impacts on these sensitive land uses relate to odour, noise and dust, and that these impacts are proposed to be effectively mitigated through conditions of approval, as discussed in the amenity section below.

### Odour Management

One of the primary concerns raised through the advertising and referral process for the initial proposal was odour emissions that result from the poultry farm operation.

The applicant has submitted an Air Quality Impact Assessment which assessed the potential air quality impacts at surrounding sensitive receptors from the existing operations, as well as the proposed





expansion of the meat bird poultry farm. A copy of the Air Quality Impact Assessment is attached to this report.

In relation to odour mitigation, it is proposed to convert all sheds to tunnel ventilation, include odour reduction structures to all sheds, and incorporate electrostatic mitigation technologies and ventilation stacks. Further odour emission reduction is also proposed through management practices such as increasing the depth of litter and increasing the frequency in which the litter is turned over through rotary hoeing.

In combination, it is considered that all of the odour mitigation techniques as proposed should result in greater containment on site and reduce off-site amenity impacts.

In order to ensure continued odour management to a satisfactory level, a condition of approval is proposed which will require the submission of a revised odour impact assessment that includes onsite odour sampling.

#### Noise Management

A revised Noise Assessment has been undertaken by Herring Storer Acoustics (HSA) in support of the application and has been included as an attachment to this report (**OCM069.4/06/17**). The assessment comprised the following:

- Measurements of current plant and equipment used at the existing Faenfil Farm;
- Noise monitoring of existing noise levels for the surrounding environment, particularly traffic noise associated with South Western Highway;
- Determination of noise levels associated with expansion of the poultry sheds;
- Assess the predicted noise levels at the nearest surrounding noise sensitive premises for compliance with the appropriate criteria; and
- If exceedances are predicted, comment on possible noise amelioration options to ensure compliance with the appropriate criteria.

The assessment indicates that noise levels received at the nearest neighbouring premises have been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the proposed operating times.

Notwithstanding the above, a condition of approval is proposed that requires the submission of a revised Noise Impact Assessment and Management Plan to ensure that operational noise emissions are within prescribed limits.

#### Dust Management

As discussed above, the proposed development includes the conversion of the growing sheds from natural ventilation to tunnel ventilation, the installation of dust/odour reduction structures to all sheds, as well as the incorporation of electrostatic mitigation technologies and ventilation stacks to contain dust from sheds internally.

Other dust impacts from vehicles and hardstand areas are proposed to be controlled through a condition of approval that requires the use of dust suppression techniques to the satisfaction of the Shire.

#### Matters to be considered by Local Government

Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that when considering a Development Application, the local government is to have due regard to a range of matters contained within that Clause, to the extent that they are relevant to the proposed development.



The primary pertinent considerations for this application as per Clause 67 of the Regulations are as follows:

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- (n) *the amenity of the locality including the following —*
  - i. environmental impacts of the development;*
  - ii. the character of the locality;*
  - iii. social impacts of the development.*

In accordance with the above, with the imposition of the recommended conditions of approval requiring ongoing monitoring and mitigation of any potential adverse amenity impacts, the proposed development is considered to be appropriate for its setting, being located within the 'Rural' zone under both MRS and TPS2. The expansion is also considered to be of an appropriate scale in terms of building bulk, siting and orientation, as well as being modest in size as it is equivalent to only a 25% increase in overall capacity terms. Notably, it is only half the size of the initially proposed expansion of the poultry farm.

Furthermore, the proposed development appropriately considers the amenity of the surrounding area through the inclusion of a range of technologies to mitigate odour, noise and dust emissions from the site, respecting the rural characteristics of the locality and ameliorating any potential adverse impacts on nearby sensitive land uses.

### **Options and Implications**

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

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

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

Option 1 is recommended.

### **Conclusion**

The proposed expansion of the existing poultry farm on site is considered to be suitable for approval, noting the reduced scale of expansion proposed through the revisions to the original proposal, the inclusion of odour dust technologies, and the imposition of appropriate conditions to ensure ongoing monitoring of potential adverse externalities and rationalisation of access arrangements.

As such, the application is recommended for approval, subject to conditions.



### Attachments

- [OCM069.1/06/17](#) – Existing Site Plan (IN17/11431)
- [OCM069.2/06/17](#) – Development Site Plan (IN17/11432)
- [OCM069.3/06/17](#) – Air Quality Impact Assessment (IN17/11433)
- [OCM069.4/06/17](#) – Noise Assessment (IN17/11435)
- [OCM069.5/06/17](#) – Main Roads Submission (Site Access) (IN17/6549)
- [OCM069.6/06/17](#) – Schedule of Submissions (E17/4301)

### Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

The proposal will enhance the economic sustainability of the existing business on site, while also being respectful of the rural character of the district by way of minimising adverse external amenity impacts.

### Financial Implications

The refusal of the application would likely result in the applicant seeking review of the decision in further SAT proceedings, representing additional financial cost to the Shire in terms of specialist consultant representation and potential legal costs.

**Voting Requirements**          Simple Majority

### Officer Recommendation:

That Council approves the Development Application submitted by Harley Dykstra Planning & Survey Solutions on behalf of Chrian Enterprises Pty Ltd for the proposed expansion of the existing poultry farm on Lot 6, 568 South Western Highway, Darling Downs subject to the following conditions:

1. This development must be undertaken in accordance with the approved and stamped plans, the Revised Air Quality Impact Assessment (OCM069.3/06/17) dated 12 April 2017 and the Noise Assessment (OCM069.4/06/17) dated 10 April 2017.
2. Prior to commencement of the use of the extended poultry sheds and thereafter, the South Western Highway crossover must be "left in / left out" only.  
  
As an alternative, a Traffic Management Plan may be prepared to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads WA addressing access arrangements and possible line marking changes.
3. Prior to commencement of the use of the extended poultry sheds, the driveway/shoulder/crossover is to be sealed to prevent soil reaching the South Western Highway road surface to the satisfaction of the Shire.
4. Prior to the submission of a Building Permit Application, the applicant/owner must prepare a Deed of Agreement and, prior to commencement of the use of the extended poultry sheds, register a



right of carriageway easement over the Shire of Serpentine Jarrahdale Reserve 10385 Butcher Road for access and egress to the subject site, to the satisfaction of the Shire.

All costs of, and incidental to, the preparation of the Deed of Agreement and registration of the right of carriageway easement, including the Shire's solicitor's costs, must be met by the applicant/owner of the land.

5. Prior to the submission of a building permit, a detailed Landscape Plan shall be submitted to and approved by the Shire. For the purpose of this condition, the plan shall illustrate the following:
  - a. The location and species of all trees and shrubs to be retained or removed.
  - b. The size and number of new plants to be planted.
  - c. The location of any lawn areas to be established.
  - d. Those areas to be reticulated or irrigated.

Landscaping and reticulation shall be completed in accordance with the approved detailed Landscape Plan prior to commencement of the use of the extended poultry farms and thereafter maintained to the satisfaction of the Shire.

6. Within twelve months of commencement of the use of the extended poultry sheds, an Odour Impact Assessment and Management Plan must be submitted and approved which includes site specific relevant meteorological data and field odour measurements and criteria to the satisfaction of the Shire. Should the assessment identify odour exceeding the predictions in the odour modelling reports approved, then the revised Management Plan is to include contingencies to ensure odour is reduced to acceptable levels. The new measures need to be implemented within three months from being deemed acceptable by the Shire.
7. Within twelve months of commencement of the use of the extended poultry sheds, field noise measurements must be submitted in the form of a revised Noise Assessment. Should the measurements identify noise levels exceeding the predictions in the approved noise modelling reports, then a revised Noise Management Plan is to be prepared, including mitigation measures and contingencies to ensure noise is reduced to acceptable levels. The new measures need to be implemented within three months from being deemed acceptable by the Shire.
8. Within twelve months of commencement of the use of the extended poultry sheds, and thereafter as required by the Shire, the owner shall undertake an audit of the Shire and WAPC approval conditions and submit a compliance report to the Shire. The compliance report is to include details of complaints and complaint responses in the form of the approved template.
9. The operator must retain a complaints log, which details the time, date and complaint received in addition to the type of action and time taken to respond to complaints.
10. The poultry farm must not exceed 175,000 birds onsite at and after day 28 of each growing cycle.
11. The operator shall ensure that the use of water for washdown is minimised. Any discharge of water (washdown water, stormwater) from the premises including seepage to groundwater, other than directly to sewer or septic cisterns, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanisms to remove nutrients and chemical agents to the satisfaction of the Shire.
12. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using where necessary appropriate dust suppression techniques to the satisfaction of the Shire.
13. The outdoor lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties.



14. The landowner shall ensure all activities related to the construction of the development shall be contained wholly within the lot boundaries.
15. All construction material and equipment shall be removed from the site on completion of the approved development.

Advice Notes:

1. With respect to conditions 2 and 3, the applicant/owner must seek approval from Main Roads WA and meet any associated costs.
2. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the Management Guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australia May 2004 (as amended).
3. Under the provisions of the Metropolitan Region Scheme, approval to commence development must also be obtained from the Western Australian Planning Commission and your application has been forwarded to the Commission for its determination. Development must not be commenced until approval under the Metropolitan Region Scheme has been given, additionally to any other required approval, licence, certificate or permission.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. 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.
6. 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.
7. 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.

**OCM069/06/17 COUNCIL DECISION / Alternate Recommendation**

**Moved Cr Rich, seconded Cr Piipponen**

**That Council approves the Development Application submitted by Harley Dykstra Planning & Survey Solutions on behalf of Chrian Enterprises Pty Ltd for the proposed expansion of the existing poultry farm on Lot 6, 568 South Western Highway, Darling Downs subject to the following conditions:**

1. **This development must be undertaken in accordance with the approved and stamped plans, the Revised Air Quality Impact Assessment (OCM069.3/06/17) dated 12 April 2017 and the Noise Assessment (OCM069.4/06/17) dated 10 April 2017.**
2. **Prior to commencement of the use of the extended poultry sheds and thereafter, the South Western Highway crossover must be “left in / left out” only.**

**As an alternative, a Traffic Management Plan may be prepared to the satisfaction of the Shire of Serpentine Jarrahdale and Main Roads WA addressing access arrangements and possible line marking changes.**



3. Prior to commencement of the use of the extended poultry sheds, the driveway/shoulder/crossover is to be sealed to prevent soil reaching the South Western Highway road surface to the satisfaction of the Shire.
4. Prior to the submission of a Building Permit Application, the applicant/owner must prepare a Deed of Agreement and, prior to commencement of the use of the extended poultry sheds, register a right of carriageway easement over the Shire of Serpentine Jarrahdale Reserve 10385 Butcher Road for access and egress to the subject site, to the satisfaction of the Shire.

All costs of, and incidental to, the preparation of the Deed of Agreement and registration of the right of carriageway easement, including the Shire's solicitor's costs, must be met by the applicant/owner of the land.

5. Prior to the submission of a building permit, a detailed Landscape Plan shall be submitted to and approved by the Shire. For the purpose of this condition, the plan shall illustrate the following:
  - a. The location and species of all trees and shrubs to be retained or removed.
  - b. The size and number of new plants to be planted.
  - c. The location of any lawn areas to be established.
  - d. Those areas to be reticulated or irrigated.
  - e. Screening on the Western Boundary of the property to the satisfaction of the Shire to reduce amenity impacts.

Landscaping and reticulation shall be completed in accordance with the approved detailed Landscape Plan prior to commencement of the use of the extended poultry farms and thereafter maintained to the satisfaction of the Shire.

6. Within twelve months of commencement of the use of the extended poultry sheds, an Odour Impact Assessment and Management Plan must be submitted and approved which includes site specific relevant meteorological data and field odour measurements and criteria to the satisfaction of the Shire. Should the assessment identify odour exceeding the predictions in the odour modelling reports approved, then the revised Management Plan is to include contingencies to ensure odour is reduced to acceptable levels. The new measures need to be implemented within three months from being deemed acceptable by the Shire.
7. Within twelve months of commencement of the use of the extended poultry sheds, field noise measurements must be submitted in the form of a revised Noise Assessment. Should the measurements identify noise levels exceeding the predictions in the approved noise modelling reports, then a revised Noise Management Plan is to be prepared, including mitigation measures and contingencies to ensure noise is reduced to acceptable levels. The new measures need to be implemented within three months from being deemed acceptable by the Shire.
8. Within twelve months of commencement of the use of the extended poultry sheds, and thereafter as required by the Shire, the owner shall undertake an audit of the Shire and WAPC approval conditions and submit a compliance report to the Shire. The compliance report is to include details of complaints and complaint responses in the form of the approved template.
9. The operator must retain a complaints log, which details the time, date and complaint received in addition to the type of action and time taken to respond to complaints.
10. The poultry farm must not exceed 175,000 birds onsite at and after day 28 of each growing cycle.





11. The operator shall ensure that the use of water for washdown is minimised. Any discharge of water (washdown water, stormwater) from the premises including seepage to groundwater, other than directly to sewer or septic cisterns, shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanisms to remove nutrients and chemical agents to the satisfaction of the Shire.
12. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using where necessary appropriate dust suppression techniques to the satisfaction of the Shire.
13. The outdoor lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties.
14. The landowner shall ensure all activities related to the construction of the development shall be contained wholly within the lot boundaries.
15. All construction material and equipment shall be removed from the site on completion of the approved development.
16. The hardstand extension area shown on the approved plans shall be designed and constructed to ensure the existing trees are retained, to the satisfaction of the Shire.

**Advice Notes:**

1. With respect to conditions 2 and 3, the applicant/owner must seek approval from Main Roads WA and meet any associated costs.
2. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the Management Guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australia May 2004 (as amended).
3. Under the provisions of the Metropolitan Region Scheme, approval to commence development must also be obtained from the Western Australian Planning Commission and your application has been forwarded to the Commission for its determination. Development must not be commenced until approval under the Metropolitan Region Scheme has been given, additionally to any other required approval, licence, certificate or permission.
4. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
5. 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.
6. 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.
7. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**CARRIED UNANIMOUSLY**





Continued

## Ordinary Council Meeting Minutes Monday, 26 June 2017

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**Council Note: The Officers Recommendation was changed by adding condition 5e, to incorporate screening on the western boundary, and adding condition 16 to ensure existing trees are retained when designing the hardstand extension area.**

**OCM070/06/17 - Lot 207, 363 Kargotich Road, Oakford – Initiation of Proposed Scheme Amendment No.201 – Rezoning from ‘Rural’ to ‘Special Rural’ (PA16/167)**

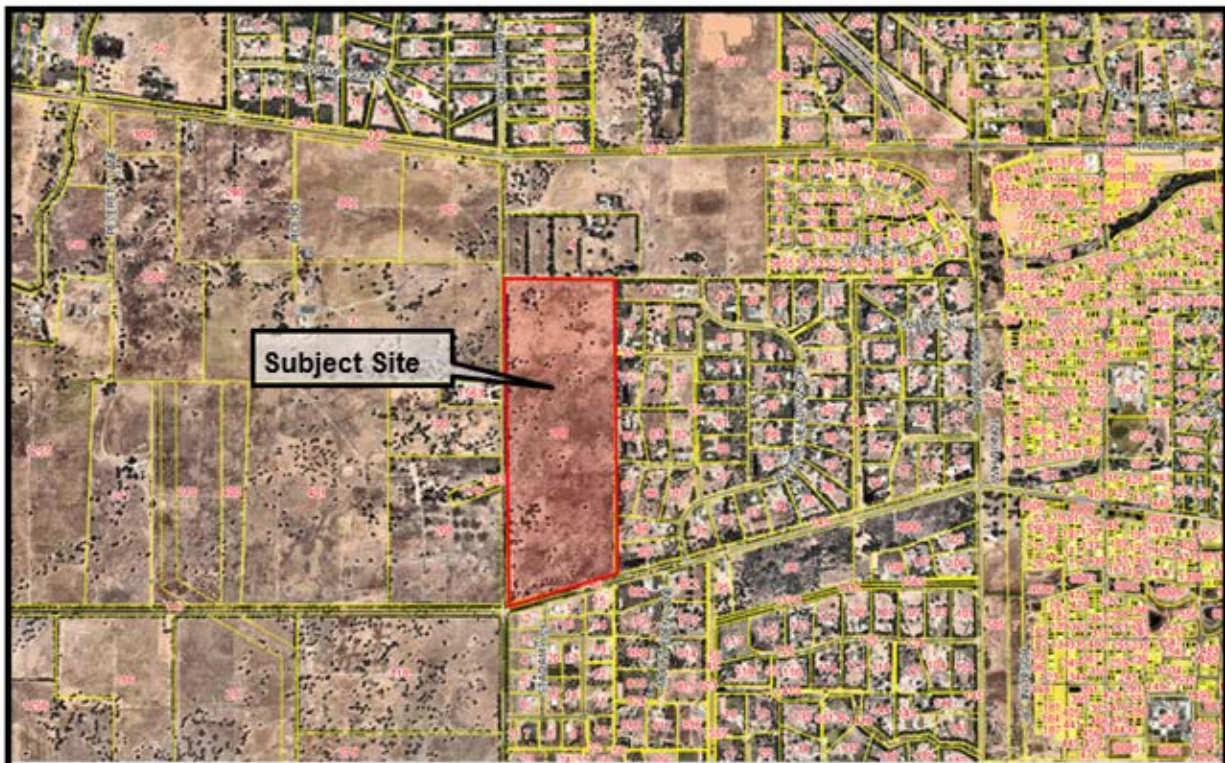
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Executive Manager Strategic Planning Andre Schonfeldt – Director of Planning
Date of Report:	7 March 2017
Disclosure of Officers Interest:	No Officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: MW Urban Planning and Development on behalf of  
Anne Marie Percy  
Owner: Anne Marie Percy  
Date of Receipt: 17 August 2016  
Lot Area: 51.9 hectares  
Town Planning Scheme No 2 Zoning: Rural  
Metropolitan Region Scheme Zoning: Rural

**Introduction**

The purpose of this report is for Council to consider the initiation of Scheme Amendment No.201 (the amendment). The amendment is considered a ‘Standard’ amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The amendment proposes to rezone Lot 207, 363 Kargotich Road, Oakford (subject site) from ‘Rural’ to ‘Special Rural’. The amendment seeks to amend the scheme maps and include specific development provisions within Appendix 4 of TPS2.

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

**Locality Plan**



## Background

### Existing Development:

The subject site has traditionally been utilised for broad acre grazing and a dairy farm. More recently the property is utilised for hay production. The property contains a single dwelling and incidental structures for machinery storage etc. The dwelling was occupied by the farmland manager.

An easement exists over the property. The easement provides for a 330kV powerline which traverses through the centre of the property, in a north-south direction.

Directly adjacent to the subject lot there is a 'Special Rural' subdivision to the east and a 'Rural Living A' subdivision to the south. To the north there is a rural zoned property with the possibility of subdividing down to 4,000sqm lots, subject to a scheme amendment to 'Rural Living A'. To the west of the subject lot there is a number of 'Rural' zoned properties, as well as a reserve intended to be developed for the purpose of a future fire station.

### Proposed Development:

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

1. Rezoning Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'.
2. Amending the Scheme Map by delineating Lot 207, 363 Kargotich Road, Oakford within the 'Special Rural' zone and identifying it as SR27 (*Special Rural zone 27*).
3. Inserting in Appendix 4 – Special Rural Zone the following:
  - i including Lot 207, 363 Kargotich Road, Oakford in Appendix 4 – Special Rural zone and including the appropriate details in Appendix 4 of the Scheme as follows:

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

A technical assessment report has been prepared by Officers. The report can be found in attachment **OCM070.2/06/17**. This report assesses the proposed scheme amendment against relevant objectives and provisions contained within the following documents:

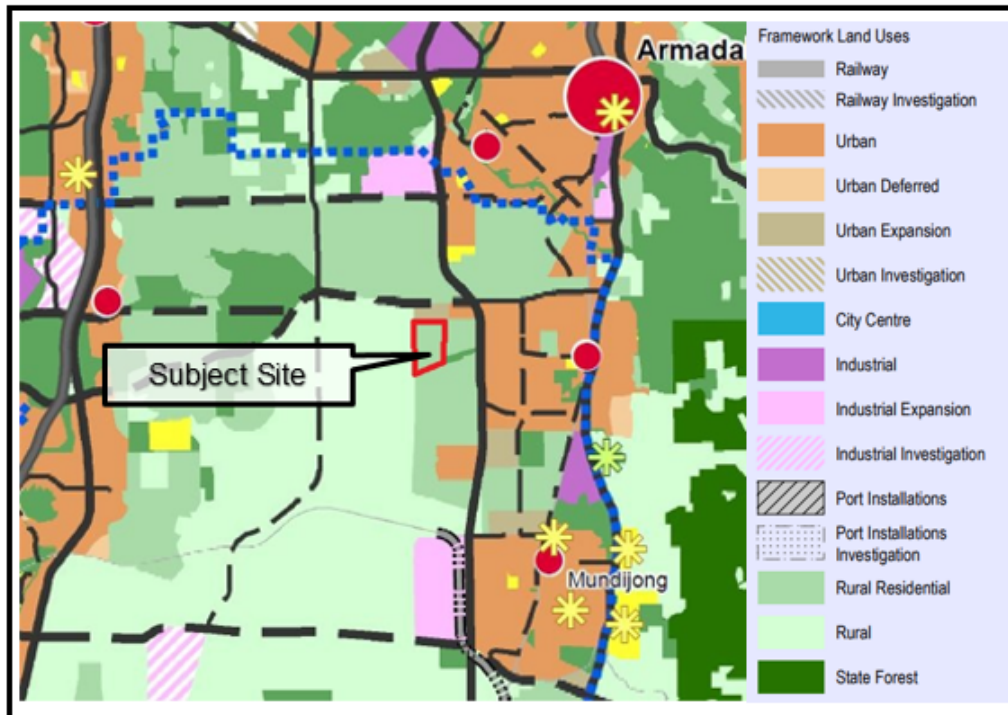
- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Metropolitan Regional Scheme (MRS)
- Directions 2031 and Beyond;
- Draft Perth and Peel @ 3.5 Million;
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Shire of Serpentine Jarrahdale Rural Strategy 1994
- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- 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

### Strategic Framework

Various strategic documents are relevant to the subject lot. A full assessment against the strategic framework is contained in the technical assessment report. In summary, the proposal demonstrates compliance with *Directions 2031 and Beyond (Directions 2031)*. *Directions 2031* primarily focuses on



urban infill, as opposed to rural lifestyle developments. *Draft Perth and Peel @ 3.5 Million* and *Draft South Metropolitan Peel Sub-Regional Planning Framework* classifies the subject site as being appropriate for 'Rural Residential' development.



**South Metropolitan Peel Sub Region – Map Extract**

Under the Shire's endorsed Rural Strategy 2013 Review, the subject site is classified as 'Rural Living B'. It should be noted, the modifications requested by the Western Australian Planning Commission (WAPC) does not impact on the subject property. The proposal complies with the strategic policy position of both Council and the WAPC.

#### Policy Framework

A number of State Planning Policies are deemed applicable to the subject proposal. The subject site falls within the Peel-Harvey Coastal Plain Catchment (PHC). State Planning Policy 2.1 contains objectives and provisions applicable to development proposals located within the PHC. The policy's overall intent is to ensure minimal environmental damage to the Peel-Harvey Estuary system occurs. In summary, although the soil conditions are not ideal, given the minimum lot sizes are 2.0ha there are no significant limitations of the land that cannot be mitigated during the design and construction process of subdivision and development.

State Planning Policy No.2.5 – Rural Planning (SPP2.5) provides the framework for planning and decision making for rural and rural living land within the State. SPP2.5 provides specific policy measures for the assessment of rural living proposals. A full assessment of the proposal against SPP2.5 has been conducted, concluding that the proposal satisfies the provisions and objectives of SPP2.5.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) identifies the framework for undertaking a risk assessment from bushfire events. Based on Officers' assessment of the scheme amendment, it is considered the submitted Bushfire Management Plan is satisfactory, with further investigations required at subsequent planning stages. A full assessment of the Bushfire Management Plan is contained within the attachments.





Other Considerations:

*Movement Network*

The subject site is located in proximity to a strong equine area. The Shire has an established trails network through the Darling Downs and Oakford area. An assessment of the proposal has identified the opportunity to continue the network through the subject site. Full details are contained within the technical assessment report.

The application is supported by a traffic impact assessment. The Shire has reviewed the document and determined that a future road connection needs to be provided to the property adjoining the subject site to the north. This is proposed as a measure of reducing the likely intersections created on to Kargotich Road in close proximity to Thomas Road. This shall be reflected as part of the structure plan / subdivision proposal, following adoption of the 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 with modifications.

Modifying the scheme amendment document prior to advertising, will provide stakeholders and neighbouring community members a clearer understanding of what the Council is prepared to support.

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

The advertising of the amendment without modifications will result in the advertising of an amendment, not strictly in accordance with the Rural Strategy and Rural Strategy Review, however it would meet the objectives of the Rural Living Policy Area of the Rural Strategy 2013.

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**

Council has been requested to initiate a 'standard' amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2) that proposes to zone Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'. The amendment seeks to amend the Scheme maps and include specific development provisions within Appendix 4 of TPS2.

It is considered that the lots have suitable soils to accommodate 2ha lots in the subject location. The soils are identified as being capable of being developed for rural lifestyle lots. The Rural Strategy Review 2013 identifies the subject lot in the 'Rural Living Policy Area' and were identified with the objective of environmental repair in mind. It was considered that these properties are likely to be managed appropriately by the landowner and lead to environmental improvements. The proposal is consistent with





the Shire endorsed Rural Strategy Review 2013 that has conditional approval from the Western Australian Planning Commission.

Officers recommend that the proposed scheme amendment be supported by Council, subject to modifications, for the purpose of advertising.

### Attachments

- [OCM070.1/06/17](#) – Proposed Scheme Amendment No.201 Report (IN17/6270)
- [OCM070.2/06/17](#) – Technical Assessment Report (OC17/10549)

### Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.3	Enhance streetscapes and public places with vegetation that is natural to the area, sustainable (water wise) and cost effective.

### Financial Implications

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) and regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to proceed to advertise Amendment No. 201, with modification 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*;
2. Amending the Scheme as follows:
  - a. Rezoning Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'.
  - b. Amending the Scheme Map by delineating Lot 207, 363 Kargotich Road, Oakford within the 'Special Rural' zone and identifying it as SR 27.
  - c. Inserting in APPENDIX 4 – SPECIAL RURAL ZONE the following:



DESCRIPTION OF LAND	LAND USE
7. Lot 207, 363 Kargotich Road, Oakford	<p>1. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health and has a phosphorous retention capacity appropriate for the site which conforms to relevant Department of Environment Regulation and Department of Water provisions.</p> <p>2. Prior to the clearance of the subdivision, the subdivider shall prepare a Building Envelope and Effluent Disposal Envelope Plan to the satisfaction of Council, with the location of the envelopes being determined based on geotechnical investigations undertaken by the subdivider. The effluent disposal envelopes are to be separate from the building envelopes and are to be 300m<sup>2</sup> in size. All buildings and effluent disposal systems to be located within the respective building envelopes and effluent disposal envelopes defined on the approved Building Envelope and Effluent Disposal Envelope Plan unless otherwise approved in writing by the Shire.</p> <p>3. The Council shall not support any application for subdivision of the land into Special Rural lot sizes unless the subdivision is consistent with a Structure Plan approved by the Western Australian Planning Commission for the subject lot.</p> <p>4. A Structure Plan for the subdivision of land into 'Special Rural' lot sizes shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>5. The preparation of a Structure Plan shall include a future road connection to the Lot directly abutting the northern boundary, currently Lot 4 Kargotich Road, Oakford.</p> <p>6. The subdivider is to place a covenant on the title of each lot abutting Kargotich Road preventing direct vehicular access to and from Kargotich Road.</p> <p>7. The subdivider is to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to groundwater is maintained. The minimum pad heights are to be determined through geotechnical investigations, in accordance with AS/NZS 1547 On-Site Domestic Wastewater Management, and identified in the approved Structure Plan.</p> <p>8. The subdivider shall prepare and implement a Bushfire Management Plan to the specification and satisfaction of Council and the Department of Fire and Emergency Services.</p>

3. Forward two (2) copies of Amendment No. 201 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*.



**OCM070/06/17 COUNCIL DECISION / Alternate Recommendation:**

**Moved Cr Gossage, seconded Cr Rich**

**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. 201, with modification 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;**
- 2. Amending the Scheme as follows:**
  - a. Rezoning Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'.**
  - b. Amending the Scheme Map by delineating Lot 207, 363 Kargotich Road, Oakford within the 'Special Rural' zone and identifying it as SR 27.**
  - c. Inserting in APPENDIX 4 – SPECIAL RURAL ZONE the following:**



DESCRIPTION OF LAND	LAND USE
7. Lot 207, 363 Kargotich Road, Oakford	<ol style="list-style-type: none"><li>1. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health and has a phosphorous retention capacity appropriate for the site which conforms to relevant Department of Environment Regulation and Department of Water provisions.</li><li>2. Prior to the clearance of the subdivision, the subdivider shall prepare a Building Envelope and Effluent Disposal Envelope Plan to the satisfaction of Council, with the location of the envelopes being determined based on geotechnical investigations undertaken by the subdivider. The effluent disposal envelopes are to be separate from the building envelopes and are to be 300m<sup>2</sup> in size. All buildings and effluent disposal systems to be located within the respective building envelopes and effluent disposal envelopes defined on the approved Building Envelope and Effluent Disposal Envelope Plan unless otherwise approved in writing by the Shire.</li><li>3. The Council shall not support any application for subdivision of the land into Special Rural lot sizes unless the subdivision is consistent with a Structure Plan approved by the Western Australian Planning Commission for the subject lot.</li><li>4. A Structure Plan for the subdivision of land into 'Special Rural' lot sizes shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li><li>5. The preparation of a Structure Plan shall include a future road connection to the Lot directly abutting the northern boundary, currently Lot 4 Kargotich Road, Oakford.</li><li>6. The subdivider is to place a covenant on the title of each lot abutting Kargotich Road preventing direct vehicular access to and from Kargotich Road.</li><li>7. The subdivider is to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to groundwater is maintained. The minimum pad heights are to be determined through geotechnical investigations, in accordance with AS/NZS 1547 On-Site Domestic Wastewater Management, and identified in the approved Structure Plan.</li><li>8. The subdivider shall prepare and implement a Bushfire Management Plan to the specification and satisfaction of the Shire.</li><li>9. A public access way being created between proposed lots 5 &amp; 6 of the concept plan contained within Scheme Amendment No.200.</li><li>10. The subdivision of Lot 207 Kargotich Road, Oakford shall be subject to the provision of a contribution towards 10% of the site for Public open Space.</li></ol>



- 3. Forward two (2) copies of Amendment No. 201 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*.**

**CARRIED UNANIMOUSLY**

**Council Note: The Officers Recommendation was changed by adding conditions 9 and 10 into the Appendix 4 – Special Rural Zone table. The reasons for the addition of conditions 9 and 10 are to incorporate public open space provisions within the appendix to ensure an open space contribution would be considered. And additionally to provide for an emergency access link to the east, between lots 5 and 6.**





<b>OCM071/06/17 - Draft Structure Plan – Lot 791, 84 Walker Road, Serpentine (SJ1927)</b>	
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Manager Planning Andre Schonfeldt – Director Planning
Date of Report:	10 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Gray & Lewis  
Owner: G & J Squire  
Date of Receipt: 16 December 2015  
Lot Area: 18.5072 ha  
Town Planning Scheme No 2 Zoning: Rural Living A  
Metropolitan Region Scheme Zoning: Rural

### Introduction

This report is presented to Council to review the submissions received on the advertised Local Structure Plan (LSP) for Lot 791, 84 Walker Road, Serpentine (subject site), as well as to endorse the Shire's technical assessment, Schedule of Modifications and recommendation to the Western Australian Planning Commission (WAPC) on the structure plan.

Clause 20 Part 4 Schedule 2 of the *Planning and Development Regulations 2015 (LPS)*, requires the local government to provide a report on the draft structure plan. Shire Officers do not have the delegation to issue the report on structure plans. Council is requested to endorse the Officer's recommendation and technical report, prepared for the WAPC, for their consideration on the LSP. Shire Officers recommend that the WAPC support the structure plan, subject to modifications.



**Locality Plan**



## Background

Lot 791, 84 Walker Road, Serpentine is located approximately 1km south of Karnup Road and approximately 2km from the Serpentine Townsite. The subject lot is serviced by Walker Road to the west. The property has an area of 18.5072ha. Two dwellings exist on the property, facilitating the current use for rural residential/lifestyle living by the current owner. Historically, the subject lot has been used for some ancillary hobby farm uses, specifically, horse agistment and cattle grazing. The majority of the land is cleared paddock, with scattered trees dispersed through the south-west portion of the lot.

At its meeting held on 12 May 2014, Council resolved to adopt Scheme Amendment No.186 to rezone the subject lot from 'Rural' to 'Rural Living A'. The Scheme Amendment Report provided a draft Subdivision Guide Plan. The Subdivision Guide Plan proposed 40 lots at 4,000m<sup>2</sup>. Council subsequently resolved to require "*the applicant to modify the Subdivision Guide Plan to reflect a diversity of lots sizes, providing a transition from larger sizes in the west of the site, to smaller lot sizes in the eastern portion of the site.*"

The Shire of Serpentine Jarrahdale (the Shire) received an application for a structure plan over the subject lot in December 2015, some 19 months after the above resolution. The structure plan was advertised to local residents and relevant government agencies for comment.

The draft structure plan proposes to create 35 lots ranging from 4,000m<sup>2</sup> to 9,144m<sup>2</sup>. In addition to the 35 lots, the structure plan proposes a 3,030m<sup>2</sup> drainage/public open space (POS) reserve, central along the northern boundary.

## Relevant Previous Decisions of Council

OCM174/05/14 – Council adopted Scheme Amendment No.186 with a resolution requiring the subdivision guide plan to reflect a diversity of lot sizes, providing a transition from larger sizes in the west of the site, to smaller lot sizes in the eastern portion of the site.

## Community / Stakeholder Consultation

The Structure Plan has been publicly advertised from 13 July 2016 until 11 August 2016, inclusive, as required under Part 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A total of 21 submissions were received, of which 11 were from government agencies. Of the ten remaining submissions, submitted by surrounding residents, half of the submissions support the draft structure plan. The key issues raised in the objections are summarised as follows:

- The increased traffic and safety concerns associated with the extension of Windmill Avenue;
- Lack of existing services and infrastructure in the locality to support the increased lot yield;
- The number and size of the lots proposed. Suggestions the subdivision be supported at 2ha (5acre) lots only;
- Protection of the rural landscape and character;
- Increased traffic and noise originating from the structure plan area; and
- Drainage.

A copy of the submissions are contained in Attachment **OCM071.3/06/17** with the Officers comments.

**Comment**Proposal

The structure plan proposes 35 'Rural Living A' lots, ranging from 4,000m<sup>2</sup> to 9,144m<sup>2</sup> in area and a drainage reserve of 3,030m<sup>2</sup> located in the centre of the LSP, along the northern boundary.

The applicant has opted to provide a transition of lot sizes. However, the transition of larger lots (8,000m<sup>2</sup> – 9,144m<sup>2</sup>) begins from the southern boundary with smaller 4,000m<sup>2</sup> lots to the north and west. Council's resolution required larger lots from the west to smaller lots in the east, of which Council specified in its resolution of item OCM174/05/14.

Lots will be serviced by power, telecoms and connected to mains water, as identified in the LSP report. Wastewater services are proposed to be managed on-site via appropriate on-site effluent disposal systems, to be approved by the Shire.

The subject LSP has included the provision for 1,000m<sup>2</sup> building envelopes. Building envelopes are setback a minimum of 20m from the Primary Street and 10m from all other boundaries.

The LSP provides opportunities for future road connections to adjoining lots, via a north-south connection from Windmill Avenue to Lot 788 Walker Road. All road reserves are to be designed with 20m widths to accommodate swale drains to be installed, as recommended in the supporting Local Water Management Strategy (LWMS).

Planning Assessment*Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regs)*

The LPS Regs provide a standard set of provisions, applicable to all local government areas. Part 4 of Schedule 2 specifically relates to the preparation and assessment of structure plans.

The provisions contained under clause 20 of Part 4 Schedule 2 of the LPS Regs require the Local Government to prepare a report to the Commission. The report on the draft structure plan must include the following:

- a. A list of the submissions considered by the local government including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);
- b. Any comments by the local government in respect of those submissions;
- c. A schedule of any modifications to address issues raised in the submissions;
- d. The local government's assessment of the proposal based on appropriate planning principles; and
- e. A recommendation by the local government on whether the draft structure plan should be approved by the Commission, including a recommendation on any proposed modification.

A copy of the Shire's technical report is contained within attachment **OCM071.2/06/17**. The technical report assesses the proposal against the planning principles contained within *State Planning Policy No. 1 – State Planning Framework Policy*. The technical report contains an assessment of the LSP against the relevant provisions contained within *Liveable Neighbourhoods* (LN) and other relevant State and Local Planning Policies. The application of the above framework, is to ensure the proposal meets sustainable planning and development standards, applicable to the Metropolitan region.



### Draft Government Sewerage Policy 2016

The draft *Government Sewerage Policy 2016* is a recently advertised policy, which concluded its public comment period on the 10 February 2017. The draft policy indicated that subdivision of lots less than 1ha, in areas within 1km of a significant wetland or within the Peel Harvey coastal plain catchment are not supported due to those areas being classified as 'sensitive zones'. The subject LSP is within the sensitive zone. As a result, supporting a structure plan with lots less than 1ha in size would not be consistent with the draft Sewerage Policy.

Shire Officers note that this is a draft State Government Policy and while it has been advertised, it is yet to be formally adopted by the WAPC. It is recommended the proposed LSP be assessed based on its site and soil evaluation report. A full assessment of which, is contained within the technical assessment report, contained within the attachments.

### Rural Strategy 2013 Review

The Rural Strategy 2013 Review (the Strategy) was recently supported in-principle by the WAPC, subject to modifications. The modifications do not alter the land use classification of the subject lot. The Strategy, as supported by the WAPC, identifies the subject lot as being classified as 'Rural Living A' (4,000m<sup>2</sup> – 1ha lots). An annotation associated with the 'Rural Living A' zone is applicable, which states:

*"Lot size range is a guide only. Final Subdivision Guide Plans / Structure Plans outlining subdivision potential is determined by site-specific conditions, capability and constraints."*

As stated above, the proposed LSP proposes 35 lots ranging from 4,000m<sup>2</sup> to 9,144m<sup>2</sup>. This is consistent with the lot sizes permissible under the Strategy.

In support of the proposed lots sizes, a Land Capability Report and Local Water Management Strategy has been prepared. The two reports seek to address the site-specific conditions, capability and constraints, as required under the Strategy. The Land Capability Report includes a comprehensive assessment of the physical environment, hydrology, flora/fauna, current and potential land uses, geotechnical factors and environmental factors.

In summary, a number of modifications are required to the LSP report and Appendix 2 – Land Capability Report as presented in Attachment **OCM071.4/06/17**. The modifications relate specifically to the environmental assessment. A summary is provided below:

### Town Planning Scheme No.2 (TPS2)

Under TPS2 the subject lot is zoned 'Rural Living A'. Section 5.12 identifies the objectives for Rural Living A as being identified within the Council's Rural Strategy, as amended, which are as follows:

1. *Provide for additional choice in style and location of residential land not available within the Shire's urban nodes.*
2. *Maximise the provision, use and efficiency of infrastructure available in and around the Shire's urban nodes.*
3. *Restrict rural land uses that are not generally compatible with maintaining residential amenity.*
4. *Provide opportunities for development that maintains rural character and promotes appropriate land management*





5. *Provide for a diversity of lot sizes ranging from 0.4 and 4 hectares.*

A full assessment against the general planning principles, detailing the rationale for the recommended modifications is contained within the attached technical report **OCM071.2/06/17**.

Conclusion

The subject lot is zoned 'Rural Living A' under the Shire's Town Planning Scheme No.2. The proposed draft Structure Plan, having an approximate area of 18.5ha, seeks to create 35 lots ranging from 4,000m<sup>2</sup> to 9,144m<sup>2</sup>, including a drainage reserve of 3,030m<sup>2</sup>.

Council resolved to adopt Scheme Amendment No.186, which sought to rezone the subject lot from 'Rural' to 'Rural Living A'. The resolution required the Subdivision Guide Plan to reflect a diversity of lot sizes, providing a transition from larger sizes in the west of the site, to smaller lot sizes in the eastern portion of the site. The LSP has been assessed against Amendment 186, Town Planning Scheme No.2, Liveable Neighbourhoods and various State and local planning policies.

It is evident that a number of modifications are required. The modifications relate to the application of lots sizes, on-site treatment of domestic wastewater, textual corrections in the LSP report, preparation of a detailed Landscape and Vegetation Management Plan, survey of Black Cockatoo habitat and the identification of building envelopes in the already cleared areas.

Officers recommend that Council support the proposed LSP subject to modifications and notify the Commission of its resolution.

**Attachments**

- [OCM071.1/06/17](#) – Structure Plan Report (IN15/26323)
- [OCM071.2/06/17](#) – Technical Report (OC17/6858)
- [OCM071.3/06/17](#) – Schedule of Submissions (E16/6006)
- [OCM071.4/06/17](#) – Schedule of Modifications (OC17/6859)

**Alignment with our Strategic Community Plan**

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

**Statutory Environment**

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015;
- Draft Government Sewerage Policy;
- Draft Perth & Peel @ 3.5 Million
- Metropolitan Region Scheme;
- Town Planning Scheme No.2;
- Draft Rural Strategy 2013 Review; and
- Various State and Local Planning Policies and Development Control Policies.

**Financial Implications**





The implementation of the Local Structure Plan will result in increased demand in the future for the provision of services provided by the Shire.

**Voting Requirements**          Simple Majority

**Officer Recommendation:**

That Council

1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, notes the Schedule of Submissions and endorses the Officer's comments contained within attachment OCM071.3/06/17.
2. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends the Western Australian Planning Commission approves the Local Structure Plan for Lot 791, 84 Walker Road, Serpentine with modifications, as detailed in the Shire's report contained within attachment OCM071.2/06/17 and outlined in the Schedule of Modifications contained within attachment OCM071.4/06/17, which are as follows:
  - a. Lots 1- 4 and 26 – 35 be combined to create individual lot areas of 1ha to retain the remnant vegetation in larger lots, as recommended in the Land Capability Report;
  - b. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a site and soil evaluation report to be undertaken in accordance with AS/NZS 1547:2012 On-site Domestic Wastewater Management, during winter conditions, to the satisfaction of the Shire and submitted with the application for subdivision;
  - c. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a A landscape and vegetation management plan is to be submitted at subdivision. The plan should reflect street tree planting, landscaping of drainage reserves and revegetation of all lots. The plan should include species list and methodology of application; and
  - d. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a LED street lighting to be installed at subdivision stage, by the developer.
  - e. A Transport/Traffic Impact Statement be prepared and approved by the Shire prior to adoption of the Local Structure Plan;
  - f. Amend Section 2.1 – *Biodiversity and Natural Assets* of the Local Structure Plan report as it identifies vegetation in the central east. There is no significant vegetation in the central east. The only vegetation remnants located on the property are in the western and southwestern parts of the Local Structure Plan area, on elevated areas of land;
  - g. The reference made to the geomorphic wetland located in the central east is incorrect and should be amended to reflect the true conditions;
  - h. The summary of proposed actions for Section 2.1 – *Biodiversity and Natural Assets* is insufficient. This section should include a commitment for the provision of a detailed landscape and vegetation management plan at subdivision stage. This is to be based on the Concept Revegetation Plan included in Figure 7 of Appendix 2 and should include a Black Cockatoo habitat survey;
  - i. Include in the Local Structure Plan report an assessment on the potential impact on Black Cockatoo habitat, specifically regarding the extent of the impact on cockatoo habitat, both nesting and foraging;
  - j. Amend the Local Structure Plan to reflect any trees that are identified to be removed; and
  - k. Amend building envelopes to be positioned in areas already cleared of natural vegetation.



- I. Amend the Local Structure Plan map to include a dual use track along the rear boundaries of proposed lots 12 to 18 for use by the Shire's Emergency Services and utilised as a bridle trail, as identified in Local Planning Policy No.09 – Multiple Use Trails. The Dual use track shall be 6m in width with a 4m trafficable surface.

**OCM071/06/17 COUNCIL DECISION / Alternate Recommendation****Moved Cr Gossage, seconded Cr Hawkins****That Council:**

1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, notes the Schedule of Submissions and endorses the Officer's comments contained within attachment OCM071.3/06/17.
2. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends the Western Australian Planning Commission approves the Local Structure Plan for Lot 791, 84 Walker Road, Serpentine with modifications, as detailed in the Shire's report contained within attachment OCM071.2/06/17 and outlined in the Schedule of Modifications contained within attachment OCM071.4/06/17, which are as follows:
  - a. Lots 1- 4 and 26 – 35 be combined to create individual lot areas of 1ha to retain the remnant vegetation in larger lots, as recommended in the Land Capability Report;
  - b. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a site and soil evaluation report to be undertaken in accordance with AS/NZS 1547:2012 On-site Domestic Wastewater Management, during winter conditions, to the satisfaction of the Shire and submitted with the application for subdivision;
  - c. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a A landscape and vegetation management plan is to be submitted at subdivision. The plan should reflect street tree planting, landscaping of drainage reserves and revegetation of all lots. The plan should include species list and methodology of application; and
  - d. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a LED street lighting to be installed at subdivision stage, by the developer.
  - e. A Transport/Traffic Impact Statement be prepared and approved by the Shire prior to adoption of the Local Structure Plan;
  - f. Amend Section 2.1 – *Biodiversity and Natural Assets* of the Local Structure Plan report as it identifies vegetation in the central east. There is no significant vegetation in the central east. The only vegetation remnants located on the property are in the western and southwestern parts of the Local Structure Plan area, on elevated areas of land;
  - g. The reference made to the geomorphic wetland located in the central east is incorrect and should be amended to reflect the true conditions;
  - h. The summary of proposed actions for Section 2.1 – *Biodiversity and Natural Assets* is insufficient. This section should include a commitment for the provision of a detailed landscape and vegetation management plan at subdivision stage. This is to be based on the Concept Revegetation Plan included in Figure 7 of Appendix 2 and should include a Black Cockatoo habitat survey;
  - i. Include in the Local Structure Plan report an assessment on the potential impact on Black Cockatoo habitat, specifically regarding the extent of the impact on cockatoo habitat, both nesting and foraging;



- j. Amend the Local Structure Plan to reflect any trees that are identified to be removed; and**
- k. Amend building envelopes to be positioned in areas already cleared of natural vegetation.**
- l. Amend the Local Structure Plan map to include a dual use track along the rear boundaries of proposed lots 12 to 18 for use by the Shire's Emergency Services and utilised as a bridle trail, as identified in Local Planning Policy No.09 – Multiple Use Trails. The Dual use track shall be 6m in width with a 4m trafficable surface.**
- m. Include a provision within Section 4 Part 1 of the Structure Plan Report, requiring a minimum of 10% contribution towards public open space.**

**CARRIED 6/2**

**Council Note: The Officers Recommendation was changed by adding part *m* to condition 2 to incorporate public open space provisions.**

**OCM072/06/17 - Byford Town Centre Local Structure Plan Amendment – Lot 2  
Abernethy Road, Byford (SJ1032-04)**

Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	30 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Taylor Burrell Barnett Town Planning and Design  
Owner: Coles Group Property Developments LTD  
LWP Byford Syndicate PTY LTD  
Date of Receipt: 28 July 2016  
Town Planning Scheme No 2 Zoning: Urban Development  
Metropolitan Region Scheme Zoning: Urban

**Introduction**

The purpose of this report is for Council to consider the submissions received on the proposed amendment to the Byford Town Centre Local Structure Plan (LSP) as well as to endorse the Shire's Technical Assessment Report, Schedule of Modifications and to make a recommendation to the Western Australian Planning Commission (WAPC) on the proposed LSP amendment. The local government is required to make a recommendation on the proposed LSP amendment to the WAPC under Clause 20, Part 4, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). Officers recommend that Council support the proposed LSP amendment, subject to modifications.

**Background**

The WAPC approved the LSP in 2011 subject to a schedule of modifications. Council considered these modifications in 2012 and resolved to lodge an application for review with the State Administrative Tribunal (SAT). Urban water management issues were a primary consideration and point of discussion during the SAT proceedings. The SAT proceedings resulted in the WAPC formally reconsidering their original approval in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. The WAPC resolved to approve the LSP subject to a revised set of modifications in 2013. Following technical review of the revised modifications, with a particular focus on urban water management, the Shire formally withdrew from the SAT proceedings. The 50m width of the multiple use corridor located to the north of the LSP, which is the subject of this proposed LSP amendment, was not modified as a result of the SAT proceedings. In January 2014, Council resolved to adopt the LSP in accordance with Town Planning Scheme No.2 (TPS2).

In December 2015, Council supported a modification to the LSP to identify Lot 4, 829 South Western Highway, Byford as 'Town Centre' and remove the designation of the land as 'Public Open Space' under the LSP. This area of public open space did not form a part of the wider network of multiple use corridors planned within the LSP area. In October 2016, the Shire approved an application for a Dome café at this site.

In July 2016, the Shire received the subject proposed LSP amendment relating to Lot 2 Abernethy Road, Byford. Officers have worked with the applicant to ensure that all required information was provided and that the application was satisfactory for advertising. The proposal is discussed in more detail in the comment section of this report.

**Relevant Previous Decisions of Council**

OCM123/02/14 – Byford Town Centre Local Structure Plan – Final Adoption



OCM269/12/15 – Byford Town Centre Structure Plan Amendment – Lot 4 (#829) South Western Highway

### Community / Stakeholder Consultation

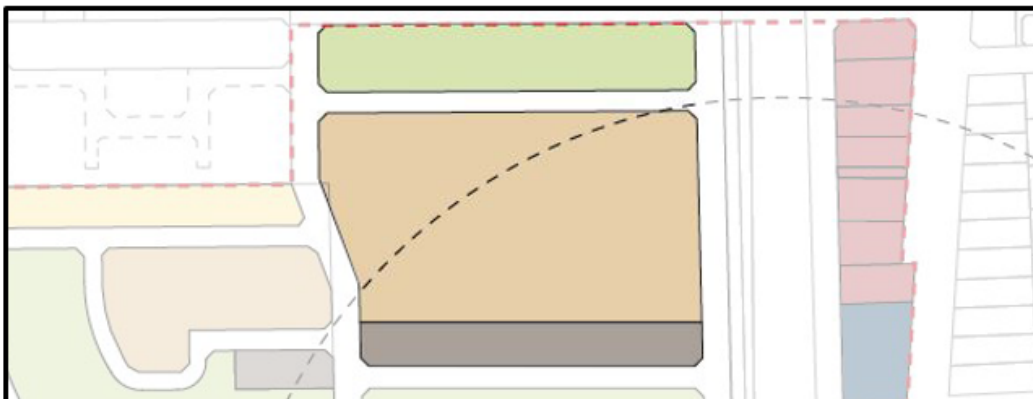
The application was advertised in accordance with Clause 18, Part 4, Schedule 2 of the Regulations. Notice was given to landowners within and in proximity to the application area during the period from 13 April 2017 to 12 May 2017.

The Shire received 20 submissions on the proposed LSP amendment, comprising of 15 submissions from Government Agencies and five submissions from nearby landowners. Of the 20 submissions, 16 were in support of the proposal and two did not support the proposal, while another two did not support or object to the proposal. The primary reason for the two submissions objecting to the proposal was concern regarding increased residential density. All the submissions, as well as the applicant and Shire responses, are contained within the Schedule of Submissions **OCM072.2/06/17**.

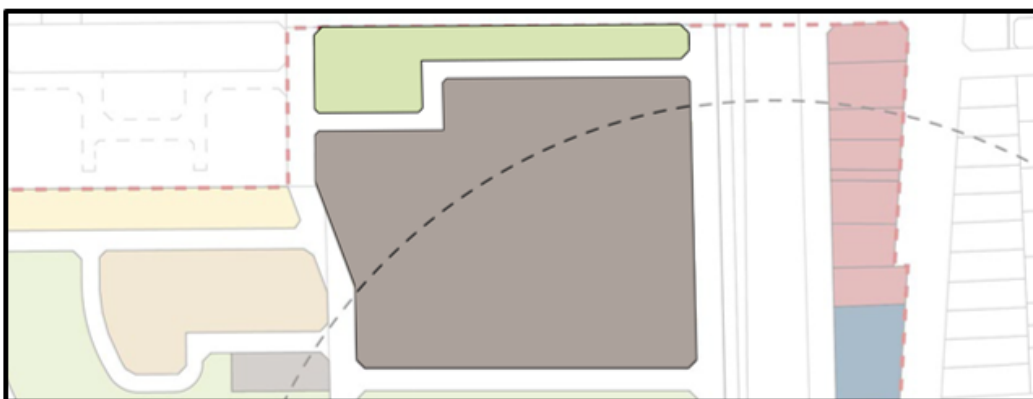
### Comment

#### Site Context

The proposed LSP amendment relates to the northern portion of Lot 2 Abernethy Road, Byford. The LSP currently identifies this portion of land as predominantly Residential R30, with some land to the south identified as Residential R60 and land to the north identified as public open space. The land identified as Residential R60 overlooks public open space and is located in close proximity to the Byford Town Centre. The currently planned linear corridor of public open space to the north of the subject site accommodates a multiple use corridor with a watercourse, which provides a stormwater management function.



Existing Byford Town Centre Local Structure Plan



Proposed Amendment to the Byford Town Centre Local Structure Plan

### Proposal





The proposed LSP amendment is comprised of two main components relating to the amount and distribution of public open space and the residential density of the site. The details regarding these two components of the proposed LSP amendment are as follows:

#### *Reduced Public Open Space*

The proposed LSP amendment seeks to reduce a portion of the width of the linear public open space corridor located to the north from 50m to 25m. The LSP amendment also proposes to provide for stormwater storage within an additional area of public open space at the western end of the linear public open space corridor. The applicant has engaged hydrological consultants to demonstrate that a 50m corridor is unnecessary to convey the stormwater volumes of the Oakland Drain North and to provide an alternative public open space configuration to accommodate up to a 1:100 year ARI flood event. The proposed reconfiguration of public open space would result in a 3,844m<sup>2</sup> reduction in the public open space provided at the site. This would reduce the overall provision of public open space within the LSP area from 14.60% to 14.11% of the gross subdivisible area.

#### *Increased Residential Density*

The proposed LSP amendment seeks to increase the residential density of the land designated Residential R30 under the existing LSP to Residential R60. This would extend the Residential R60 area identified within the existing LSP to the northern public open space corridor. The applicant has stated that the estimated increase in lot yield under the Residential R60 coding is 42 lots if single dwellings were developed.

#### Statutory Environment

Schedule 2 Part 4 of the Regulations sets out the procedure for dealing with structure plans. Clause 29 of Schedule 2 Part 4 of the Regulations provides the framework for amendments to structure plans. Clause 29 (1) states that:

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

As the applicant is acting on behalf of a landowner within the area covered by the LSP, there is potential for Council and the WAPC to consider the proposed amendment to the LSP. The Regulations contain provisions under Clause 20 of Part 4 Schedule 2 that require the Local Government to prepare a report to the WAPC following advertising. The report on the proposed Structure Plan or Structure Plan amendment must include the following:

- a) A list of the submissions considered by the local government including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);
- b) Any comments by the local government in respect of those submissions;
- c) A schedule of any modifications to address issues raised in the submissions;
- d) The local government's assessment of the proposal based on appropriate planning principles; and
- e) A recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modification.



### Planning Assessment

A copy of the technical assessment report prepared by Officers is contained within attachment **OCM072.4/06/17**. The technical assessment report assesses the proposed LSP amendment against principles, objectives and provisions contained within the following documents:

- Metropolitan Region Scheme
- Town Planning Scheme No.2
- State Planning Policy 1 – State Planning Framework Policy (SPP1)
- State Planning Policy 3.1 – Residential Design Codes (SPP3.1)
- State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2)
- Liveable Neighbourhoods
- Byford District Structure Plan
- Byford Town Centre Local Structure Plan
- Local Planning Policy No.6 – Water Sensitive Design (LPP6)
- Local Planning Policy No.31 – Byford Town Centre Built Form Guidelines (LPP31)
- Local Planning Policy No.60 – Public Open Space (LPP60)
- Local Planning Policy No.70 – Serpentine Jarrahdale Activity Centres (LPP70)
- Local Planning Policy No.73 – Byford Town Centre Public Realm Guidelines (LPP73)

The main issues addressed within the technical assessment report are summarised as follows:

#### *Residential Density*

The proposed LSP amendment seeks to increase the residential density of a portion of Residential R30 land to Residential R60. Increasing the residential density would allow a greater number of people to live in close proximity to the Byford Town Centre, encouraging walkability and maximising efficiency. An increased population would create more opportunities, facilitating a greater range of businesses and services to locate within the Byford Town Centre, generating more employment opportunities and choice. The greater flexibility provided by the proposed Residential R60 coding would increase housing diversity to accommodate different demographics and price ranges. This density would also be more likely to facilitate the development of multiple dwellings, at a suitable location adjacent to the Byford Town Centre and future public transport connections. Officers have been working to amend TPS2 to allow multiple dwellings to be considered in the 'Urban Development' zone. Officers recommended that the LSP contain provisions to encourage the development of multiple dwellings at the subject site to achieve the concept of increased densities and building heights approaching the core of the Byford Town Centre. Officers support the proposed increase in residential density at this location from Residential R30 to Residential R60 as it aligns with the principles of walkability and efficiency.

#### *Public Open Space Provision and Multiple Use Corridors*

The applicant proposes a reduction in the public open space provision within the LSP area from 14.60% to 14.11%, demonstrating that the proposed reduction in public open space would still result in a surplus provision of 4.11%. This reduction in public open space involves modifying the width of the multiple use corridor from 50m to 25m and providing a stormwater storage basin within public open space. While the applicant has demonstrated that the proposed LSP amendment would still result in a public open space provision in excess of the 10% requirement under *Liveable Neighbourhoods*, the drainage requirements



of the subject site are extensive. Furthermore, the public open space provision under the existing LSP enables a connected network of multiple use corridors, which are a central component of the LSP design.

The linear public open space configuration under the existing LSP is intended to function as a multiple use corridor. Multiple use corridors are an important feature identified throughout several Shire documents that provide a variety of functions for the Byford Town Centre, including urban water management, recreation, open space, amenity and conservation. The network of multiple use corridors within the LSP area provides a unique character for Byford that incorporates environmental considerations into the vision of the Byford Town Centre. While the applicant has demonstrated that the width of the multiple use corridor can be reduced from 50m to 25m from a technical perspective, provided a storage basin is provided to accommodate a 1:100 year ARI flood event, Officers consider the proposed LSP amendment would not achieve the overall vision of the LSP. The configuration of the multiple use corridor under the existing LSP allows for a connected network of public open space of a considerable size to provide a high level of amenity and prioritise the function of public open space for walking and cycling. The 50m width and linear arrangement of the multiple use corridor provides a view corridor to the Darling Scarp, which maintains sight lines and enhances legibility. The proposed reconfiguration of public open space is considered to diminish the importance of the multiple use corridors, which are a central element of the LSP. Officers also consider the proposed reduced corridor width and stormwater storage basin to compromise amenity, view corridors and recreational uses. Furthermore, Officers do not support the proposed reduction in the width of the multiple use corridor as the proposed increase in density is supported by the amenity of the 50m width multiple use corridor. As the stormwater management function can be contained within less than 50m, this would leave the additional space within the 50m corridor for recreational purposes, which could be addressed within a landscaping plan.

#### *Movement Network*

The LSP amendment proposes to modify the straight road that is located between the multiple use corridor and the residential area to accommodate the proposed reconfiguration of public open space. Modifying the road around the proposed stormwater storage basin would result in two additional bends to the road. This is not a preferred outcome as it reduces the efficiency and legibility of the road network and limits passive surveillance. This would not be an issue if the 50m multiple use corridor width was retained.

#### *Vegetation*

The applicant has provided a plan that proposes to align the Oakland Drain North to the north of the multiple use corridor. The existing LSP aligns the drain to the centre of the multiple use corridor. Aligning the watercourse to the north of the multiple use corridor may affect the root zones of the existing remnant vegetation within the Evans Way road reserve. Officers do not support the alignment of the Oakland Drain North to the north of the multiple use corridor and recommend that the alignment of the watercourse is located at an appropriate separation distance from the remnant vegetation.

In light of the above summary, Officers recommend the following modifications:

1. Retain the public open space configuration of the currently approved Byford Town Centre Local Structure Plan, which includes retaining the 50m width of the public open space corridor that accommodates the Oakland Drain North;
2. Retain the road network as identified within the currently approved Byford Town Centre Local Structure Plan, which includes retaining the straight alignment of the road between the residential area and the public open space to the north;



3. Include text which states 'In areas identified as Residential R60 or greater, multiple dwellings are preferred in high amenity locations to support the concept of increased densities and building heights approaching the core of the Byford Town Centre'; and
4. Retain the currently approved Byford Town Centre Local Water Management Strategy without modification.

### Options and Implications

Option 1: Recommend the WAPC approve the proposed LSP amendment.

This option would result in Council recommending support to the WAPC for the advertised version of the LSP amendment and would allow the application to be finalised in terms of the statutory process.

Option 2: Recommend the WAPC approve the proposed LSP amendment, with modifications.

This option would result in Council recommending support to the WAPC for some components of the proposed LSP amendment, though recommending that other components be modified. It would allow the application to be finalised in terms of the statutory process but may result in the Department of Planning, the Shire and applicant having to negotiate the modifications.

Option 3: Recommend the WAPC refuse the proposed LSP amendment.

This option would result in Council not recommending support to the WAPC for the LSP amendment, rather recommending that the approved version of the LSP remain.

Officers recommend Council support option 2.

### Conclusion

Upon detailed assessment of the proposed LSP amendment, Officers consider that the proposed increase in residential density is acceptable as it will support the growth of the Byford Town Centre, facilitate housing diversity and improve efficiency and walkability. Officers consider that the proposed reduction in the width of the multiple use corridor and the provision of a stormwater storage basin will affect the intended vision of the LSP, which incorporated a network of multiple use corridors that perform a variety of functions. Officers consider the proposed reconfiguration of public open space diminishes the importance of the multiple use corridors and compromises amenity, view corridors, recreational uses and remnant vegetation within the LSP. Additionally, Officers consider that the amenity provided by the 50m wide multiple use corridor, supports the proposed increase in residential density. As such, Officers recommend that Council support the proposed LSP amendment, subject to the modifications contained within the Schedule of Modifications.

### **Attachments**

- [OCM072.1/06/17](#) – Byford Town Centre Local Structure Plan Amendment Application, as advertised (IN17/5641)
- [OCM072.2/06/17](#) – Schedule of Submissions (E17/3694)
- [OCM072.3/06/17](#) – Schedule of Modifications (E17/4129)
- [OCM072.4/06/17](#) – Technical Assessment Report to the WAPC (E17/4125)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

There are no direct financial implications.

**Voting Requirements**          Simple Majority

**OCM072/06/17      COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Hawkins**

**That Council**

- 1. Pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015, notes the Schedule of Submissions and endorses the Officer's comments contained within attachment OCM072.2/06/17.**
- 2. Pursuant to Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015, recommends the Western Australian Planning Commission approves the Byford Town Centre Local Structure Plan Amendment with modifications, as detailed in the Shire's technical assessment report contained within attachment OCM072.04/06/17 and outlined in the Schedule of Modifications contained within attachment OCM072.03/06/17, which are as follows:**
  - a. Retain the public open space configuration of the currently approved Byford Town Centre Local Structure Plan, which includes retaining the 50m width of the public open space corridor that accommodates the Oakland Drain North;**
  - b. Retain the road network as identified within the currently approved Byford Town Centre Local Structure Plan, which includes retaining the straight alignment of the road between the residential area and the public open space to the north;**
  - c. Include text which states 'In areas identified as Residential R60 or greater, multiple dwellings are preferred in high amenity locations to support the concept of increased densities and building heights approaching the core of the Byford Town Centre'; and**
  - d. Retain the currently approved Byford Town Centre Local Water Management Strategy without modification.**

**CARRIED UNANIMOUSLY**





## 8.2. Engineering reports:

<b>OCM074/06/17 - Request for Tender RFT 02/2017 Environmental Maintenance Services (SJ2202)</b>	
Author:	Glenda Lawrence – Acting Manager Operations and Parks
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	09 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Introduction

The purpose of this report is for Council to consider the Officer's recommendation to award tender RFT 02/2017 for the provision of environmental maintenance services.

### Background

As part of the Shire of Serpentine Jarrahdale's ongoing requirements to service its water wise urban design vegetated drainage systems, along our environmentally sensitive waterways, a tender was prepared and advertised seeking suitable contractors to provide this service. The cost of this service has increased due to subdivisional development such that a contract is now required to meet the purchasing policy requirements and the applicable Regulations.

Seven submissions were received at the time of closure. These tender submissions were reviewed through a pre-determined tender submission and assessment process. This process has now been completed, with a recommendation to enable engagement of the preferred contractor in line with the summarised assessment.

### Tender

Tender RFT 02/2017 for the Provision of Environmental Maintenance Services was advertised in the West Australian on Saturday 18 March 2017. The tender closed at 2.00pm on Monday 3 April 2017.

The Contract will be for a one-year period with a start date of 3 July 2017 and end date of 2 July 2018, with a further one-year option at the sole discretion of the Principal.

The extension for an additional one-year term will be based on the Contractor's performance over the preceding period, including: level and quality of service, value for money, and the Principal's satisfaction with the services.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

### Community / Stakeholder Consultation

There is no community consultation required in this instance. The relevant internal stakeholders were involved in the preparation of the tender specification.

### Proposal

The tender is for the provision of environmental maintenance services within the Shire of Serpentine Jarrahdale. Environmental maintenance services includes the maintenance and renewal of the drainage nutrient stripping basins and swales, and the control of weeds.



### **Submissions**

Seven tenders were received. The assessment of each submission is summarised in the tender assessment included as confidential attachment **OCM074.2/06/2017**. All were subsequently declared compliant.

### **Evaluation Panel**

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

- Acting Manager Operations and Parks
- Parks and Gardens Supervisor
- Leading Hand – Parks and Gardens

### **Compliance Criteria**

The criteria against which the tender was evaluated is:

- Organisational profile
- Referees
- Agents
- Trusts
- Sub-Contractors
- Conflicts of Interest
- Financial Position
- Quality Assurance
- Insurance Coverage
- Occupational Safety and Health
- Demonstrated Understanding

Upon evaluation, all of the tender submissions were deemed compliant.

### **Evaluation Criteria**

The non-price criteria against which the tenders were evaluated are:

- Relevant experience
- Tenderer's resources
- Demonstrated understanding

The tender evaluation, including price, is included in confidential attachment **OCM074.2/06/17**. A copy of the recommended tender is included in confidential attachment **OCM074.1/06/17**.

### **Conclusion**

It is recommended that the tender be awarded to Tenderer Four at Tenderer Four's tendered price, for a twelve month period.

**Attachments**

- **Confidential OCM074.1/06/17** – Recommended Tender Submission (IN17/11337)
- **Confidential OCM074.2/06/17** – Combined Tender Evaluation Score Sheet (E17/4262)

**Alignment with our Strategic Community Plan**

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management

**Statutory Environment**

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

**Financial Implications**

The tendered rates are competitive, in comparison to existing direct engagement rates. It is expected that overall, environmental management services will be provided at a slightly lower cost. In the 2015/16 financial year, the Shire spent \$87,000 on these services.

**Voting Requirements**          Simple Majority

**OCM074/06/17          COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Ellis, seconded Cr Piipponen**

**That Council**

1. **Awards contract RFT 02/2017, for the Provision of Environmental Maintenance Services, to Hortwest Industries Pty Ltd for the period of twelve months from 3 July 2017 to 2 July 2018, in accordance with the tender submitted and Confidential Attachment OCM074.1/06/17.**
2. **Authorises the Chief Executive Officer to extend the contract for a period of twelve months, from 3 July 2018 to 2 July 2019, should the Chief Executive Officer be satisfied with the tenderer's performance, under the contract, in accordance with the tendered contract provisions.**

**CARRIED UNANIMOUSLY**



### 8.3. Corporate and Community reports:

<b>OCM075/06/17 - Confirmation of Payment of Creditors (SJ514-08)</b>	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	2 June 2017
Disclosure of Officers Interest	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

#### Introduction

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

#### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

#### Community / Stakeholder Consultation

No community consultation was required.

#### Comment

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

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

It is recommended that Council records the accounts as paid under delegated authority. A detailed list of invoices for the period 1 May 2017 to 31 May 2017 is provided per attachment OCM075.1/06/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 April 2017 to 5 May 2017 as per attachment OCM075.2/06/17.

#### Attachments:

- [OCM075.1/06/17](#) - Creditors List of Accounts 1 May 2017 to 31 May 2017. (E17/4259)
- [OCM075.2/06/17](#) – Purchasing Card Report 6 April 2017 to 5 May 2017. (E17/4258)

#### Alignment with our Strategic Community Plan

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

#### Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.



**Statutory Environment**

Section 5.42 of the *Local Government Act 1995* states that the Local Government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

**Financial Implications**

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

**Voting Requirements:** Simple Majority

**OCM075/06/17 COUNCIL DECISION / Officer Recommendation**

Moved Cr Hawkins, seconded Cr Ellis

That Council records the accounts as paid under delegated authority for May 2017, totalling \$2,500,766.88 as attached, covering:

1. EFT Vouchers EFT 46827 to EFT 47174 totalling \$2,370,512.40, including Purchasing Card Payment of \$2,154.43.
2. Municipal Cheque Vouchers CHQ 45847 to CHQ 45851 totalling \$5,698.65.
3. Municipal Direct Debits DD44931.1 to DD44975.31 totalling \$124,565.83.

**CARRIED UNANIMOUSLY**





<b>OCM076/06/17 - Monthly Financial Report - May 2017 (SJ801)</b>	
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Kelli Hayward – Manager Finance Peter Kocian – Acting Director Corporate & Community
Date of Report:	7 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>

### Introduction

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

### Background

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

### Relevant Previous Decisions of Council

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

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

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

### Community / Stakeholder Consultation

No community consultation was undertaken / required.

### Comment

#### Monthly Financial Report

The period of review is May 2017. The municipal surplus for this period is \$8,267,298 compared to a budget position of \$4,362,029. It is expected that the surplus at 30 June will be reduced to \$2,608,276 (of which approximately 50% of this amount is an advance payment of the Shire's 2017/18 Financial



Assistance Grants.) This is considered a satisfactory result for the Shire as the Shire is maintaining a healthy budget surplus position.

Income for the May 2017 period, year-to-date is \$34,713,247. This is made up of \$30,718,887 in operating revenues and \$3,994,360 in non-operating grants, contributions and subsidies received. The budget estimated \$34,849,734 would be received for the same period. The variance to budget is (\$136,487). Details of all significant variances are provided in the notes to the Statement of Financial Activity.

Expenditure for the May 2017 period year-to-date is \$31,320,205. This is made up of \$27,527,854 in operating expenditure, and \$3,792,351 in capital works expenditure. The budget estimated \$35,412,989 would be spent for the same period. The variance to budget is \$4,092,784. Details of all significant variances are provided in the notes to the Statement of Financial Activity.

### Budget Adjustment for Local Law Review

The Chief Executive Officer has requested a budget adjustment of \$10,000; reducing expenditure against CEO505 Integrated Planning & Reporting Project and increasing the budget of HIA664 Public Health Act Administration and Works. These funds are to enable the Environmental Health Team to undertake a review and the development of new contemporary Local Laws that will deal with trading in public places and the staged administration of works required under the new Public Health Act 2016. This amendment will have no effect on the budgeted surplus.

### Establishment of New Reserves

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

Name of Reserve	Reserve Purpose
Drainage Asset Management Reserve	To ensure minimal funding gap to asset management plan requirements.
Fire Asset Management Reserve	To provide for the future additions and maintenance required for fire fighting assets and mitigation strategies.
Byford Developer Contributions Plan Reserve	To be used to fund Capital Works & Administration of Plan.
Miscellaneous Developer Contributions Reserve	To be used to fund Capital Works & Administration as per each agreement.

The objective of the Drainage and Fire Asset Management Reserves is to quarantine municipal funds that have not been expended as part of the 2016/17 budget to provide for future renewal and maintenance costs.

The Developer Contributions Reserves are to transfer and consolidate funds currently held in Restricted Cash to Reserves.

### Committed Works and Unspent Grants

In preparation for the end of financial year, a number of operating and capital projects have been identified to be carried forward to 2017/18. The remaining budgeted expenditure for these municipal funded projects should be transferred into the Committed Works Reserve to ensure sufficient funds are quarantined and will be available to allow for project completion.



Monies received to date that have not been spent on their relevant projects, also need to be quarantined in the Unspent Grants and Contributions Reserve until such time that the corresponding expenditure for each project has occurred.

### Attachment

- [OCM076.1/06/17](#) – Monthly Financial Report - May 2017 (E17/4320)

### Alignment with our Strategic Community Plan

#### Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

### Statutory Environment

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

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

### Financial Implications

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

### Voting Requirements: Absolute Majority

#### OCM076/06/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

#### That Council:

1. **Accepts the Monthly Financial Report for May 2017, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM076.1/06/17.**
2. **Approves a budget amendment of \$10,000; reducing expenditure of CEO505 Integrated Planning & Reporting Project and increasing the budget of HIA664 Public Health Act Administration and Works to enable the review and development of contemporary Local Laws. This amendment will have no effect on the budgeted surplus.**

Account Description	Current Budget	Proposed Budget	Variance
CEO505 Integrated Planning & Reporting Project	\$200,000	\$190,000	(\$10,000)
HIA664 Public Health Act Administration & Works	\$12,000	\$22,000	\$10,000
<b>NET EFFECT ON SURPLUS</b>			<b>0</b>



3. It is proposed that Council establish the following Reserve Accounts in accordance with s6.11 of the *Local Government Act 1995*;

Name of Reserve	Reserve Purpose
Drainage Asset Management Reserve	To ensure minimal funding gap to asset management plan requirements.
Fire Asset Management Reserve	To provide for the future additions and maintenance required for fire fighting assets and mitigation strategies.
Byford Developer Contributions Plan Reserve	To be used to fund Capital Works & Administration of Plan.
Miscellaneous Developer Contributions Reserve	To be used to fund Capital Works & Administration as per each agreement.

4. Approves a transfer to the Fire Asset Management Reserve being the unspent municipal funded amount of maintenance accounts with indicative figures listed below.

Account Description	Amount
ESD640 Maintain Fire Hydrants	\$38,157
ESD641 Maintenance – Static Water Supply	\$14,214
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$52,371</b>

5. Approves the transfer from Restricted Cash to the Byford Developer Contribution Plan Reserve listed below.

Account Description	Amount
Restricted Cash – Developer Contributions	\$7,498,876
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$7,498,876</b>

6. Approves the transfers from the Restricted Cash Accounts to the Miscellaneous Developer Contributions Reserve listed below.

Account Description	Amount
17 Clifton Street, Byford - Laneway Contribution	\$23,678
Byford by the Scarp	\$207,754
Byford Central Stage 6A	\$13,720
Drainage Contribution - Thomas Road (Rivermoon)	\$67,294
L3 Thomas Road, Byford - Maint. Landscaping	\$28,687
L3 Thomas Road, Byford - Maint. Water Quality	\$74,153
L40 Beenyup Road, Byford - Laneway Contribution	\$30,148
L7 Beenyup Road, Byford - Laneway Contribution	\$30,283
L88 South Western Hwy - Laneway Contribution	\$30,459
Rivermoon - Drainage Contribution	\$135,174
Rivermoon - Landscape Contribution	\$464,921
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$1,106,271</b>



7. Approves the transfers from Restricted Cash Accounts to the Committed Works Reserve listed below, as identified at Budget Review.

Account Description	Amount
Restricted Cash - Health Promotions	\$15,000
Restricted Cash - Systems Upgrade	\$69,050
Restricted Cash - Communications - Outdoor Event	\$50,000
Restricted Cash - Asbestos Expenses	\$35,000
Restricted Cash - Skate Park Byford	\$230,700
Restricted Cash - Dog Park	\$31,617
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$430,767</b>

8. Approves a transfer to the Committed Works Reserve being the unspent municipal funded amount for the following projects with indicative figures below.

Account Description	Amount
PPT900 Percy's Park Toilet	\$85,516
BYP900 Skate Park Byford	\$65,935
DES200 Thomas Road Design	\$116,298
KAL901 Kalimna Oval Access Path	\$14,142
RRG Outstanding line marking on 16/17 RRG projects	\$50,000
LIB626 Library Blue Room Renovation	\$12,000
HAL625 Asbestos Expenses	\$9,900
CDO522 Disability Access and Inclusion Plan	\$20,000
CEO505 Integrated Planning & Reporting Project	\$41,311
DCO502 Consultants – Extractive Industries Audit	\$10,000
DCP526 Mundijong Whitby Developer Contribution	\$138,891
ECD525 Economic Development Marketing	\$60,000
FIN502 Consultants for Fair Value Revaluations	\$9,400
FIN620 Audit Fees	\$20,880
LIB525 Library Management System Lease Costs	\$41,375
CDC525 Community Developers Contribution Strategy	\$20,000
STP525 Local Planning Strategy	\$10,509
STP525 Mundijong West Industrial Area	\$11,591
STP525 Public Open Space Strategy	\$54,055
STP525 Rural Land Strategy Implementation	\$10,000
PDR525 Policy Development Program	\$40,000
WAS686 Waste Strategy	\$30,750
EDT525 Consulting Fees for Drainage Data Capture	\$20,000
EXE502 Consulting Fees for Website Upgrade	\$4,000
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$896,553</b>





9. Approves a transfer to the Unspent Grants and Contributions Reserve for monies received but not yet spent as listed below.

<b>Account Description</b>	<b>Amount</b>
<b>Regional Road Group Funding</b>	<b>\$134,493</b>
<b>Megara Fifteen - Turning Point Soldiers/Abernethy Road</b>	<b>\$21,448</b>
<b>Blackspot Funding</b>	<b>\$2,408</b>
<b>Thomas Road Design - Main Roads Grant</b>	<b>\$5,844</b>
<b>Special Projects Bridges - Financial Assistance Grant</b>	<b>\$917,208</b>
<b>TOTAL TRANSFER TO RESERVE</b>	<b>\$1,081,402</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**



<b>OCM077/06/17 - Emergency Services Levy Administration (SJ201)</b>	
Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	2 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Introduction**

Council is requested to review the options for remittance of the Emergency Services Levy (ESL) to the Department of Fire and Emergency Services (DFES). As part of this review, Council is requested to provide direction whether to continue with payment option A or change to payment option B by supporting the application for Ministerial approval for DFES to enter into an Option B agreement with the Shire of Serpentine Jarrahdale.

### **Background**

On 1 July 2003 a property-based Emergency Services Levy (ESL) was introduced by amendments to the *Fire and Emergency Services Act 1998* (FES Act), based on the level of service available and calculated on the Gross Rental Value (GRV) of most urban properties, with a fixed rate charge per property in rural and remote areas.

This levy is provided to the Department of Fire and Emergency Services and funds all career and volunteer fire brigades, volunteer State Emergency Service units and Volunteer Fire and Emergency Services throughout the whole State. Local Governments are charged with the responsibility to collect these levies on behalf of the Department and in return are paid an annual administration fee.

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

There is no previous Council decision relating to this issue.

### **Community / Stakeholder Consultation**

No Community/Stakeholder consultation was required for this report.

### **Comment**

On 1 July 2003 a property-based Emergency Services Levy (ESL) was introduced by amendments to the *Fire and Emergency Services Act 1998* (FES Act), based on the level of service available and calculated on the Gross Rental Value (GRV) of most urban properties, with a fixed rate charge per property in rural and remote areas.

This levy is provided to the Department of Fire and Emergency Services and funds all career and volunteer fire brigades, volunteer State Emergency Service units and volunteer fire and emergency services throughout the whole State. Local Governments are charged with the responsibility to collect these levies on behalf of the Department and in return are paid an annual administration fee.

There are two recognised ways to administer the collection and remittance of the ESL; colloquially known in the Local Government industry as Option A and Option B.

#### Option A

Option A simply means that a Local Government administers the ESL strictly in accordance with the provisions of the *Fire and Emergency Services Act 1998* (Part 6A). In practice the Shire remits to the



Department of Fire and Emergency Services on a monthly basis all ESL monies collected for that period. This option is onerous in administering the collection and payments of the ESL.

### Option B

The Option B Agreement requires that the Local Government, in each levy year to which the Agreement relates:

- calculate and invoice ESL, as a separate line on the Rates Notice, in accordance with the rules set out in the ESL Manual of Operating Procedures (MOP), applying the ESL rates and charging parameters declared annually by the Minister;
- report to the DFES the amount of ESL invoiced (Form A), within 14 days of the annual Rates/ESL billing run;
- apply the ESL 'late payment' penalty interest rate, as determined by the Minister (currently 11% per annum); and
- make the following payments to the DFES under one of the two following alternative payment options:

#### **Quarterly Payment Option**

- 30% of ESL invoiced by the Local Government by COB 21 September;
- 30% of ESL invoiced by the Local Government by COB 21 December;
- 30% of ESL invoiced by the Local Government by COB 21 March; and
- 10% of ESL invoiced, by the Local Government by COB 21 June.

#### **OR**

#### **Annual Payment Option**

- 100% of ESL invoiced by the Local Government by COB 21 September.
- lodge an advice of ESL (principle) adjustments processed during each levy year (to COB 30 June) by 31 July next on an Annexure A return. The adjustment amount (debit or credit) will be included in (added to or offset against) the invoice next issued by the DFES for the payment due and payable by 21 September.

### The effect of Option B

#### **Benefits**

Effectively under the Option B arrangement, the Local Government:

- is likely to benefit from a surplus ESL cash flow in the first half of each financial year as, for most, the percentage linked payments required under the Option B Agreement will result in the amount collected exceeding the required payment;
- retains late ESL payment interest;
- retains pensioner/senior ESL concession payments, and interest on deferred ESL, as paid by the Office of State Revenue;
- will find the required ESL reporting and remittance arrangements are simplified; and
- continues to receive the annual ESL Administration Fee which DFES will pay by 31 October each year.



### Costs

It should be noted that under the Option B arrangement:

- the Local Government assumes liability for all unpaid and deferred ESL, and all costs associated with ESL debt recovery;
- the Local Government accepts financial responsibility for any ESL or ESL Interest amounts that the local government chooses to write off, which (with the exception of ESL Interest amounts less than \$2.00 per annum per property) still require the approval of the Minister;
- DFES does not accept responsibility for any implementation or ongoing costs incurred by the Local Government that are directly associated with decisions by the Local Government to migrate from Option A to Option B; and
- DFES may, in accordance with the FES Act, apply penalty interest, at a rate declared by the Minister (currently 11% per annum), where ESL payment required under the Option B Agreement is not made by the Local Government on time.

### Conclusion

Since the introduction of the ESL in 2003/04 a steadily increasing number of local governments have elected to operate under the 'Option B' ESL administrative arrangement each levy year. Approximately 125 of the 137 mainland Western Australian Councils now operate under the Option B Agreement.

Under section 36ZJ of the *Fire and Emergency Service Authority of Western Australia Act 1998*, the prior approval of the Minister for Emergency Services ("the Minister") is required before DFES and a local government can enter into an Option B Agreement.

### Attachments

- [OCM077.1/06/17](#) – DFES Emergency Services Levy – Manual of Operating Procedures (including sample Option B Agreement – Alternate ESL Administration Arrangement) (E17/4357)
- [OCM077.2/06/17](#) – DFES – The Alternative Emergency Services Levy (ESL) Administrative Arrangement - Option B Explained (E17/4358)

### Alignment with our Strategic Community Plan

Objective 2.1	Financial Sustainability
Key Action 2.1.1	2.1.1 Undertake best practice financial and asset management

### Statutory Environment

Under section 36ZJ of the *Fire and Emergency Services Act 1998* ("the FES Act") DFES may, with the approval of the Minister, enter into a written agreement with a local government that provides for the Local Government to pay to DFES an amount equal to the total amount of levy payable for a levy year on all leviable land in the local government's district.

### Financial Implications

Should the Minister approve the arrangement under option B, the Shire will be required to pay any outstanding balance owing to DFES in the first quarter of 2017/18. The balance outstanding at 31 May 2017 was \$83,564. Under Option B the penalty interest incurred by the ratepayer is retained by the Local Government; to 31 May 2017 this equated to \$13,740. Administrative savings are also expected to be achieved upon implementing Option B; reducing the time taken to process and reconcile collections and payments.



Continued

## Ordinary Council Meeting Minutes Monday, 26 June 2017

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The total amount of ESL levied in 2016/17 was \$1,210,682.

**Voting Requirements:** Simple Majority

**OCM077/06/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Gossage, seconded Cr Hawkins**

**That Council supports the change to remitting the ESL collected to the Department of Fire and Emergency Services via Option B and supports the application to seek Ministerial approval for DFES to enter into an Option B agreement with the Shire of Serpentine Jarrahdale.**

**CARRIED UNANIMOUSLY**



**OCM078/06/17 - Community Events (SJ483)**

Author:	Sarah Farrance – Coordinator Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	6 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The purpose of this report is to establish Council's role in community events. Council is requested to approve an Events Calendar and provide in principal support for sponsorship of community events.

**Background**

Events contribute to our sense of community and identity. They provide the community and visitors alike with meaningful shared experiences, cultural enrichment and participation. There are many benefits to delivering events:

- Bring people together;
- Create excitement and anticipation;
- Define a sense of place;
- Connect a community;
- Enhance a Local Government's civic pride;
- Build tourism and visitation;
- Create local jobs;
- Showcase local talent and skills;
- Place activation and effective use of infrastructure.

A review of the Shire's event application process identified the classification of six key types of events:

1. Large Scale Community Events - Strong community and tourism base;
2. Significant Ongoing Community Events - Not for Profit fundraising events or national campaigns;
3. Local Level Community Events - Local audience relevant to local sporting or community population;
4. Place Based Community Events - Civic, public and commercial precinct events;
5. Council or Other Government Events - Openings, Civic Receptions, Conferences;
6. Other Events - Reunions, weddings, parties, exhibitions;

The Events Calendar identifies large scale, local level and place activation events within the Shire for 2017/18.

**Relevant Previous Decisions of Council**

OCM157/08/16 Large Scale Community Events – 2016 Christmas Festival.

**Community / Stakeholder Consultation**

An Events Plan has been developed following internal consultation between Community Services and Communications and externally with community groups and event organisers.



### Comment

In order to link the good governance of an efficient and effective Events Application Pack and Guidelines, the opportunity to establish and grow partnerships with community groups and agencies is vital.

Many events are run by dedicated volunteers and committee members. For those working to produce great events, the process is becoming more complicated. Insurance, a range of legislation issues and financial management is becoming increasingly challenging. The generation of income and gaining sponsorship has never been more difficult.

The benefits of an Events Calendar, Community Events Grant and Shire sponsorship of events include:

1. Clarification of the Shire of Serpentine Jarrahdale's role and responsibility regarding the delivery of events;
2. Clarity and transparency around levels of support (funding programs);
3. Informed and educated event organisers (increase in skills and execution of events);
4. Opportunities to establish and grow partnerships with community groups and agencies;
5. A coordinated program of events meeting the needs of the community and celebrating our unique identity and community spirit;
6. Place activation and an effective use of infrastructure;
7. A collective promotion and marketing program (branding of events);
8. Effective use of venues, existing infrastructure, shared resources, volunteers and partnerships;
9. Well patronised, sustainable and successful events.

### Conclusion

It is recommended that Council adopts the Community Events Calendar and indicative budget allocations.

### Attachments

- [OCM078.1/06/17](#) – Proposed Events Calendar (E17/4344)

### Alignment with our Strategic Community Plan

Objective 6.2	Active and Connected People
Key Action 6.2.3	Offer a diverse program of community events that align with the Shire's values
Key Action 6.2.3.1	Develop a Community Events Plan
Key Action 6.2.3.1	Continue to encourage volunteerism by providing support, training, funding, promotion and recognition

### Statutory Environment

Council approval is being sought pursuant to section 6.8 of the *Local Government Act 1995* to establish a budget of \$255,000 for community events.



### Financial Implications

The total budget for the proposed events plan is \$255,000 per financial year. This comprises \$215,000 for Shire run events and \$50,000 for sponsorship of community run events. This is equivalent to more than 1% of the total rates and demonstrates a strong commitment by Council to events within the community.

	Event	Budget	Comment
<b>Shire Events</b>	Australia Day	\$30,000	\$8,000 in grant funding expected from Lotterywest
	Thank a Volunteer Celebration	\$5,000	Lunch to celebrate Volunteers within the Shire
	Other Events	\$80,000	Community Christmas Party Place Activation e.g. Summer Series of outdoor movies Local Level Events e.g. NAIDOC, Mental Health week, Harmony Day, Volunteer Week
	Perth Symphony Orchestra Concert	\$100,000	\$50,000 in carry forward funds in committed works reserve. Grant funds of \$50,000 to be sought to fund this event.
<b>Sponsorship of Community Events</b>	Events include but not limited to: - ANZAC Day  - Serpentine Jarrahdale Community Fair Jarrahdale Log Chop and SJ Lions Country Fair  - Food and Farm Fest	\$50,000	Amount of funding to be negotiated with individual event organisers and endorsed through a Memorandum of Understanding to guarantee funding for up to three years.

**Voting Requirements: Absolute Majority**

**OCM078/06/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Ellis**

**That Council approves the indicative events calendar and associated budget of \$265,000.00 in the 2017/18 budget as per attachment OCM078.1/06/17.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Administration Note: The original figure in the Agenda was incorrectly shown as \$255,000.00. The individual Budget figures as contained in attachment OCM078.1/06/17 were correct, therefore the total shown in the Officer Recommendation should have been \$265,000.00 as per the Council decision recorded.**

**OCM079/06/17 - Metropolitan Library Courier Service (SJ187)**

Author:	Lisa Keys – Manager Library Services
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	9 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

This report recommends that Council endorses The Metropolitan Library Courier Service Memorandum of Understanding May 2017 between WALGA and Metropolitan Local Government Members and Associate Members.

**Background**

Mundijong Public Library is part of 232 public libraries, network-sharing resources across the state. To provide resources for customers, the network relies on the movement of stock between libraries via a Courier Service. Prior to State Government changes in 2016, this service was provided as a fee for service by the State Library Western Australia. WALGA has worked on behalf of State Library Western Australia (SLWA) and Public Libraries Western Australia (PLWA) to work on a new contractual agreement to see the continuance of this service.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this issue.

**Community / Stakeholder Consultation**

WALGA has worked with Public Libraries Western Australia, representing public libraries and State Library Western Australia to establish a Library Services Contract for Metropolitan Local Government members.

**Comment**

The Memorandum of Understanding (MOU) is vital to ensure the viability and sustainability of the service. This will allow Mundijong Public Library to continue providing resources to the community from the statewide resource collection. The MOU is for an initial period of two years. WALGA will seek to undertake a closed Request for Tender Process.

The State Government's review of library services will have a flow on effect to Local Governments by reducing funding to library stock and increases to the costs of providing the courier service. Historically, the financial partnership between the WA State Government and Local Government for public library services was an equal one of 50/50 investment. However, today the average investment from the State Government is 12% percent, and Local Government 88%.

Should Council not sign the MOU for The Metropolitan Library Courier Service, the cost of transferring library items would be at a much higher cost. Removal of the courier service would restrict access to the statewide collection for our community.

**Attachments**

- [OCM079.1/06/17](#) - The Metropolitan Library Courier Service Memorandum of Understanding May 2017 (E17/4460)

**Alignment with our Strategic Community Plan**

Objective 6.2	Active and Connected People
Key Action 6.2.3	Offer a diverse program of community events that align with the Shire's values.
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

**Financial Implications**

The courier service cost is an ongoing budget item. Under the MOU, the overall indicative cost to Council is 3.23% of the total cost. The increase has been considered in the 2017/18 library operating budget.

In 2016/17, the courier service cost was \$2,270.00. This however is not a true representation of the real cost of the service. The State Library Western Australia (SLWA) provided in kind use of their vans to the Spine and Limb Foundation who have been undertaking the courier service in the interim. The total cost for Local Governments was capped at no more than what they were paying under the previous SLWA service.

Proposed Indicative costing for the library courier service for 2017/18 is \$8,065.

**Voting Requirements:** Simple Majority

**OCM079/06/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr See**

**That Council:**

- 1. Authorises the Chief Executive Officer to sign The Metropolitan Library Courier Service Memorandum of Understanding May 2017 between WALGA and Metropolitan Local Government Members and Associate Members.**
- 2. Notes that an increase of \$5,795 to the Library Operating Budget is required as part of the 2017/18 budget deliberations.**

**CARRIED UNANIMOUSLY**



<b>OCM080/06/17 - Community Grants Program (SJ2016)</b>	
Author:	Sarah Farrance – Coordinator Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	24 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Introduction**

This report is presented to Council to consider the adoption of a new Community Grants Framework consisting of a new Policy and guidelines through which financial assistance can be provided to community group and individuals.

### **Background**

Funding to the community, both groups and individuals, is currently dealt with under a mix of policies and ad hoc processes via the operating budget. It has been identified that a new funding framework is required to streamline processes and inform the budget process.

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

There is no previous Council decision relating to this issue.

### **Community / Stakeholder Consultation**

The framework has been developed based on learnings and feedback from members of Community groups, Technical Officers and Elected Members.

### **Comment**

The Shire is committed to providing funding to individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

In order to streamline the application process it is proposed that a single Policy and clear guidelines are adopted and the current funding opportunities are reviewed.

It is recommended a new requirement for the eligibility of all grants to community groups is that they are an incorporated association. This ensures that groups are offered protection through the *Associations Incorporations Act 2015* and encourages the sustainability of groups. Assistance with incorporation is available through the Community Team.

It is recommended that the current streams for funding are incorporated into the new Community Grants Framework as follows:

#### **Individual and Group Sporting Representation**

This grant assists athletes residing within the Shire selected to participate in accredited interstate and international activities and events. Applications are currently processed under delegation C009D Power to defer, waive or write off debts and authority to make donations, and entitles eligible individuals to \$150 and groups \$450.

It is proposed that the grant is renamed Sporting Travel Grant. There are no proposed changes to the eligibility guidelines. It is recommended that the funding be increased to \$200 per individual and \$500 per group to reflect the increased costs of travel.





### Youth Leadership Development and Training Grants

Grants of up to \$600 are available to assist young people who live, attend school, or work within the Shire, for costs associated with leadership development and training.

Applications are currently processed through the operating budget. There is no change to eligibility criteria and the intent of the recommendation is to formalise the processing of these applications through the Community Grants Framework.

### Community Group Insurance

In 2010, Council adopted the Community Group Insurance Policy (PC101), which provided a framework for the provision of funding to assist eligible community groups to afford Public Liability and Volunteer Workers Insurance.

The budget allocation for this program in 2016/17 is \$15,450 and 33 local groups are insured through this program.

An officer assessment of the insured groups has identified that of the groups, ten are being over insured, nine are likely to be financially able to afford their own cover, four groups would be able to access insurance through a peak body or association and ten groups would be financially unlikely to afford their own cover.

It is proposed that the Community Group Insurance Policy is revoked and replaced with a Sundry Grant. The intent of the Sundry Grant is to reimburse those groups who meet tighter eligibility guidelines for insurance cover as well as assisting groups with the costs of incorporation or facility hire.

The rationale behind groups taking out their own insurance cover is to ensure that groups have the most appropriate and competitively priced cover for their group and are fully aware of the inclusions and exclusions of their policy.

The Community Team will work with all groups insured through the current policy to provide assistance in transitioning to their own insurance cover if the new policy is endorsed. Where possible, groups will be assisted to seek their own insurance once the current policy expires on 30 September 2017, however where this is not possible, cover will be held over until suitable arrangements are in place up to, but no later than, 30 September 2018.

### Community Funding Program

The Community Funding Program was endorsed by Council in 1998 with reviews in 2004, 2008, 2010, 2011 and 2014. The current program encourages local organisations to apply for grants of up to \$1,000 for equipment, small projects or events.

It is recommended that under the single policy, the grant be renamed Minor Grants and that eligible groups can apply for up to \$1,500 to assist with equipment, projects or programs.

### Small Events

The Shire is keen to support local community associations in the running of events to benefit the community. To date, groups have been assisted through an ad hoc donations process from operating funds and it is recommended to formalise this as a grant through an application process named Event Sponsorship Grant. Under the proposed policy, local groups can apply for up to \$1,500 to assist with the delivery of events.



### Locality Funding Program

Council endorsed the Locality Funding Policy for Townscape Projects (G914) in 2009. This policy was revised in 2014. The intent of the policy was to provide an annual funding program to facilitate townscape projects in the localities of Oakford, Byford, Mundijong, Serpentine, Jarrahdale and Keysbrook.

The Program has not delivered the intended outcomes and reserve funds have accumulated to a total of \$541,023.00

It is recommended that a new grant be endorsed under the single policy, Major Grants, which will allow incorporated associations to apply for funding for infrastructure and programs on land owned by, vested in, or in the control of the Shire or other Government Agencies.

Grants will be for a maximum of \$50,000 for up to 50% of the total project cost. This grant will follow a five step application process with groups liaising with relevant technical officers to ensure that their project meets the guidelines prior to application.

It is proposed that a Community Grants Assessment Panel is formed including Councillor representation. Recommendations of the panel will be presented to the CEO for approval.

### Conclusion

It is recommended that Council adopts the Community Grants Policy and Guidelines.

### **Attachments**

- [OCM080.1/06/17](#) – Proposed Draft Policy (E17/4307)
- [OCM080.2/06/17](#) – Proposed Draft Guidelines (E17/4308)
- [OCM080.3/06/17](#) – Policies to be revoked G914, PC101, PC102 (E17/4314)

### **Alignment with our Strategic Community Plan**

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Objective 6.2	Active and Connected People
Key Action 6.2.3	Offer a diverse program of community events that align with the Shire's values
Key Action 6.2.4	Continue to encourage volunteerism by providing support, training, funding, promotion and recognition

### **Statutory Environment**

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, a role of council is to determine the Local Government's policies.

### **Financial Implications**

The total indicative budget for the proposed funding categories is \$214,000 per year. This is equivalent to 1% of rates and demonstrates a strong commitment by Council to support community based projects.



<b>Grant</b>	<b>Grant per Group/Individual</b>	<b>Total Budget 2017/18</b>
Sporting Travel Grant	Up to \$200 – Individual Up to \$500 - Group	\$10,000
Youth Leadership – Training	Up to \$600	\$4,000
Sundry Grant	Up to \$750	\$15,000
Minor Grant	Up to \$1,500	\$20,000
Event Sponsorship	Up to \$1,500	\$15,000
Major Grant	Up to \$50,000	\$150,000

It is recommended that the current balance of reserve funds of \$541,023 be transferred into a Community Grants Reserve to set the opening balance for the Community Grants Program.

**Voting Requirements: Absolute Majority**

**Officer Recommendation:**

That Council

1. Adopts the Community Grants Policy and guidelines as contained in attachment OCM080.1/06/17 and OCM080.2/06/17.
2. Revokes policies G914, PC101 and PC102 as contained in attachment OCM080.3/06/17.
3. Endorses the disbandment of the Community Funding Program Working Group and Locality Funding Program Working Group.
4. Endorses a new working group titled Community Grants Assessment Panel.
5. Appoints Cr \_\_\_\_\_, Cr \_\_\_\_\_, and Cr \_\_\_\_\_ as members of the Community Grants Assessment Panel until the next Local Government Ordinary Election.
6. Resolves to establish a Reserve Account in accordance with s6.11 of the *Local Government Act 1995* titled 'Community Grants Reserve' with a purpose to provide funds for individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.



7. Approves the transfer of the existing Locality Funding Reserves below to the Community Grants Reserve to be effected before 30 June 2017.

Account Description	Amount
Byford Locality Funding	\$33,484
Jarrahdale Locality Funding	\$96,061
Keysbrook Locality Funding	\$63,262
Mundijong Locality Funding	93,536
Oakford Locality Funding	\$127,946
Serpentine Jarrahdale Locality Funding	\$26,629
Serpentine Locality Funding	\$100,103
<b>TOTAL TRANSFER TO COMMUNITY GRANTS RESERVE</b>	<b>\$541,023</b>

**OCM080/06/17 COUNCIL DECISION / Alternate Recommendation**

**Moved Cr Rich, seconded Cr Piipponen**

**That Council**

- 1. Replaces policies G914 Locality funding policy for townscape projects, PC101 Community Group Insurance Program and PC102 Financial assistance to community with the proposed Community Grants Policy as contained in attachment OCM080.1/06/17.**
- 2. Endorses the disbandment of the Community Funding Program Working Group and Locality Funding Program Working Group.**
- 3. Endorses a new working group titled Community Grants Assessment Panel.**
- 4. Appoints three Councillors as members of Community Group Assessment Panel, one from each ward, until the next Local Government Ordinary Election.**
- 5. Resolves to establish a Reserve Account in accordance with s6.11 of the *Local Government Act 1995* titled 'Community Grants Reserve' with a purpose to provide funds for individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.**



6. Approves the transfer of the existing Locality Funding Reserves below to the Community Grants Reserve to be effected upon adoption of the 2017/18 budget.

Account Description	Amount
Byford Locality Funding	\$33,484
Jarrahdale Locality Funding	\$96,061
Keysbrook Locality Funding	\$63,262
Mundijong Locality Funding	93,536
Oakford Locality Funding	\$127,946
Serpentine Jarrahdale Locality Funding	\$26,629
Serpentine Locality Funding	\$100,103
<b>TOTAL TRANSFER TO COMMUNITY GRANTS RESERVE</b>	<b>\$541,023</b>

7. Requests the Chief Executive Officer to initiate the following actions:
- Prior to the implementation of the Community Grants Policy, that appropriate guidelines be developed and work-shopped with Council to ensure a level playing field for all applicants;
  - That the status of previously allocated funds in the 2016/17 Budget to the Byford BMX Inc, Serpentine Jarrahdale Mens Shed Inc, Mundijong Community Association Inc and Serpentine Community Association Inc be determined, identifying if any unspent funds need to be revoted in the 2017/18 financial year;
  - That Shire Officers work with the residents from Cardup, Whitby, Keysbrook and Oakford with a view of establishing a Community Association for those areas, to ensure that there is a vehicle to allocate funds to these communities under the proposed Community Grants Policy.

**CARRIED BY ABSOLUTE MAJORITY 6/2**

**Council Note:** The Officers Recommendation was amended to request the CEO to workshop the proposed guidelines for the Community Grants Policy to ensure that there is an equitable process for all community groups to access funding under the proposed programme. This will include working with individual communities to identify specific groups that may be eligible for funding under the new framework.

**OCM081/06/17 - Contract for Provision of Youth Services – 2017/18 Budget (SJ1282-02)**

Author:	Sarah Farrance – Coordinator Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	7 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

This report recommends that Council authorises the 2017/18 Budget for the provision of youth services as per the current contract with the YMCA of Perth Youth and Community Services Inc and considers additional funding to increase the level of youth service provision. Council is also requested to consider entering into a Memorandum of Understanding with Armadale Family Support Network as an Associate Partner.

**Background**

The Shire entered into a contract with the YMCA of Perth Youth and Community Services Inc. on the 1 April 2014 for the provision of youth services. The initial contract term is four years and nine months expiring on 31 December 2018. There is an option for the Shire at its discretion to extend the contract for a further 3 years, commencing on 1 January 2019 and expiring on 31 December 2021.

A copy of the contract is provided as confidential attachment **OCM081.1/06/17**. Key terms of the contract include:

- The Shire is required to pay the YMCA a Management Fee in monthly instalments over the contract term;
- The Shire must pay any budgeted deficit by one annual advance payment in August of each year;
- If the YMCA generates a surplus during any year of the contract term, the surplus is to be split equally between the YMCA and the Shire;
- The YMCA must submit a profit and loss statement for the Youth Services to the Shire by 31 July in each year;
- The YMCA has an obligation to comply with operating budgets, with the operating budget to be reviewed annually in March;
- The YMCA is to employ staff who have the appropriate qualifications and experience to effectively carry out the functions under the contract;
- Fees and charges for the Youth services must be approved by the Council;
- The YMCA is required to provide the Shire with monthly financial reports;
- The Shire and the YMCA is required to meet on a monthly basis to review and discuss the operation of the Youth Services;
- Prior to the 21<sup>st</sup> of each month, the YMCA is required to provide a report to the Shire concerning the provision of the Youth Services during the previous month;
- The YMCA is required to provide the Shire its Annual Report by the 31 October detailing audited financial statements for the Youth Services as well as a report on business plan outcomes and KPI's;
- The YMCA is to provide the Shire an annual Business Plan by 31 January each year, including proposed reportable outcomes and refined KPI's;





- The YMCA is to provide the Shire an annual Marketing Strategy for Youth Services;
- The YMCA must implement a complaints handling process and, upon request, provide the Shire copies of all complaints and the YMCA's responses;
- The YMCA must comply with, implement and report on approved KPI's and benchmarks, with agreed KPI's to be reviewed annually in March;
- Annexure 2 of the Contract provides a comprehensive list of programmes and activities that are provided by the YMCA.

### Relevant Previous Decisions of Council

OCM086/11/13 – Awarding a Tender Management of Shire of Serpentine Jarrahdale Recreation Centre including Youth Services.

### Community / Stakeholder Consultation

A meeting was held between Shire representatives and the YMCA on Thursday 8 June 2017 to discuss the provision of youth services for 2017/18.

### Comment

#### Current Scope of Youth Services and Case Management

The YMCA Youth Services YTime program brings a valuable service to the Shire. YTime is a youth engagement program that supports and engages young people to grow in body, mind and spirit and develops positive meaningful relationships in the local community. The YTime program aims to help young people use their leisure time constructively and stay healthy, engaged and supported.

The target demographic for the YMCA youth services is young people between 12 and 17 years of age.

The current level of service is as below.

Day	Location	Time	Program
Monday	-	-	-
Tuesday	Youth space Briggs Park	7:30 - 9.00am	Breakfast club
	Rotating locations Outreach	4 - 6:30pm	Outreach – Youth Engagement Activities
Wednesday	Youth space Briggs Park	3.00 - 4:30pm	Homework club/ drop in
Thursday	-	-	-
Friday	Youth space Briggs Park	3:30 - 7:30pm	Drop in

#### Outreach

Every Tuesday youth engagement activities are delivered through an outreach program in one of five locations throughout the Shire - Mundijong, Serpentine, Jarrahdale, Oakford and Keysbrook. Some youth from Byford also attend these shifts and are transported by the YMCA WA mini bus.



### Breakfast club

Attended by youth from all over the Shire. It is a great opportunity to see some youth who cannot make after school sessions and helps promote outreach sessions. New youth have started attending outreach sessions since attending breakfast club.

### Homework club

Every Wednesday at the Briggs Park Youth Room the homework club provides a safe space where youth can receive support with homework or use the space as a drop in centre. Through this program, some local youth have also had an opportunity to get their driver's license through the 'Keys for Life' program.

Youth engagement activities are carried out at all drop in and outreach locations. These activities range from sport, murals, team building to cooking. These activities help to create a soft entry point into case management, as many youth who require case management are reluctant to do so at first.

In the 2016/17 year over 200 individual young people have regularly attended outreach programs or homework club. This equates to YMCA WA having contact with youth on 1694 occasions from July 16 – April 17 via their youth engagement.

From July 2016 to date, 28 young people with high needs have received individual support through the case worker.

### Review of Contract Requirements

Under the terms of the contract the YMCA are required to provide monthly and annual reports. These reporting requirements have not been adhered to, in part because Shire officers have not effectively managed the contract.

Shire Officers are working with the YMCA to define responsibilities and ensure that reporting requirements are met. The content of the reports is being refined to ensure that the data collected is sufficient to demonstrate the outcomes of the service.

Both parties are also working closely to ensure that the programme of events meets the Shire's Strategic Community Plan and provides opportunities for all the Shire's youth to participate in programmes and activities.

### Proposed Scope of Services for 2017/18

It is proposed that in 2017/18 the scope of the YMCA YTime programme is expanded to engage with an increased number and broader cross section of the Shire's youth.

There are three proposals for Council to consider.

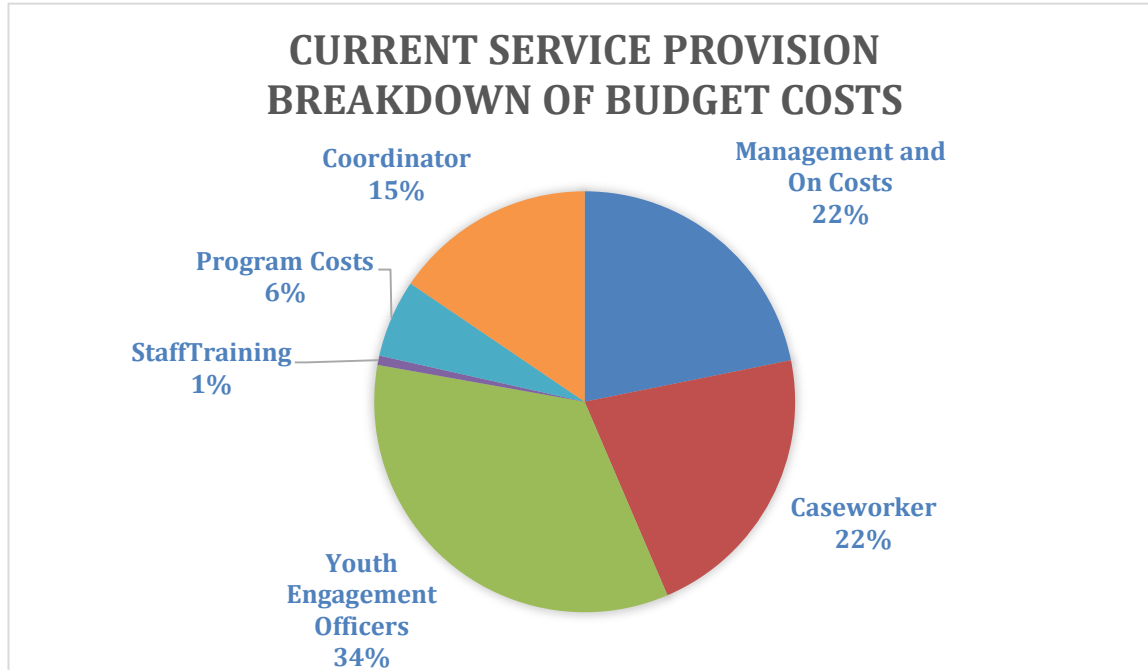
Option 1. As per the tender agreement funding of \$228,778 is approved and the level of service remains the same as 2016/17.

The timetable would remain the same as 2016/17 with activities on Tuesday, Wednesday and Friday and would provide for:

- Management and on costs e.g. transport, printing, advertising and marketing;
- Caseworker - 32.5 hours per week;
- Youth Engagement Officers – total of 35 hours per week;
- Coordinator 17.5 hours per week;



- Training of YMCA staff to enable delivery of programs to Youth;
- Program costs e.g. consumables.



The two further options allow for the following timetable of increased events and activities:

Day	Location	Time	Program
Monday	Bill Hicks	3:00-6:30pm	Drop in – Youth Engagement Activities
Tuesday	Youth space Briggs park	7:30-9.00am	Breakfast club
	Serpentine drop in	4-6:30pm	Outreach – Youth Engagement Activities
Wednesday	Youth space Briggs Park	3.00-4:30pm	Homework club / drop in
Thursday	Youth space Briggs Park	7:30-9.00am	Breakfast club
	Rotating locations outreach Mundijong / Jarrahdale	4:00-6:30pm	Outreach – Youth Engagement Activities
Friday	Youth space Briggs park	3:30-7:00pm	Drop in – Youth Engagement Activities

Bill Hicks Reserve in Byford and Clem Kentish Reserve in Serpentine have been identified by Officers as underutilised spaces that due to their facilities would lend themselves to youth activities. It is suggested that the YMCA could run a variety of regular programs in these areas to activate the spaces for the wider community and develop them into community hubs. The success of this would be measured

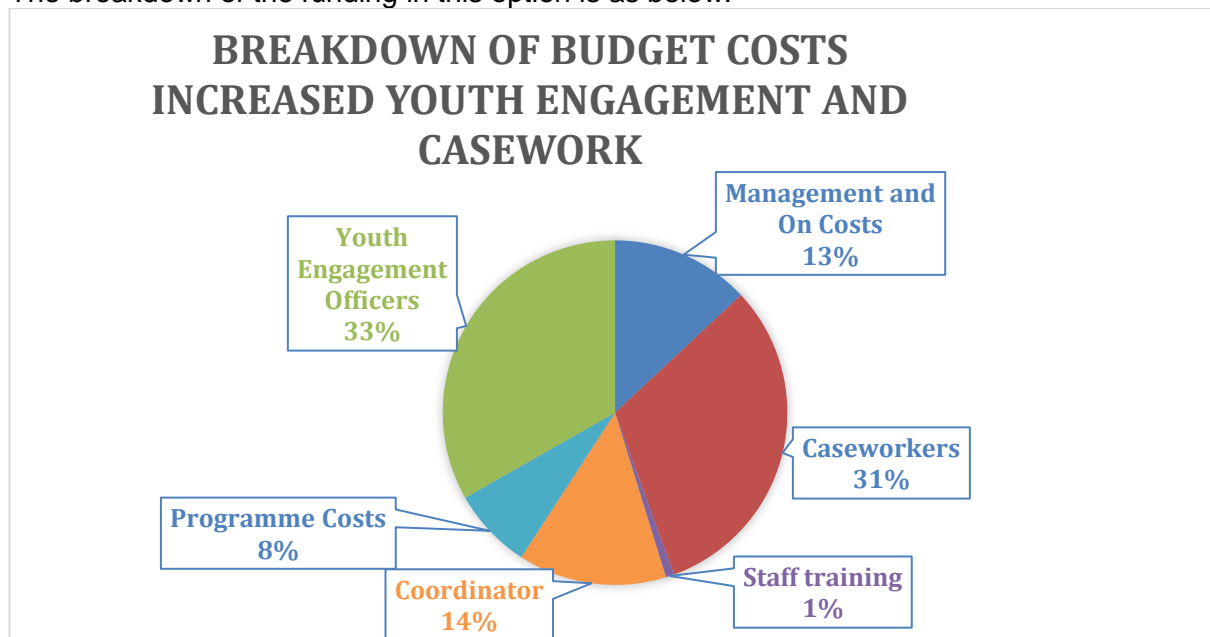


through negotiated KPIs and potentially the arrangement for this could be formalized through a license arrangement between the Shire and YMCA.

Option 2 Increased funding of \$87,792 Ex GST (\$316,570 total) to provide additional outreach services to activate Clem Kentish Reserve, Serpentine and Bill Hicks Reserve, Byford plus additional casework hours

As well as an increase in hours of youth engagement to 53 hours per week this option provides for an additional case worker bringing the total hours spent on individual casework to 65 hours per week.

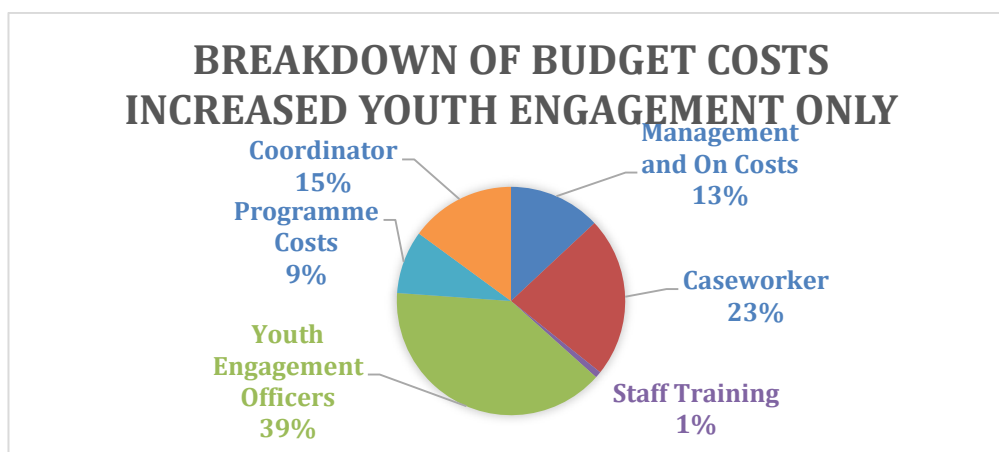
The breakdown of the funding in this option is as below:



Option 3 Increased funding of \$37,512 Ex GST (\$266,290 total) to provide additional outreach services to activate Clem Kentish Reserve, Serpentine and Bill Hicks Reserve, Byford.

This is the recommended option which would see activation of two of the Shire's Reserves for the wider youth demographic with 53 hours of youth engagement per week whilst still providing a valuable casework service of 39.5 hours per week for those youth within the Shire needing additional support.

The breakdown of this option is as below:





In all the three options it should be noted that the Caseworker does provide levels of youth engagement support during outreach programmes and breakfast club as well as individual case work.

#### Youth Action Network

Officers have recognised the need for the creation of a youth network to bring Government, Non-Government and other relevant parties together to discuss and address the issues the youth of our community are facing. Through the YMCA, the Network will liaise with the Youth Advisory Council to ensure that the Shire's youth have representation. The creation of the Network will assist with input into the Youth Strategy in the 2017/18 financial year. It is expected that the Network meet quarterly with terms of reference to be developed.

#### Armadale Family Support Network

It is proposed that the Shire enter into a Memorandum of Understanding with the Armadale Family Support Network, AFSN, as an Associate Partner. The AFSN is a network of high quality, integrated services that support children, young people and families to address the risks and stresses that they may experience.

The service offers support to all children, young people and families who live within the Armadale District, from Keysbrook to Kenwick and Thornlie. As an Associate Partner Agency, the Shire can broker services to the community rather than offer direct service provision.

The Armadale Family Support Network is funded by the Department for Child Protection and Family Support and is a way of working to integrate family support services and provide support to children, young people and families who are experiencing problems that are causing them stress.

The service is available to all children, young people and families who live within the Armadale District covering Keysbrook to Kenwick and Thornlie. Support is offered to individuals up to 25 years of age.

The Network currently comprises of 30 partner agencies, some of which include:

- Anglicare
- Centrecare
- Clan WA
- Communicare
- Department for Child Protection and Family Support
- Headspace
- Lifeline
- Mercycare
- Mission Australia
- Red Cross

There are no financial implications to becoming an Associate Partner Agency.

#### **Attachments**

- **Confidential OCM081.1/06/17** – Contract for Provision of Youth Services between the Shire of Serpentine Jarrahdale and YMCA of Perth Youth and Community Services Inc. (E17/4519)

**Alignment with our Strategic Community Plan**

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events.
Key Action 6.2.3	Offer a diverse program of community events that align with the Shire's values

**Statutory Environment**

Nil

**Financial Implications**

The current contract with the YMCA of Perth Youth and Community Services Inc includes the fee for the provision of youth services for 2017/18 as \$198,938.00 Ex GST and the Management Fee of \$29,840.00 Ex GST.

Should Council proceed with option 3 of the proposed increased services for 2017/18 there would be an additional cost of \$37,512.00 Ex GST.

Youth services are provided at no cost to the community.

\$50,000.00 is requested in the 2017/18 budget for the development of a youth strategy.

**Voting Requirements: Absolute Majority****Officer Recommendation:**

That, with respect to the Contract for Provision of Youth Services between the Shire of Serpentine Jarrahdale and YMCA of Perth Youth and Community Services Inc., Council

1. Approves the Management Fee of \$29,840.00 Ex GST for the 2017/18 financial year;
2. Approves the allocation of \$198,938.00 Ex GST for the 2017/18 financial year for Youth Development Services as per the contract;
3. Supports the additional budget of \$37,512.00 Ex GST for the 2017/18 financial year to better activate facilities at Bill Hicks Reserve and Clem Kentish;
4. Requests that the YMCA of Perth Youth and Community Services Inc. prepare a Business Plan and Marketing Strategy for the provision of youth services, to be provided to the Shire no later than 31 August 2017;
5. Authorises the Chief Executive Officer, or his delegate, to negotiate Key Performance Indicators for the provision of youth services, with these to be finalised and agreed to by the 31 August 2017.
6. Approves the indicative budget allocation of \$50,000.00 for the 2017/18 financial year for the development of a Youth Strategy to be effected through a partnership arrangement with YMCA.
7. Authorises the Chief Executive Officer to enter into a Memorandum of Understanding with the Armadale Family Support Network as an Associate Partner.
8. Endorses a new working group titled Youth Action Network.
9. Appoints Cr \_\_\_\_\_ and Cr \_\_\_\_\_, as members of the Youth Action Network until the next Local Government Ordinary Election.





**OCM081/06/17 COUNCIL DECISION / Alternate Recommendation:**

**Moved Cr Ellis, seconded Cr Gossage**

**That, with respect to the Contract for Provision of Youth Services between the Shire of Serpentine Jarrahdale and YMCA of Perth Youth and Community Services Inc., Council**

- 1. Approves the Management Fee of \$29,840.00 Ex GST for the 2017/18 financial year;**
- 2. Approves the allocation of \$198,938.00 Ex GST for the 2017/18 financial year for Youth Development Services as per the contract;**
- 3. Supports the additional budget of \$37,512.00 Ex GST for the 2017/18 financial year to better activate facilities at Bill Hicks Reserve and Clem Kentish;**
- 4. Requests that the YMCA of Perth Youth and Community Services Inc. prepare a Business Plan and Marketing Strategy for the provision of youth services, to be provided to the Shire no later than 31 August 2017;**
- 5. Authorises the Chief Executive Officer, or his delegate, to negotiate Key Performance Indicators for the provision of youth services, with these to be finalised and agreed to by the 31 August 2017.**
- 6. Approves the indicative budget allocation of \$50,000.00 for the 2017/18 financial year for the development of a Youth Strategy to be effected through a partnership arrangement with YMCA.**
- 7. Authorises the Chief Executive Officer to enter into a Memorandum of Understanding with the Armadale Family Support Network as an Associate Partner.**
- 8. Endorses a new working group titled Youth Action Network.**
- 9. Appoints Cr Erren, Cr See, Cr Gossage and Cr Hawkins as members of the Youth Action Network until the next Local Government Ordinary Election.**

**CARRIED BY ABSOLUTE MAJORITY 7/1**

**Council Note: The Officers Recommendation was changed by amending condition 9 from 2 Councillors to 4 Councillors.**

**8.4. Audit, Risk and Governance Committee reports:**

<b>ARG001/06/17 - Audit Regulation 17 Improvement Plan Progress Report (SJ2247)</b>	
Author:	Kellie Bartley – Manager Corporate Services
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	15 <sup>th</sup> May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The purpose of this report is for Council to receive the Audit Regulation 17 Improvement Plan Progress Report. The Audit, Risk and Governance Committee (ARG) has reviewed the progress report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls and legislative compliance (Local Government (Audit) Regulations 1996).

**Background**

On 8 February 2013, amendments to the *Local Government (Audit) Regulations 1996* extended the functions of Local Government Audit Committees. The inclusion of Regulation 17 requires the Chief Executive Officer to review the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance every two calendar years. The results are then reported to the Audit Committee. At the Ordinary Council Meeting, 19 December 2016, Council considered the review of Risk Management, Internal Controls and Legislative Compliance pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*, and resolved as follows;

OCM234/12/16

*COUNCIL DECISION / Officer Recommendation*

*Moved Cr Rich, seconded Cr Gossage*

*That with respect to the review on the appropriateness and effectiveness of the Shire's systems in regard to Risk Management, Internal Control and Legislative Compliance, as required under Regulation 17 of the Local Government (Audit) Regulations 1996, Council:*

- 1. Receive the results of the review provided by the CEO under section 17 (3) of the Local Government (Audit) Regulations 1996 being the Improvement Plan contained in OCM234.1/12/16;*
- 2. Note that the Shire will present to the Audit Committee a quarterly management review of the Improvement Plan as a standing item;*
- 3. Note that the Shire will develop an audit work plan and internal audit charter to be considered by the Audit Committee at a later date.*

**CARRIED UNANIMOUSLY**

The information provided the initial review delivered as assessment of the Shire's current practices, outlining the appropriateness and effectiveness of those practices, and presented recommendations for improvement.

The Regulation 17 review audit produced a comprehensive "Improvement Plan" sanctioned into the following main compliance areas:

- Risk Management (RM)
- Legislative Compliance (LC)



- Internal Controls (IC)

A cumulative total of 62 framework components and actions items were identified to increase procedural and system effectiveness in accordance with legislative requirements.

The status report presented to the Audit Committee on 20 March 2017 reported against identified issues with respect to risk management, legislative compliance and internal controls.

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

AC003/03/17 – Review of Risk Management, Legislative Compliance and Internal Controls presented to Audit Committee on 20 March 2017.

#### **Community / Stakeholder Consultation**

Internal stakeholder consultation has occurred with Responsible Officers as designated in the status report attached to this item.

#### **Comment**

Although Regulation 17 only requires biennial reporting, Officers will provide the ARG Committee with regular updates relating to progress achieved against any issues identified. The initial report presented to the ARG Committee on 20 March 2017 identified a number of areas of weakness, against each of the risk management, internal control, and legislative compliance. In addition to implementing remedies for any issues previously identified, the intent is to build on the work undertaken to date, through a regular process of internal assessment.

The Improvement Plan provides the organisation with a comprehensive overview of business practices and continuous improvement methodologies that work towards increasing best practice standards across all Shire business units.

It is proposed to establish an internal Technical Advisory Group (TAG). The TAG will perform a vital role in the Shire's ability to fulfil its governance responsibilities in relation to reporting, internal control and structure, risk management systems, legislative requirements and ethics.

The TAG will consist of key Shire personnel to appropriately oversee strategic and operational business requirements contained within the Regulation 17 Review. The intent for this group is to effectively communicate and implement objectives throughout the organisation.

It is proposed that the TAG will meet bi-monthly to review and update specific actions contained in the plan. Membership of the TAG will comprise the following Officers:

Director Corporate and Community (Chair)  
Director Engineering  
Minutes & Governance Officer (Minute Taker)  
Manager Corporate Services  
Manager Finance Services  
Manager Human Resources  
Manager Rangers, Compliance and Emergency Services  
Manager Information Services  
Manager Community Engagement  
Governance Advisor  
Risk, Health and Safety Advisor  
Asset Officer



The primary goal of the TAG will be to implement and maintain the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, legislative compliance and internal controls. The TAG will:

- Progress the implementation of risk management across the organisation and to monitor risk management practices.
- Maintain internal controls across the organisation and monitor adherence to internal controls practices.
- Progress the implementation of the legislative compliance framework.

The "Improvement Plan" action items contained within the "Regulation 17 Review" are allocated to members within the TAG committee and prioritised in accordance with organisation need and capacity.

There are a number of actions that are partially completed or in progress. Full details are contained in attachment **ARG001.1/06/17**.

The following action items have been completed in accordance with the "Regulation 17 Review".

No.	Framework Component Improvements
RM1.14	Audit & Risk Committee – Terms of Reference completed
LC1.1	Management Framework – CAR completed March 2017
LC3.2	Annual Compliance Audit Return
LC3.3	Audit & Risk Committee – Review CAR completed March 2017
LC3.4	Effective Management Group – Governance Calendar refer to E17/2791
IC3.2	Ordinary Council Meetings – Monthly financial report with schedule of material variances
IC3.3	Executive Management Group – Financial Monthly report on statement of material variances reported to EMG & Council.

The following action items have been progressed in accordance with the "Regulation 17 review" pending Council consideration;

No.	Framework Components
RM1.6	LEMC – Draft Local Emergency Management Arrangements
LC2.2	Management Procedure – Whistle-Blower Policy & Public Interest Disclosure Policy
LC2.8	Council Policy – G009 – Depreciation
IC2.5	Council Policy – G003 – Councillor Entitlements
IC2.8	Council Policy – PC102 – Financial Assistance to Community
IC2.9	Council Policy – G006 – Investment of Surplus funds
IC2.10	Council Policy – G903 – Rates Collection and General Debtors Policy
IC2.12	Council Policy – G001 – Purchasing Amounts Under \$150,000
IC2.13	Council Policy – G002 – Procurement of goods or services through Public Tendering
IC2.14	Council Policy – G917 Purchasing Cards
IC2.15	Council Policy – G004 Light Vehicles

The Shire's strategic future planning for risk and internal and external compliance requirements will focus on Business Continuity Plan which addresses disaster recovery to enable Shire operations to continue within existing resources.



In summary, 62 areas have been assessed to date. The majority of areas audited have substantially effective systems and procedures in place. More specifically, 17 controls have been assessed as being high priority, with 28 controls identified as being medium priority and 16 controls being low priority. The report in **ARG001.1/06/17** outlines recommendations for improvements to increase all identified partially effective and largely ineffective controls to the level of substantially effective.

### Attachments

- [ARG001.1/06/17](#) – Regulation 17 Improvement Plan (E17/3986)

### Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

### Statutory Environment

#### Local Government (Audit) Regulations 1996

#### 16. Audit committee, functions of

*An audit committee —*

- (a) *is to provide guidance and assistance to the local government —*
  - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor;*

*and*
- (b) *may provide guidance and assistance to the local government as to —*
  - (i) *matters to be audited; and*
  - (ii) *the scope of audits; and*
  - (iii) *its functions under Part 6 of the Act; and*
  - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
  - (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council.*

#### 17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
  - (a) *risk management; and*
  - (b) *internal control; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Section 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to Risk Management, Internal Control and Legislative Compliance separately or all at the one time, on the provision that each matter is reviewed at least once every two years.



Regulation 16(c) of the *Local Government (Audit) Regulations 1996* requires the CEO to report to Council the results of that review and provide Council with a copy of the CEO's report.

**Financial Implications**

There are no financial implications arising from the recommendations contained within this report. However, additional resources may be required for the implementation of the Improvement Plan and associated process and systems in a timely manner.

Risk ratings have been determined with respect to probability and or consequences of adverse outcomes if action is not taken. Potential adverse outcomes may be quantitative impact (for example financial loss) or qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

**Voting Requirements:** Simple Majority

**ARG001/06/17 COUNCIL DECISION / ARG Committee Recommendation**

**Moved Cr Hawkins, seconded Cr See**

**That Council receives the Audit Regulation 17 status report as contained in attachment ARG001.1/06/17 on risk management, legislative compliance and internal controls.**

**CARRIED UNANIMOUSLY**



**ARG002/06/17 - 2016/17 Interim Audit & Financial Management Review**

Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Director Corporate and Community
Date of Report:	11 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The Audit, Risk and Governance Committee have endorsed the Financial Management Review and Interim Audit Report as provided by Moore Stephens (WA) Pty Ltd for receipt by Council.

**Background**

At the request of the Chief Executive Officer, Moore Stephens (WA) Pty Ltd was engaged to conduct a limited assurance review of the appropriateness and effectiveness of the Shire of Serpentine Jarrahdale's financial management systems and procedures. The objective of the review is to assist the CEO discharge responsibilities in respect to Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The review was conducted for the period 1 July 2016 to 31 March 2017.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this matter.

**Community / Stakeholder Consultation**

No Community / Stakeholder consultation occurred during the preparation of this report. All relevant Officers affected by the result of these findings have been informed of the outcome of the report.

**Comment**

The CEO is responsible for implementing policies, procedures and controls which are designed to ensure the effective and efficient management of the Shire's resources. In accordance with Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*, the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures. At least once in every four financial years the CEO is to report the results of those reviews to Council.

Based on the work described in the report (which is not an audit) received from Moore Stephens (WA), nothing has come to the attention to indicate that the Shire has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period covered by Moore Stephens' review being 1 July 2016 to 31 March 2017.

For those aspects of the Shire's financial management systems and procedures, which were assessed as having opportunities for improvement, the findings are summarised as Part 3.0 of the report (attachment ARG002.1/06/17) and detailed observations and comments are located at Part 4.0 of the report.

Officers have also provided a status report to indicate to Council how the Shire intends to implement the improvements.

**Attachments**

- [ARG002.1/06/17](#) – Interim Audit and Financial Management Review Report (Moore Stephens) (IN17/9581)
- [ARG002.2/06/17](#) – Financial Management Review Status Report (E17/3892)

**Alignment with our Strategic Community Plan**

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

**Statutory Environment**

Regulation 5.(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the CEO of a Local Government to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the Local Government regularly (and not less than once in every 4 financial years) and report to the Local Government the results of those reviews.

**Financial Implications**

There are no financial implications associated with this report.

**Voting Requirements:** Simple Majority

**ARG002/06/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr See**

**That Council:**

- 1. Receives the Interim Audit and Financial Management Review Report as prepared by Moore Stephens as contained in attachment ARG002.1/06/17.**
- 2. Receives the Financial Management Review Status Report as contained in attachment ARG002.2/06/17.**

**CARRIED UNANIMOUSLY**



<b>ARG003/06/17 - Review of Council Policy G006 - Investments</b>	
Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	23 May 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Introduction**

The Audit, Risk and Governance Committee have endorsed the attached Investment Policy for presentation to Council for adoption.

### **Background**

Section 6.14 of the *Local Government Act 1995* allows for money held in the municipal fund or the trust fund of a Local Government that is not, for the time being, required by the Local Government for any other purpose to be invested in accordance with *Part III of the Trustees Act 1962* and the *Local Government (Financial Management) Regulations 1996*.

It is prudent that Council regularly reviews its policies to ensure that they are kept in line with the requirements of and changes to the *Local Government Act 1995* and its associated regulations and best practice methodologies.

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

This policy was last reviewed by Council at the Ordinary Council Meeting held on 29 September 2015 (OCM187/09/15).

### **Community / Stakeholder Consultation**

No Community / Stakeholder consultation has occurred during the preparation of this report.

### **Comment**

Section 6.14 of the *Local Government Act 1995* allows for money held in the municipal fund or the trust fund of a Local Government that is not, for the time being, required by the Local Government for any other purpose to be invested in accordance with *Part III of the Trustees Act 1962* and the *Local Government (Financial Management) Regulations 1996*.

Council Policy G006 – Investments was last reviewed at the Ordinary Council Meeting held on 29 September 2015. Officers have reviewed the current policy to ensure its compliance with the *Local Government Act 1995*, its regulations and other prescribed legislation.

The amended policy is attached with tracked changes for Council to review. A summary of the changes are:

- Remove any reference to “managed funds” as these are not permitted under the *Local Government (Financial Management) Regulations 1996*.
- Council has not invested in any managed funds whilst this has formed part of the policy.
- Remove key criteria (c) “Diversification” as diversification has already been provided for in item (b) and was contradicting the policy by having two differing percentages for diversification across counterparties/institutions in items (b) and (c).
- Amend counterparty direct investment percentage limits. These changes allow officers to

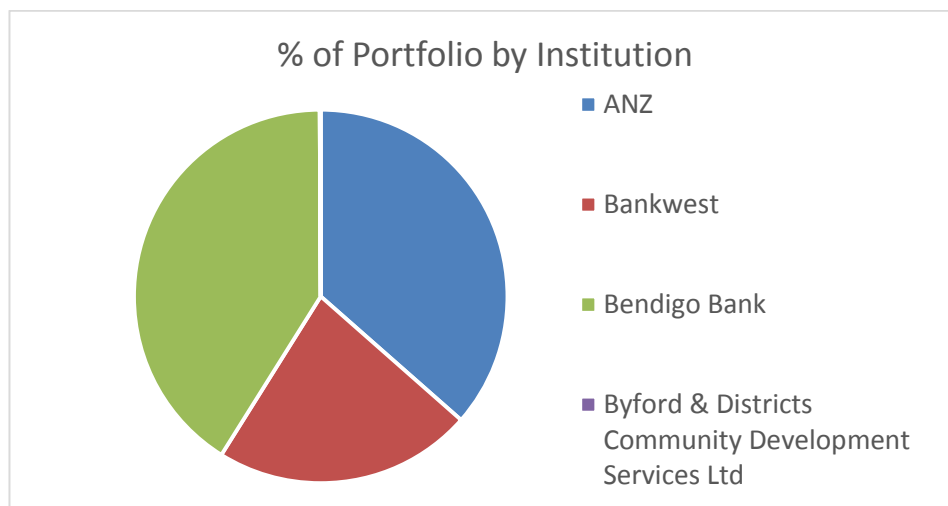


ensure that Bendigo Bank is provided with equal opportunity to hold invested funds. Bendigo Banks current long term credit rating is A.

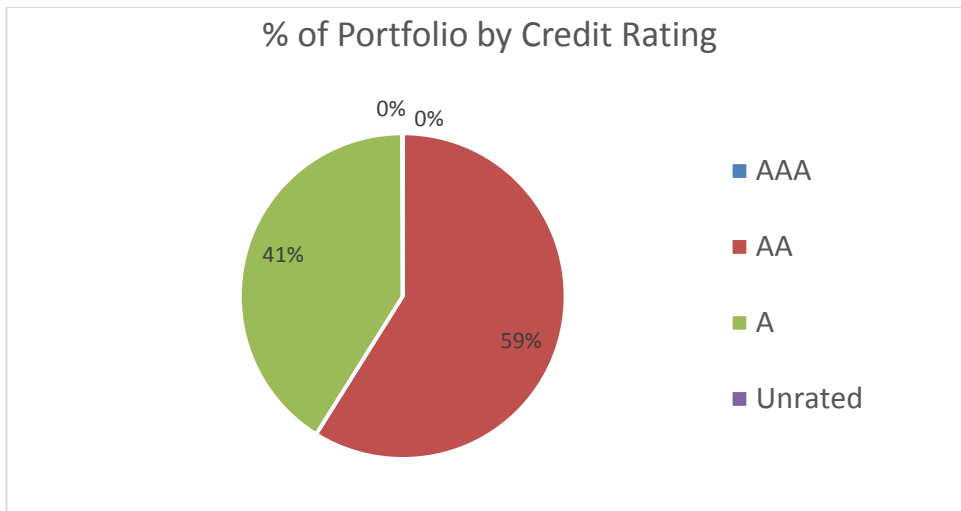
- Increase the maximum term for a fixed term deposit from 12 month to 3 years. This has been amended in the *Local Government (Financial Management) Regulations 1996* and is explained in the Ministerial Circular provided with the attachments.

The investment summary provided as part of the Monthly Financial Report for April 2017 highlights our current adherence to any of the proposed minor changes to this policy.

Portfolio by Institution	Funds Invested	% of Portfolio
ANZ	9,040,557.06	36.49%
Bankwest	5,556,967.06	22.43%
Bendigo Bank	10,152,948.56	40.98%
Byford & Districts Community Development Services Ltd	10,000.00	0.04%
Peel Infrastructure Holdings Pty Ltd	25.00	0.00%
Telstra Ltd	12,660.00	0.05%
<b>Total</b>	<b>24,773,157.68</b>	<b>100.00%</b>



Portfolio by Long Term Credit Rating	Funds Invested	% of Portfolio
AAA	-	0.00%
AA	14,597,524.12	58.92%
A	10,165,608.56	41.03%
Unrated	10,025.00	0.04%
<b>Total</b>	<b>24,773,157.68</b>	<b>100.00%</b>



**Attachments**

- [ARG003.1/06/17](#) – Amended Council Policy G006 – Investments (E17/3940)
- [ARG003.2/06/17](#) – Ministerial Circular 04-2017 – Regulation Amendment – Changes to Fixed Term Deposit Investment Period (IN17/10397)

**Alignment with our Strategic Community Plan**

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

**Statutory Environment**

Section 6.14 of the *Local Government Act 1995* provides for Council's power to invest.

6.14. Power to invest

(1) *Money held in the municipal fund or the trust fund of a Local Government that is not, for the time being, required by the Local Government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*

(2A) *A Local Government is to comply with the regulations when investing money referred to in subsection (1).*

(2) *Regulations in relation to investments by Local Governments may —*

*(a) make provision in respect of the investment of money referred to in subsection (1); and*

*(c) prescribe circumstances in which a Local Government is required to invest money held by it; and*

*(d) provide for the application of investment earnings; and*



(e) generally provide for the management of those investments.

The *Local Government (Financial Management) Regulations 1996* provides further regulations that the Local Government must adhere to when investing surplus monies.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

(1) In this regulation — authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the *Western Australian Treasury Corporation* established by the *Western Australian Treasury Corporation Act 1986*; foreign currency means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a Local Government may not do any of the following —

- (a) deposit with an institution except an authorised institution;
- (b) deposit for a fixed term of more than 3 years;
- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years; (e) invest in a foreign currency.

### Financial Implications

There are no financial implications associated with this report.

**Voting Requirements:** Simple Majority

**ARG003/06/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr Rich

That Council, in accordance with 2.7(2)(b) of the *Local Government Act 1995* adopts the amended Council Policy G006 – Investments policy, as contained in attachment ARG003.1/06/17.

**CARRIED UNANIMOUSLY**

### 8.5. Confidential reports:

Nil

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

Nil





## 10. Chief Executive Officer reports:

<b>OCM082/06/17 – Proposed Committee of Council - Economic Development Advisory Committee</b>	
Author:	Kenn Donohoe – Chief Executive Officer
Date of Report:	15 June 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Introduction

The Shire of Serpentine Jarrahdale is one of the most beautiful Shires in Western Australia with many natural beauties and products that have the potential to provide a significant economic development base that could underpin future marketing programs and development of new local product or the further enhancement of existing markets.

In stating the above, successful businesses producing or promoting local product (Cheese, Yoghurt, Wine, Cattle, Equine and Poultry production) are to be commended for their achievements. Additionally, many other opportunities exist that have not been developed that would further market the district for its Tourism potential, its food and beverage industry, events, wellness and nature-based economies to name but a few.

Further to primary and cottage industry development, future employment opportunities exist to service larger scale agri-business; industrial development\* and value add industries that would support those industries already in the district. Examples of these may be the development of warehousing on the proposed West Mundijong Industrial lands, investigati into new industry types, events, sporting facility development, and value add facilities such as for the poultry or cattle industries through additional processing.

Without fully understanding the economic diversity of the district, the opportunities abound and new industry is needed to provide employment for a growing local population and wider collaboration of employment opportunities within the Peel Region. The Shire's strategic location close to good transport routes and the wider metropolitan area provide it a number of advantages that could encourage investment in the district.

This report seeks Council's preparedness to establish a committee of Council, with terms of reference that includes the preparation of an economic plan for the district and development of an economic profile for the district. The profile will identify local industry agglomerations and future opportunities with an aim to investigate how these industries may complement the Shire's vision enshrined in its SJ2050 document.

While an updated economic profile will provide guidance to the Council, it is believed that the Committee, should Council agree to establish this, would also look at the following and others as developed by the Committee;

- A marketing plan for the Shire;
- Develop a prospectus for investment in the Shire;
- Red tape and disincentives to development with a view to providing pathways for investment in the Shire in appropriately zoned areas.
- Product development and new facilities that would complement new industry.
- Tourism development plan



- Event Promotion
- Recreational Sporting
- Commission an economic profile considering the current investment climate for the Shire of Serpentine Jarrahdale to identify the economic diversity and development clusters in the district and their associated creative and innovative industries that accelerate immediate growth.
- Promote the Shire as a centre for developing Innovative Technologies and support for those industry types in a well-planned environment.

### **Background**

Council has recently engaged with its community to review its corporate plan a part of that consultation process saw the community express its desire for the Shire to investigate economic development and social opportunities for the District.

To achieve the economic development opportunities in an environment where there are few foundation documents or strategies current and take into account the significant impact that the mining decline has had on Perth and regions. The Chief Executive Officer is recommending further engagement with the community and Council to develop medium to long-term strategies for the Shire that inform investment in the district and ensure that appropriate investment opportunities are considered.

Examples of these would be to understand the Economic profile of the district and its interrelationship with neighbouring local government or economic development zones. Such a document provides a sound basis for which to understand the districts competitive advantages and then what comparative advantages could be encouraged to establish or grow in the local area and greater Peel Region. This comprehension would then support groups like a Food and Farm Alliance through to large-scale investors that may wish to invest in the West Mundijong Industrial Precinct or other business opportunities in the district.

### *Committee Formation*

Council has the ability to establish a formal Committee pursuant to section 5.8 and 5.9 of the *Local Government Act* that comprises Council members, employees and other persons. Such a committee would have a terms of reference to investigate and make recommendations to Council on economic development opportunities both large and small scale.

It is recommended that Council establish an Economic Development Advisory Committee with a key focus on pursuing opportunities for the community. As one of the fastest growing municipalities, a key focus must be to keep a balance of social sustainability and industry development while collectively recognizing community values around local heritage and environment.

In considering the composition of a formal committee for economic development a balance will need to be achieved between what are local small scale economic development activities, medium scale activities such as events, through to larger scale agri-business and international investment activities. It is recommended that someone from the environmental field is included on the committee recognising the high environmental values held by the community.

It is important to note that Committee Members are public officers and have to declare any financial interests no different from a Council meeting.

The question must be asked, why create a Committee for this purpose and not just utilise the services of existing staff and Councillors. It is felt that the inclusion of community members or persons with a defined skill, will add value to developing local product, have knowledge of business in the district or product



development and would provide a greater understanding of opportunities and add value to developing opportunities in the community.

It is recommended that Council advertise for positions on the Economic Development Advisory Committee and consider applications that come forth. If not sufficient or adequately skilled applications are received then a process of asking specific persons to be members could be pursued.

*Committee Terms (Generic)*

It is proposed that the Committee work on the following matters initially and then review these terms with Council after a 12 month period:

- A marketing plan for the Shire
- Develop a prospectus for investment in the Shire;
- Red tape and disincentives to development with a view to providing pathways for investment in the Shire in appropriately zoned areas.
- Product development and new facilities that would complement new or existing industry.
- Tourism development plan
- Event Promotion
- Consider new business enterprises
- Recreational Sporting
- Commission an economic profile considering the current investment climate for the Shire of Serpentine Jarrahdale to identify the economic diversity and development clusters in the district and their associated creative and innovative industries that accelerate immediate growth.
- Promote the Shire as a centre for developing Innovative Technologies and support for those industry types in a well-planned environment.

A precursory understanding of opportunities in the district does not reflect the tourism opportunities available from a wider metropolitan audience. While visitor numbers appear to be adequate there is the potential to increase the number of day visitors into the Shire or to develop a series of tourism routes, market these through a targeted marketing mix, and promote or develop new tourism product.

Development of a Prospectus for investment would signal to investors that the Shire is investor ready and could detail projects that are investment ready or in final stages of completion. An example maybe the West Mundijong Industrial precinct, this Prospectus would highlight development potentials throughout the Shire.

The Shire does not have an economic profile or economic development plan that is reflective of changes in the local and State's economy. An economic profile would identify the biophysical capabilities of the Shire and identify industry types that reflect the local economy and its community and support the development of an economic development plan that analyses the future investment trends available within the Shire.

The economic development plan would guide the Council in targeting investment for innovative industries such as renewable energy or investment in industries that promote innovative 'new' technology such as investment in industrial and commercial drone development. Some industries may not yet be thought of but the Shire can promote itself as a centre for innovation that welcomes new sustainable industries that complement its community, environment and provide employment opportunities for the community.



The key to success of the Committee will be its ability to encompass economic development opportunities, whether that be encouraging tourism investment at a farm gate distillery, through to encouraging investment in major industries as above mentioned and members of the committee should reflect those characteristics.

#### *Composition of the Committee*

- 2 Councillors (and Deputies)
- 1 Chief Executive Officer (or delegate)
- 2 Business Association Representative
- 4 Industry Representatives
- 3 Major Infrastructure
- 2 Educational Institutions
- 5 Government Agencies
- 1 Environmental Group Representative

The composition seeks to achieve a balance of Shire, Business Representatives, Industry Representatives, Infrastructure such as roads, Educational facilities such as Murdoch and TAFE, Government agencies such as Peel Development Commission or its composite, Regional Development Australia, Department of Agriculture, Department of Water, Department of Industry.

With the exception of government agencies who are guided by their policy provisions, it is recommended that Council advertise for competitive applications from the community to sit on the Committee. If this does not result in sufficient applications forthcoming then delegate authority to the Chief Executive Officer to invite appropriate candidates.

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

There is no previous Council decision relating to this issue.

#### **Community / Stakeholder Consultation**

This agenda item seeks engaged community consultation and involvement from government, business, education and industry representatives to support economic development within the Shire of Serpentine Jarrahdale.

#### **Comment**

This agenda item seeks Council's endorsement of a formal Committee for Economic Development.

Critically, a committee will be resource intensive in a time when staff resources are at a premium to deliver improved customer service. However, it is felt that the risk of not engaging at this time may see may opportunities lost from the business investment sector in a period where investment opportunities are at a premium to sustain jobs and provide localized employment.

From an administrative perspective, the Office of the CEO will drive and support the Committee with support of the Economic Development Officer and staff within the Chief Executive Officer's department. It is felt that a quarterly meeting schedule should be sufficient to stimulate discussion and consideration of appropriate planning mechanisms while providing staff resources adequate to service the need.

#### **Attachments**

- [OCM082.1/06/17](#) – Economic Development Advisory Committee Terms of Reference and Structure (E17/4633)



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### **Statutory Environment**

As contained within the attached Committee Structure.

### **Financial Implications**

There are human resource allocations associated with managing this Committee. It is felt that a quarterly meeting frequency should be able to be managed by the organisation.

**Voting Requirements: Absolute Majority**

**OCM082/06/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Ellis, seconded Cr Gossage**

**That Council:**

- 1. Establishes an Economic Development Advisory Committee pursuant to section 5.9 of the Local Government Act (1995) and adopts the terms of reference as attached to this agenda item.**
- 2. Authorises the Chief Executive Officer to place an advert in the local newspaper with a view to inviting persons from the community to consider a role on the new Economic Development Advisory Committee.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

### **11. Urgent business:**

Nil

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

Nil

### **13. Closure**

There being no further business the Presiding Member declared the meeting closed at 8.31pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 24 July 2017

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Presiding Member

.....  
Date